### Guiding Principles of the ADM (Capacity) Act 2015

- A person is presumed to have capacity
- All practical steps have to be taken to help a person make a decision
- A person is not unable to make a decision merely because they make an unwise decision
- A decision (intervention) is only made for a person when it is necessary

### A decision (intervention) made for a person must

- be the least restrictive of their rights and freedom
- respect the person's right to dignity, bodily integrity, privacy, autonomy and control over their own affairs
- be proportionate to the significance and urgency of the decision
- be time limited

### The person making the decision (intervener) must

- permit, encourage and facilitate the person to participate in the decision
- take into account the person's past and present will and preferences
- take into account the person's beliefs and values
- take into account any other factors the person themselves would consider if they were able to
- act in good faith and for the benefit of the person
- consider all other circumstances which are relevant
- consider the likelihood of the person recovering the ability to make the decision themselves and the urgency of the decision to be made
- obtain relevant information only, use the information only for the purpose of making the decision, keep the information secure and dispose it safely when no longer required

### The person making the decision must, unless not appropriate or practical

- consider the views of others the person names as people to be consulted
- consider the views of the person's decision-making assistant, co-decision-maker, decision-making representative or attorney

### The person making the decision may

- consider the views of a health professional, the person's carer or other person who has a genuine interest in the person's welfare