

Choice and Capacity

Choice for the people in Andrew Cohen House is paramount.

All individuals are assessed as to whether they have capacity in all areas.

The promotion of choice and capacity are key principles at Andrew Cohen House.

What is the Mental Capacity Act and Deprivation of Liberty Safeguards?

A legal framework which protects the rights of service users who are unable to make decisions.

It puts the needs and wishes of a person who lacks capacity at the centre of any decision making process.

Core Principles of the Mental Capacity Act

A person must be assumed to have capacity. A lack of capacity has to be clearly determined and documented.

No one should be treated as unable to make a decision unless all (reasonable) practicable steps to help them have been exhausted and shown not to work.

A person can make an unwise decision. This does not necessarily mean they lack capacity.

If it is determined that a person lacks capacity then any decision taken on their behalf must be made in their best interests.

Any decision taken on behalf of a person who lacks capacity must take into account their rights and freedom of action. Any decision should show the least restrictive option or intervention is achieved.

Human Right Act influences:

Article 2	Right of Life
Article 3	Prohibition of inhuman or degrading treatment
Article 5	Right to liberty
Article 8	Right to respect for private and family life such as autonomy and self determination.