

# Angels Homecare and Community Services

## Consent and Mental Capacity Policy

### Introduction

Angels Homecare places a strong emphasis on ensuring that every individual receiving care is empowered to make informed choices. In accordance with the Mental Capacity Act 2005 and Care Quality Commission (CQC) guidance, our approach prioritizes not only adherence to legal standards but also fostering an environment where individuals are respected as decision-makers in their care journey. Staff members are continually educated about these principles to ensure consistent implementation.

### Policy Aim

This policy aims to set out a comprehensive framework to guarantee full compliance with relevant legislation and regulations regarding consent and mental capacity. It outlines procedures for obtaining valid consent, assessing mental capacity thoroughly, and documenting all actions taken. The policy seeks to promote dignity, autonomy, and safety by ensuring every care activity is underpinned by lawful and ethical decision-making processes.

### Policy Statement

Angels Homecare commits to upholding each individual's right to autonomy by:

- Consistently seeking valid, voluntary, and informed consent before any intervention or care activity.
- Regularly assessing mental capacity using prescribed statutory approaches whenever there is doubt or a significant decision is required.
- Supporting individuals in making their own choices whenever possible and acting only in their best interests if they lack capacity, consulting widely to determine what those interests entail.
- Promoting transparency and inclusivity in every stage of care planning and delivery.

## Consent & Mental Capacity Management

Consent is only considered valid when it is freely given, based on clear and accessible information tailored to individual communication needs, specific to the activity, and documented appropriately in care records. If a person's capacity is questioned, a structured assessment is conducted following the five core principles of the Mental Capacity Act:

- Presumption of capacity.
- Support to make decisions.
- Right to make unwise decisions.
- Best interests.
- Least restrictive option.

When capacity is lacking, best interests decisions involve gathering the individual's history, beliefs, and preferences, and consulting with families, advocates, or appointed representatives to guide outcomes.

## Staff Training

All staff participate in mandatory induction training covering topics such as informed consent, assessing mental capacity, Deprivation of Liberty Safeguards (DoLS), and documentation requirements. Ongoing professional development is provided through workshops, supervision sessions, competency assessments, and e-learning modules. Opportunities are encouraged for sharing challenges, discussing case studies, and adopting new best practices identified through audits, research, or regulatory updates.

## Responding to Capacity Concerns

- **Assume capacity:** Staff begin with the presumption that adults have capacity unless there is clear evidence otherwise.
- **Accessible information:** Tailor information concerning decisions to be as understandable as possible; provide language support, easy-read materials, or visual aids, and offer advocacy services.
- **Assess decisional capacity:** When capacity is questioned, carry out and record thorough, decision-specific assessments, considering understanding, retention, reasoning, and communication abilities.

- **Involve others:** Engage family members, advocates, or independent mental capacity advocates (IMCAs) in discussions to represent the person's wishes and safeguard best interests.
- **Consider DoLS:** Assess whether proposed interventions could constitute deprivation of liberty, and, if so, initiate DoLS processes in line with statutory requirements.
- **Seek guidance:** Consult senior staff, clinical leads, or external experts when uncertain about complex decisions or legal obligations.
- **Safeguarding:** Remain vigilant for any signs of abuse or neglect and act immediately in accordance with local safeguarding procedures.

## Auditing & Review

Review mechanisms include regular audits of consent forms and mental capacity assessments, observations of care delivery, and analysis of service user feedback through surveys, interviews, or meetings. Audit findings inform targeted improvement measures and staff training updates.

## Compliance & Reporting

Comprehensive and accurate record-keeping systems are maintained to capture all consent processes, capacity assessments, and related communications. Regulatory requests for information are responded to within stipulated timeframes, demonstrating transparency and accountability.

## Annual Development Plan

Each year, senior management sets a development plan focusing on enhancing consent and mental capacity practices. This may include target areas such as improving accessibility of information, updating policies to reflect legal changes, implementing digital tools for documentation, and launching awareness campaigns. Progress is reviewed against audit data and stakeholder feedback.

## Leadership & Quality Assurance

Quality assurance is led by Casey Goodchild, who coordinates input from staff at all levels, service users, their families, and key stakeholders. This includes facilitating regular meetings,

disseminating learning from incidents or complaints, and monitoring compliance with quality benchmarks.

## Confidentiality & Data Protection

All personal data is managed in strict accordance with UK data protection law and GDPR. Access to sensitive information is limited to authorized personnel; robust security protocols prevent unauthorized disclosure. Any suspected or actual breaches are reported instantly, investigated, and, if necessary, escalated to the Information Commissioner's Office (ICO), followed by remedial action and notification of affected parties.

### Review

Please Sign to state you understand Angels Homecare Policy

Staff Name: \_\_\_\_\_

Date: \_\_\_\_\_

Staff review date: \_\_\_\_\_