



CARE HOME DENTAL

Scotland's Trusted
Domiciliary Dental Service

Patient Information: Dental Care and the AWI Act

When an adult (aged 16 or over) is unable to make decisions or communicate their consent for dental treatment, the **Adults with Incapacity (Scotland) Act 2000** provides a legal framework to ensure they receive the care they need lawfully and respectfully.

What is a Section 47 Certificate?

If a dentist determines that a patient lacks the capacity to consent to a specific treatment, they must complete a **Section 47 Certificate**.

- **Purpose:** It authorises the dentist to carry out treatment that is necessary to preserve the patient's oral health.
- **Duration:** These certificates are usually time-limited (often up to 3 years) and cover regular check-ups and necessary treatments.

The Five Key Principles

Every decision made by our dental team must follow these legal principles:

1. **Benefit:** The treatment must benefit the patient.
2. **Least Restrictive:** The treatment must be the option that restricts the patient's freedom the least.
3. **Past and Present Wishes:** We must consider what the patient would have wanted.
4. **Consultation:** We talk to relevant others (Guardians, Power of Attorney, or family).
5. **Encouragement:** We encourage the patient to participate in the decision as much as possible.

Understanding Dental Care Under the Adults with Incapacity (Scotland) Act

Dental Treatment for Adults Who May Need Extra Support

Why have I been given this leaflet? You have been given this because a dentist is considering treatment for an adult who may have difficulty understanding, remembering, or communicating their decisions about dental care.

How is 'Capacity' decided? Capacity is not "all or nothing." Someone might be able to decide what they want for lunch but struggle to understand the complexities of a root canal. Our dentists perform a functional assessment to see if the patient can:

- Understand the information about the treatment.
- Retain that information long enough to make a decision.
- Communicate their decision (through speech, sign, or gesture).

What happens if treatment is needed?

1. **Assessment:** The dentist explains the treatment simply.
2. **Certification:** If the patient cannot consent, the dentist signs a Section 47 Certificate.
3. **Consultation:** If there is a legal Guardian or Power of Attorney (Health), the dentist must consult them.
4. **Treatment:** Care is carried out with the patient's comfort and dignity as the priority.

What if I disagree? If a family member or guardian disagrees with the proposed treatment, there is a formal appeals process. We always aim to reach a consensus through discussion first.