

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