

Reference: FOI.ICB-2627/094

Subject: ICB Guidance on Mental Capacity and Mental Health Acts

I can confirm that the ICB does hold the information requested; please see responses below:

QUESTION	RESPONSE
a. What guidance is given to mental health services within the ICB about the mental capacity and mental health act. b. Must an individual lack capacity before a mental health act assessment is considered?	a. BNSSG ICB makes assurances that all commissioned mental health services implement updated guidance regarding the Mental Capacity and the Mental Health Act and that these services have updated Mental Capacity and Mental Health Act policies. b. An individual does not need to lack capacity for a mental health act assessment to take place. An individuals mental health capacity is assessed and determined as part of the mental health act assessment.

The information provided in this response is accurate as of 5 June 2026 and has been approved for release by Helena Fuller, Deputy Director of Business, Strategy and Planning for NHS Bristol, North Somerset and South Gloucestershire ICB.