

The Mental Capacity Act (MCA)

(A simple guide for clients and families)

Why you are receiving this:

Otter Homecare is committed to care that protects dignity, choice and safety. In home care, misunderstandings can happen, especially when families are worried and trying to help. This short guide explains the Mental Capacity Act (MCA) and why we may sometimes pause to check consent or decision-making.

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The MCA in one sentence:

The MCA is the UK law that protects a person's right to make their own decisions — and explains what must happen if they cannot make a specific decision at a specific time.

Key point: Capacity is decision-specific and can change. Someone may be able to decide what to wear today, but struggle with a more complex decision when unwell, tired, or anxious.

Why this matters in home care

Home care happens in someone's home, around personal routines, private information and intimate support. That means consent and decision-making are central to doing care properly.

This is not red tape. It is respectful, lawful and protective — for clients and families.

Quick glossary

Capacity: the ability to understand, weigh up and communicate a decision.

Consent: giving permission freely, with understanding, without pressure.

Best interests: a structured way of deciding when someone cannot decide themselves.



The 5 MCA principles

1) We assume capacity

We start from the position that an adult can make their own decisions unless there is a clear reason to think otherwise.

2) We support people to make their own decisions

We take practical steps to help, such as:

- Using plain language (no jargon)
- Offering choices one at a time
- Using hearing aids/glasses, writing things down, pictures, prompts
- Choosing a better time of day if someone is tired or in pain
- Involving trusted people if the client wants them involved

3) A person can make an "unwise" decision

Someone is allowed to make choices others disagree with.

A decision that feels risky or unusual does not automatically mean a person lacks capacity.

4) If capacity is lacking for that decision, we act in best interests

Only if someone cannot make a specific decision at the time, we will make a decision in their best interests by:

- Considering the person's wishes, feelings, values and beliefs
- Involving the right people (family/professionals where appropriate)
- Recording how we reached the decision

5) We use the least restrictive option

If decisions are needed, we choose the option that keeps the person safe while restricting their freedom as little as possible.

How we apply the MCA day-to-day



Consent: what it looks like in real life

You may hear our team ask questions like:

"Is it okay if I help you wash now?"

"Would you like your medication now, or after breakfast?"

"Are you happy for me to update your daughter about today?"

"Would you like to go out today, or stay in?"

Even when support feels routine, consent still matters.

Common misunderstandings (and the simple truth)

"But I'm their son/daughter — you have to do what I say."

We will listen carefully, but if the client has capacity, we must follow their choices.

"They're making a bad choice, so they must lack capacity."

A person is allowed to make an "unwise" choice. Capacity is about ability to decide, not whether we agree.

"Just tell me everything — I need to know."

We can only share personal details with the client's consent (or where there is a lawful reason).

For families: how you can help (and what we must do)

We welcome families to

- Share routines, preferences, strengths and triggers
- Tell us what has worked well in the past
- Flag risks (falls, choking, diabetes management, confusion, etc.)
- Join reviews and planning with the client's agreement

We must

- Take instructions from the client when they have capacity
- Protect the client's privacy (confidentiality) unless we have consent or a lawful reason
- Check capacity if there is a genuine concern about a specific decision
- Make and record best-interests decisions only where appropriate

A gentle but important point:

Being a relative does not automatically give someone the legal right to decide. We still need the client's consent when they can give it.

When we might assess capacity

We may assess capacity if a decision is needed and the person may be unable to understand, retain, weigh up, or communicate that decision at the time (for example due to illness, confusion, pain, or distress).

Capacity is decision-specific and can change. We will always try to support the person to decide first.

Questions are welcome

If you'd like to discuss any of this further with us please contact:

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