

# Key differences in approach

## **Mental Capacity Act**

- Functional test – ability to make particular decision
- All decision making
- DOLS authorises only detention
- DOLS – lawful framework for those who are unable to consent

## **Mental Health Act**

- Diagnostic test – having mental disorder
- Limited to care in hospital and medical treatment for mental disorder
- Can authorise detention and treatment
- Compulsory treatment for objecting patients

