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CSAB MCA week of action Day 5: Least Restrictive Option

Cumberland Council sent this bulletin at 23-06-2023 08:00 AM BST

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The banner features the Cumbria Safeguarding Adults Board logo on the left, which includes a stylized 'X' made of blue and purple lines and the text 'Cumbria Safeguarding Adults Board'. In the center, the text '5 minute briefing' is written in a large, bold, blue font. On the right, there is a large, stylized 'X' made of blue and purple lines. Below the main text, a green horizontal bar contains a white Twitter icon and the handle '@cumbriasab'. The date '23rd June 2023' is positioned at the bottom right of the banner.

Principle 5: Least Restrictive Option



Mental Capacity Act 2005

In this final bulletin of our week of action we will explore Principle 5: 'Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.' (section 1(6)) Mental Capacity Act 2005.

Before somebody makes a decision or acts on behalf of a person who lacks capacity to make that decision or consent to the act, they must always question if they can do something else that would interfere less with the person's basic rights and freedoms. This is called finding the 'less restrictive alternative'. It includes considering whether there is a need to act or make a decision at all.

Where there is more than one option, it is important to explore ways that would be less restrictive or allow the most freedom for a person who lacks capacity to make the decision in question. However, the final decision must always allow the original purpose of the decision or act to be achieved. Any decision or action must still be in the best interests of the person who lacks capacity. So sometimes it may be necessary to choose an option that is not the least restrictive alternative if that option is in the person's best interests. In practice, the process of choosing a less restrictive option and deciding what is in the person's best interests will be combined. But both principles must be applied each time a decision or action may be taken on behalf of a person who lacks capacity to make the relevant decision.

Practitioners should refer to the [Mental Capacity Act 2005 Code of Practice](#) for further information on the 5 principles and putting these into practice.

Less Restrictive Option: podcast



Listen and watch this [short podcast](#) which will explore the 5th principle, the less restrictive option.

The podcast will help you to consider other ways which would achieve the same objective that would achieve the same result and which would interfere less in the persons rights or freedoms. The podcast reinforces Principle 5 being the 'less' restrictive rather than 'least' restrictive option. In some cases what may be a persons best interests may not be the 'least' restrictive option, in such cases the 4th principle best interests takes precedence. Watch the podcast which uses examples to illustrate and explain this further.

Promoting less restrictive practice: Reducing Restrictions Tool

This tool aims to help practitioners identify restrictions in a person's care, in order to examine whether the care is the 'least restrictive' possible, as required by the Mental Capacity Act. It can also be used as part of care planning to 'promote liberty and autonomy' in care plans.

The tool can also assist practitioners to identify restrictions which may not always be evident and to assist them in considering less restrictive alternatives in line with principle 5 of the Mental Capacity Act 2005.

You can access the tool [here](#).



Using the MCA principles in care planning



This [short video](#) looks at the five key principles of the Mental Capacity Act (MCA), and how these can be applied to the care planning process. It shows, through interviews with self-advocates, and health, legal and social care professionals, how the proper application of the MCA is needed to ensure that care planning is person-centred and empowering. The film stresses the importance of planning for the least restrictive option in any situation, and always acting in the best interests of people who lack capacity, and not in organisational interests. It talks about how advance decisions about future treatment can be really helpful. [edit this placeholder text.](#)

CSAB MCA week of action comes to a close....

Thank you to all of you who have joined lunch and learn sessions this week, subscribed to our briefings and followed us on social media. We hope that the resources we have shared throughout the week will be useful for practice.



If you missed out on anything during the week you can access our [MCA learning zone](#) where we will shortly be hosting videos of the lunch and learn sessions. You will also find all of the briefings from the week with useful links for learning to improve understanding and application of the Mental Capacity Act.

Thanks to Deborah Stott, MCA Practice Educator North Cumbria Integrated Care for delivering the lunch and learn sessions and colleagues across the partnership for supporting the week.

Resources



CSAB are sharing learning resources for practitioners for personal development and can also be useful during team meetings and/or supervision sessions.

CSAB MCA learning zone

You can find a range of information and resources on our [website](#)

Social Care Institute for Excellence

SCIE have produced a whole series of short learning videos for practitioners based on the 5 principles of the MCA. Watch [here](#)

MCA easy read guide

You can access an MCA easy read guide and summary [here](#)

Legal advice and guidance

39 Essex Street Chambers has developed an unrivalled set of resources for those seeking to apply and understand the Mental Capacity Act 2005, as well as to understand the place of mental capacity

and understand the Mental Capacity Act 2005, as well as to understand the place of mental capacity within the law more generally. There is a dedicated MCA section of the website which gathers together sets of resources which you can [access](#).

Edge Training Ltd resources

There are a series of briefings and information sheets intended to support practitioners working with the MCA. This includes case law updates, guidance and templates find out more [here](#)

Get in touch!

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