PROCEDURE AND AUDIT CHECKLIST

Consent and mental capacity procedure checklist

Source anchors

- CQC Regulation 11, need for consent
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- GMC decision making and consent
- CQC Regulation 17, good governance
- CQC Regulation 13, safeguarding

How to use this checklist

Use this checklist to audit whether consent and mental capacity decisions leave a clear, lawful evidence trail. It can be used quarterly, after a consent incident, after a complaint, after a safeguarding concern, before governance review, or before an inspection-readiness review.

This checklist is not only about signed forms. It checks whether the person was supported to decide, whether information was understandable, whether refusal was respected, and whether best-interests decisions were properly reasoned.

For each row, record:

- **Met:** evidence is current and complete.
- **Part met:** evidence exists but has a gap or needs follow-up.
- **Not met:** evidence is absent or the control is not working.
- **Not applicable:** the service does not carry out this activity.

Every `Part met` or `Not met` item should create an action with an owner and due date.

The PDF is designed for printing, or for completing on screen with a PDF viewer's Fill & Sign, Markup or comment tools. Use those tools to tick boxes and type into the lines.

Service details

SERVICE NAME	LOCATION

DATE COMPLETED	COMPLETED BY

REGISTERED MANAGER	CLINICAL LEAD OR CARE LEAD
MCA LEAD, WHERE USED	PERIOD REVIEWED

1. Consent process and information

CHECK AND EVIDENCE	STATUS	OWNER	DUE
1 **Staff know when consent is required.** **Evidence:** Staff interview, induction record.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
2 **Consent information explains the proposed care or treatment, risks and alternatives where relevant.** **Evidence:** Leaflet, consent template, record sample.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
3 **Information is provided in a way the person can understand.** **Evidence:** Accessible format record, communication note.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
4 **Consent is voluntary and free from pressure.** **Evidence:** Record sample, staff interview.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
5 **Consent is reviewed when care, treatment, risk or wishes change.** **Evidence:** Review note, care plan.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
6 **Higher-risk procedures have suitable written or structured consent records.** **Evidence:** Consent form, clinical record.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

2. Capacity assessment

CHECK AND EVIDENCE	STATUS	OWNER	DUE
1 **Capacity is presumed unless there is evidence to question it.** **Evidence:** Record sample, staff interview.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
2 **Capacity assessments are decision-specific and time-specific.** **Evidence:** Capacity assessment sample.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
3 **The person is supported to decide before capacity is judged absent.** **Evidence:** Support record, communication note.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
4 **The two-stage capacity test is recorded with reasoning.** **Evidence:** Capacity assessment sample.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

CHECK AND EVIDENCE	STATUS		OWNER	DUE
5 **Unwise decisions are not treated as lack of capacity.** **Evidence:** Refusal record, supervision note.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
6 **Capacity assessments are reviewed where the decision or person's condition changes.** **Evidence:** Review record.	☐ Met ☐ Not met	☐ Part met ☐ N/A		

3. Refusal, withdrawal and safeguarding

CHECK AND EVIDENCE	STATUS		OWNER	DUE
1 **Refusal or withdrawal is respected where the person has capacity.** **Evidence:** Refusal record.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
2 **Consequences and alternatives are explained and recorded.** **Evidence:** Record sample.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
3 **Safeguarding, coercion or undue influence is considered where refusal appears concerning.** **Evidence:** Safeguarding decision note.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
4 **Staff know how to stop or pause care safely where consent is withdrawn.** **Evidence:** Staff interview, procedure.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
5 **Repeated refusal triggers review of risk, communication or care planning.** **Evidence:** Care plan review, risk assessment.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
6 **Complaints or incidents about consent are linked to learning actions.** **Evidence:** Incident or complaint sample.	☐ Met ☐ Not met	☐ Part met ☐ N/A		

4. Best interests and lawful authority

CHECK AND EVIDENCE	STATUS		OWNER	DUE
1 **Best-interests records show the decision, options and reasoning.** **Evidence:** Best-interests record sample.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
2 **The person's wishes, feelings, beliefs and values are considered.** **Evidence:** Record sample.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
3 **Relevant people are consulted where appropriate.** **Evidence:** Consultation note.	☐ Met ☐ Not met	☐ Part met ☐ N/A		
4 **Less restrictive options are considered.** **Evidence:** Best-interests record.	☐ Met ☐ Not met	☐ Part met ☐ N/A		

CHECK AND EVIDENCE	STATUS	OWNER	DUE
5 **Attorney, deputy, advance-decision or IMCA routes are checked where relevant.** **Evidence:** LPA, deputy, advance-decision or IMCA evidence.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
6 **Legal or safeguarding advice is sought for complex or contested decisions.** **Evidence:** Advice note, escalation record.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

5. Training and staff competence

CHECK AND EVIDENCE	STATUS	OWNER	DUE
1 **Staff taking consent have role-appropriate training.** **Evidence:** Training matrix.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
2 **Staff who assess capacity are competent for the task.** **Evidence:** Competence record, supervision note.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
3 **MCA Lead or named adviser is available where the service needs one.** **Evidence:** Role list, procedure.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
4 **Staff know when to escalate consent, refusal or capacity concerns.** **Evidence:** Staff interview, escalation route.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
5 **Consent and MCA learning from incidents or complaints is shared.** **Evidence:** Team briefing, supervision note.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
6 **Consent templates and staff guidance are reviewed against current guidance.** **Evidence:** Template review, governance minutes.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

6. Audit and governance

CHECK AND EVIDENCE	STATUS	OWNER	DUE
1 **Consent audit runs at a stated cadence.** **Evidence:** Audit schedule, completed audit.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
2 **Capacity and best-interests records are sampled where relevant.** **Evidence:** MCA audit sample.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
3 **Audit actions have owners, due dates and completion evidence.** **Evidence:** Action log, improvement actions.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
4 **Consent or MCA risks are added to the risk register where needed.** **Evidence:** Risk register, governance minutes.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

CHECK AND EVIDENCE	STATUS	OWNER	DUE
5 **Registered Manager reviews overdue consent or MCA actions.** **Evidence:** Governance minutes, dashboard.	☐ Met ☐ Part met ☐ Not met ☐ N/A		
6 **Learning links to training, supervision, safeguarding and record keeping.** **Evidence:** Linked records, action evidence.	☐ Met ☐ Part met ☐ Not met ☐ N/A		

7. Summary judgement

Which consent or capacity decision has the weakest evidence trail?

Which service activity carries the highest consent risk?

Which refusal, withdrawal or best-interests decision needs review?

Which consent or MCA action is overdue?

What would a CQC inspector see if they asked for consent evidence today?

8. Action log

Action	Source check	Owner	Due date	Completion evidence

9. Completion

Sign-off	Name	Date
Completed by		
Reviewed by Registered Manager		

This checklist is a working tool. It does not replace live regulator guidance, legal advice, professional standards, safeguarding advice, advocacy advice or clinical judgement.

Related reading

- Sample policy: Consent policy
- Sample policy: Mental Capacity Act policy
- Related procedure checklist: Record keeping and confidentiality checklist
- Related procedure checklist: Safeguarding adults checklist