

MENTAL CAPACITY ACT FACTSHEET

THE STATUTORY PRINCIPLES OF THE MCA

A person must be assumed to have capacity unless it is established that they lack capacity

A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success

A person is not to be treated as unable to make a decision merely because he makes an unwise decision.

An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.

Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action

The statutory principles aim to:

- Protect people who lack capacity and
- Help them take part, as much as possible, in decisions that affect them.

They aim to assist and support people who may lack capacity to make particular decisions, not to restrict or control their lives. (MCA Code of Practice 2.1)

