



Mental Capacity and Consent Policy and Procedure

CARERS' HANDS H C A LTD

Company Number: 12398073

Registered Office: 39 Crossley Place, Southampton, SO15 2EX

Policy Owner: Registered Manager

Policy Reviewed: June 2025

Next Review Due: June 2026

Version: 1.0

1. Purpose

To ensure all care provided by CARERS' HANDS H C A LTD is delivered in accordance with the principles of informed consent and the Mental Capacity Act 2005. This policy supports the rights of individuals to make their own decisions wherever possible.

2. Scope

This policy applies to all staff involved in the care and support of service users, particularly where there are questions about an individual's capacity to consent.

3. Legal Framework

- Mental Capacity Act 2005 (MCA)
- Care Act 2014
- CQC Regulation 11: Need for Consent
- Human Rights Act 1998
- Deprivation of Liberty Safeguards (DoLS)

4. Mental Capacity Act – Five Key Principles

1. Presume capacity unless proven otherwise
2. Provide support to help decision-making
3. Allow unwise decisions
4. Act in the person's best interests if capacity is lacking
5. Choose the least restrictive option

5. Assessing Capacity

- Capacity is decision-specific and time-specific
- A person lacks capacity if they cannot:



- Understand the information relevant to the decision
- Retain that information long enough to decide
- Use or weigh that information
- Communicate their decision
- Assessments must be documented clearly in care records

6. Best Interest Decisions

- Involve the person as much as possible
- Consult with family, friends, advocates, or legal representatives
- Consider the person's past and present wishes, feelings, beliefs, and values
- Record the rationale and outcome of the decision

7. Deprivation of Liberty Safeguards (DoLS)

If a service user may be deprived of liberty in a care setting, a DoLS application must be made to the appropriate local authority. Staff must monitor restrictions and ensure they are necessary, proportionate, and lawful.

8. Informed Consent

- Consent must be voluntary, informed, and given by someone with capacity
- Staff must explain care tasks and respect refusals
- Consent can be verbal, written, or implied
- Where consent is unclear, seek guidance from the manager

9. Advocacy

When a person lacks capacity and has no friends or family to support them, an Independent Mental Capacity Advocate (IMCA) must be appointed to represent their interests.

10. Staff Training

All staff receive training on the Mental Capacity Act, consent, and best interest decision-making during induction and through annual refreshers.

11. Review, Audit and monitoring

This policy and procedure will be monitored and reviewed **at least annually**, or earlier if changes in legislation, regulation, or best practice occur or monitored through audits, and service user feedback.



Regular audits will be undertaken to ensure ongoing compliance with Care Quality Commission (CQC) requirements and the internal quality assurance framework of CARERS' HANDS H C A LTD.

For a full copy of this policy and related procedures, or to request it in an alternative format or language, please contact:

☎ **Call the Office:** 07535 8524917

✉ **Email:** carershandsagency@gmail.com

Signature and Declaration

Signed:

Chanyuka Dhlakama

Designation: Registered Manager

Date: 01/06/2025

Next Review Due: 01/06/2026