



**Wrightington, Wigan and  
Leigh Teaching Hospitals**  
NHS Foundation Trust

**Information Governance Department**

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Ref: FOI2021/7804

Date Received: 15<sup>th</sup> November 2021

Response Due: 13<sup>th</sup> December 2021

Date: 8<sup>th</sup> December 2021

Dear Sir/Madam

You asked:

**I am writing to you to request information with regards to your Trust's policy and procedure with complicating with the Mental Capacity Act 2005 codes of practice.**

**Do you have any information which relates to:**

**a) Policy and procedure for Mental Capacity Act**

Please see attached the fully updated Mental Capacity Act and DOLS Policy.

**b) Capacity to consent**

Please see attached Consent to Examination or Treatment Procedure Policy and SOP.

Regarding capacity to consent – Principle 1 of the MCA (2005) is that we must presume capacity. We do not carry out routine capacity assessments – only when there is evidence that the person is lacking capacity regarding the decision.

**c) Clinical guidelines whilst supporting patients who lack capacity due to a medical cause.**

The Mental Capacity Act Policy and the Consent to Examination Policy and SOP cover when a best interest meeting is required where a service user does not have consent; if it is emergency treatment, this treatment is completed in the service user's best interest. When a service user does not have mental capacity, all reasonable adjustments are made to ensure that consent is obtained.

I trust that this information is helpful to you, however if you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department on 01257 488271. If we do not

hear from you within 28 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



Rabina Tindale  
Chief Nurse & DIPC

**PLEASE NOTE:**

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire, SK9 5AF

Helpline number: 0303 123 1113