

Community Partnerships

Supporting and working with community groups and clubs to promote a deeper understanding of local health and care needs and experiences.

Consent to Treatment

Tools for Best Interests Decision Making

Decision-making around treatment should be a shared process between the Healthcare Professional and the patient but this cannot be the case when someone lacks capacity to make a decision around their treatment.

The Mental Capacity Act 2005 and the Mental Capacity Act Code of Practice 2016 provides the framework to support individuals to make decisions around their health and care needs if they lack the mental capacity around a specific decision, referred to as a "lack of capacity".

We must presume capacity in the first instance until proven otherwise.

Within this pack there is a capacity assessment which can be adapted to an individual's communication needs. The capacity assessment tool can determine if an individual has understood the required treatment, risks of treatment, possible outcomes of treatment required and if they understand and have the ability to retain this information.

This pack has been developed to support the best interests process once it has been determined that a person lacks capacity to make a given decision.

We want to achieve
The Right Treatment
by
The Right Medical professional
through
The Right process
for
The Right outcome

Once a treatment has been proposed for an individual by a Healthcare Professional such as a Doctor or Dentist, then capacity to make a decision about that treatment should be assessed to confirm if the individual can consent to treatment. If the individual is revealed to lack capacity through the assessment process, then a best interest process must be started.

This process must involve all relevant parties involved in that person's life. If there is no one other than a healthcare professional to support the decision, then an Independent Mental Capacity Advocate (IMCA) may be required. The overall decision on the required treatment, medication or procedure lies with the healthcare professional who proposed the treatment.

This pack contains tools to document this decision by the decision maker and all others who are involved in a best interests outcome.

A best interests decision must always be made in the best interests of the individual, using the least restrictive options. If another person has Lasting Power of Attorney for the individual for their health and welfare then they are able to make the treatment decision on behalf of the individual who lacks capacity.



Over the last 40 years, The Disabilities Trust and BIRT have changed the lives of countless people – and the name leaves a legacy we are all proud of. As we enter a new phase, where we are focussing our expertise on supporting people with acquired brain injury and other neurological conditions, it is time for a new name and identity that is fit for the future – Brainkind.

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Brainkind is a registered trademark and the operating name of The Disabilities Trust. A Company limited by guarantee 2334589. Registered charity 800797 (Eng & Wales) and SC038972 (Scot).

For help, advice, and information or to share your story

Healthwatch is your health and social care champion.

If you use GPs and hospitals, dentists, pharmacies, care homes or other support services, we want to hear about your experiences. We have the power to make sure NHS leaders and other decision makers listen to your feedback and improve standards of care. We also help people to find reliable and trustworthy information and advice



Last year, we helped nearly a million people like you to have your say and get the support you need.



If you are setting up or would like to share news of a similar project we would be interested to hear from you. Please contact Cheryl Berry, Community Partnership Lead: cheryl.berry@healthwatchwestsussex.co.uk

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