

## Making Decisions for Person who Lacks Capacity

## Who Needs Decisions Made for Him?

Person who Lacks Capacity

- ▶ Donee - LPA
- ▶ Deputy - MCA Order
- ▶ Decision Maker

## Guidance (2 CoP)

Code of Practice

- ▶ 114 pages
- ▶ Not law but must be followed

## 5 Principles (3.1 CoP)

- C - All deemed to have Capacity
- D - All Practicable steps to help P Decide
- E - Unwise is not Equal to no capacity
- F - For the desired result, choose option less restrictive of Freedom
- G - Not just Good, but in P's best interest

## Out of Bounds

(1.4 CoP)

- ▶ Marriage & Children
- ▶ Life & Religion
- ▶ Sex, Abortion, Sterilization, HOTA, AMD and Donation for Research
- ▶ Voting

## Restrictions

(8.6 and 9.11 CoP)

- ▶ Medical Issues
- ▶ Gifts
- ▶ Contact
- ▶ Restraint
- ▶ Wills, Insurance, CPF
- ▶ Successor/ Substitute

## Good Practices

(6&7 CoP)

- ▶ Wishes (6.5 CoP)
- ▶ Involve Persons in P's life (6.5.5 CoP)
- ▶ Care Plans (7.9 CoP)
- ▶ Keep Good Records of Actions and Decisions (6.6 CoP)
- ▶ Go back to 5 Principles