## Less Restrictive Way (section 13 Mental Health Act 2016) Decision Making for Adults – Mental Health Treatment and Care

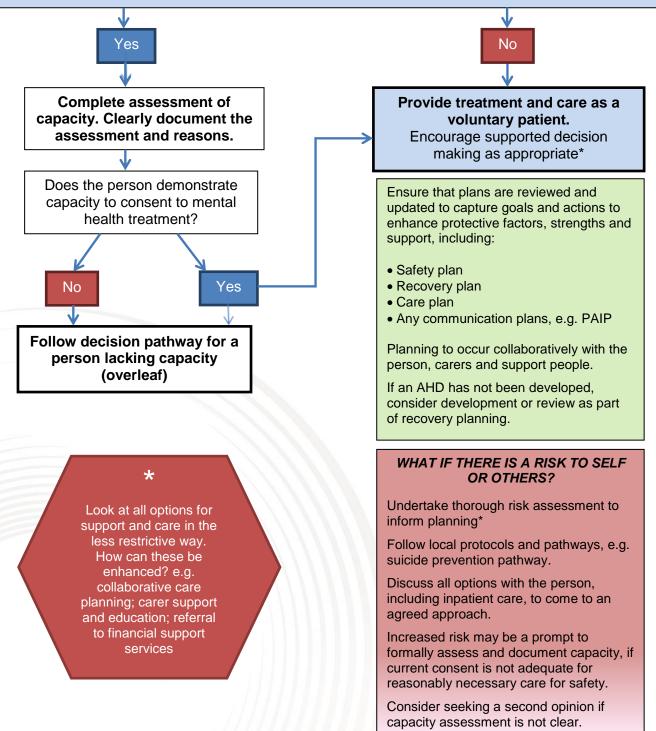
## When a person has capacity to consent

Capacity is presumed for people over 18 years of age.

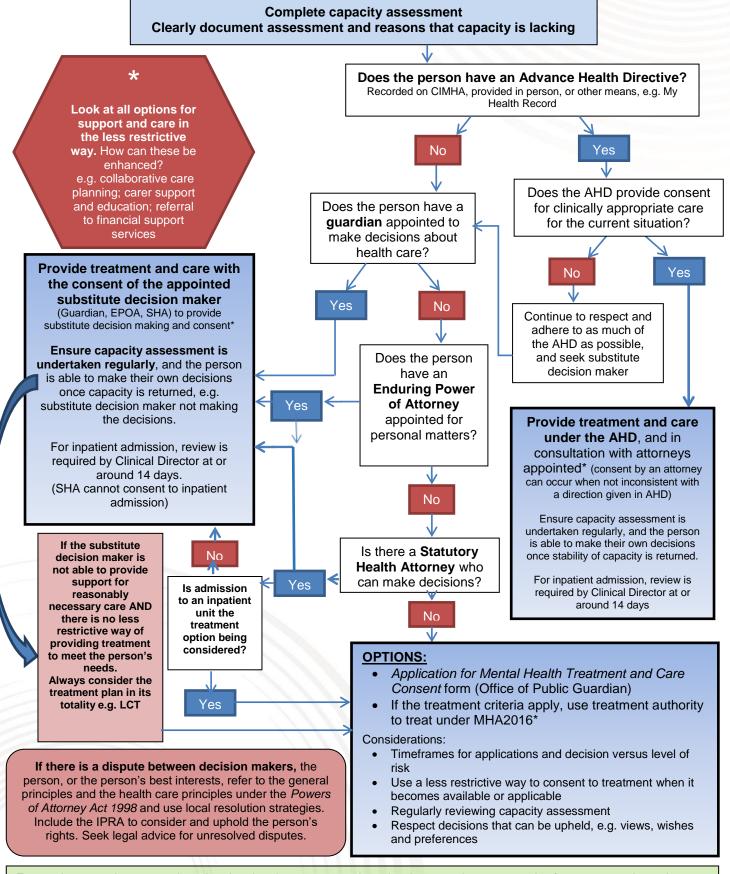
## Are there any triggers for capacity assessment present?

These may include (but are not limited to):

- Signs of problems with cognitive function (memory, attention, concentration, alertness, orientation) or severe mental health symptoms (psychosis, mood disturbance)
- Current or recent issues with decision making
- Concerns raised by family or carers
- The nature of the treatment has changed, or risk has increased, so that current consent may not be adequate
- The nature of the treatment has changed, or risk has lowered, so that current decision making may not be the less restrictive option.



## When a person is lacking capacity to consent



Ensure that care plans are reviewed and updated to capture goals and actions to enhance protective factors, strengths and support.

- Planning to occur collaboratively with the person, carers and support people.
- Document the decision maker and information provided, e.g. AHD, statutory health attorney.
- Review capacity at each contact where possible.
- If an AHD has not been developed, or has not been adequate, consider development or review as part of recovery planning.