

# NATIONAL INSTITUTE FOR HEALTH AND CARE EXCELLENCE

## QUALITY STANDARD TOPIC OVERVIEW

### 1 Quality standard title

Decision-making and mental capacity

### 2 Introduction

#### 2.1 *NICE quality standards*

NICE quality standards are a concise set of prioritised statements designed to drive measurable quality improvements within a particular area of health or care.

The standards are derived from high-quality guidance, such as that from NICE or [accredited](#) by NICE. They are developed independently by NICE, in collaboration with health, public health and social care practitioners, their partners and service users. Information on priority areas, people's experience of using services, safety issues, equality and cost impact are considered during the development process.

NICE quality standards are central to supporting the government's vision for a health and social care system that is focused on delivering the best possible outcomes for people who use services, as detailed in the [Health and Social Care Act \(2012\)](#).

The quality standard development process is described in detail on the [NICE website](#).

#### 2.2 *This topic overview*

This topic overview describes core elements of the quality standard. These include the population and topic to be covered, key source guidance to be used to underpin potential quality statements, any related quality standards, published current practice information and national or routine indicators and performance measures.

### 3 This quality standard

This quality standard is expected to publish in March 2020.

NICE quality standard: Decision-making and mental capacity overview (July 2019)

### **3.1 Population and topic to be covered**

This quality standard will cover decision-making in people using health and social care services who are 16 years and over and may lack capacity to make their own decisions (now or in the future). It aims to support implementation of the ethos and principles introduced by the Mental Capacity Act 2005 and relevant codes of practice but does not substitute these.

### **3.2 Key development sources (NICE and NICE-accredited sources)**

#### **Primary source**

- [Decision-making and mental capacity](#) (2018) NICE guideline [NG108]

#### **Other sources that may be used**

- [Transition between inpatient mental health settings and community or care home settings](#) (2016) NICE guideline [NG53]
- [Care of dying adults in the last days of life](#) (2015) NICE guideline [NG31]
- [Service user experience in adult mental health](#) (2011) NICE guideline [CG136]

#### **Key policy documents, reports and national audits**

Relevant policy documents, reports and national audits will be used to inform the development of the quality standard.

- Care Quality Commission (2019) [Monitoring the Mental Health Act report](#)
- Office of the public guardian (2016) [Mental Capacity Act Code of Practice](#)
- HM Government (2014) [Valuing every voice, respecting every right: Making the case for the Mental Capacity Act](#)
- Select Committee on the Mental Capacity Act 2005 (2014) [Mental Capacity Act 2005: post-legislative scrutiny](#)

### **3.3 Related NICE quality standards**

In March 2012, the Department of Health and Social Care referred a library of quality standard topics to NICE for development.

This quality standard will be developed in the context of all topics in the NICE [library of quality standards](#). Decision-making and mental capacity is relevant to a wide range of conditions and diseases and a range of equality groups.

### **Published**

- [Dementia](#) (2019) NICE quality standard 184.
- [Violent and aggressive behaviours in people with mental health problems](#) (2017) NICE quality standard 154.
- [Medicines management in care homes](#) (2015) NICE quality standard 85.

### **In development**

- Learning disability: care and support of people growing older. Publication date to be confirmed.
- Learning disability: behaviour that challenges. Publication date to be confirmed.
- End of life care (update). Publication date to be confirmed.

### **Future quality standards**

This quality standard will be developed in the context of all quality standards referred to NICE, including the following quality standards scheduled for future development:

- Shared decision-making: practical guidance for health and social care professionals

The full list of quality standard topics referred to NICE is available from the [quality standard topic library](#) on the NICE website.

## **4 Existing indicators**

- NHS Digital [Mental Capacity Act 2005, Deprivation of Liberty Safeguards England](#)
- NHS Digital [Recorded uses of the Mental Health Act](#)
- NHS Digital [Patient experience of community mental health services](#)
- NHS Digital [Patient experience of hospital care](#)

## **5 Further information**

See the NICE website for more information about [NICE quality standards](#) and the [progress of this quality standard](#).

NICE quality standard: Decision-making and mental capacity overview (July 2019)

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