Reviewer's report

Title: Assessment of the capacity to consent to treatment in patients admitted to acute medical wards

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Reviewer: Aneel Bhangu

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In terms of clinical ethics, assessment of mental capacity in hospital medical inpatients is an under-performed and under-researched area, so the authors should be congratulated on choosing an important topic.

Overall it’s a decent attempt to quantify and qualify the accuracy of assessment of mental capacity in medical inpatients, with some useful information. Of course, this is really an observational study which lacks the powers of randomisation, blinding and independence (assessor versus author), but with these in mind it is a good, succinct and focussed paper. The authors set out their simple objectives clearly, and then answer them clearly too. I feel only minor changes are needed, except for the first line of the discussion which MUST be revised – the content, English language and construction of this sentence are terrible!

Otherwise, this is a suitable article for BMC Ethics and with the changes below I support its publication.

Major Compulsory Revisions
None

Minor Essential Revisions

• IMPORTANT - The first line of the discussion uses incorrect English language throughout, is difficult to read or understand and must be re-written! The construction of this sentence is terrible. They should summarise their main finding, that the team does better than the individual, and leave this sentence (once restructured) until later on.

• Front page - “* these authors contributed equally” – only one author has a *

• Please clarify the excluded patients from the initial 265 – this is discussed briefly but incompletely under Participants, and then again (but more completely) under Results: sample. This is repetitive and confusing – only one explanation is needed, and is best done as it is under Results: sample. I suggest leaving out the first sentence of Participants, thus explaining the inclusion/exclusion criteria, and then the actual numbers under Results.

• Typo – Prevalence of incapacity to consent for treatment: “Of the included patient” should be “patients” and 26,7% should be 26.7%.

• Study Sample: mean age – units should be entered in the text. 68.6 could mean
months or years, even if the authors consider it obvious (it is explained in the table), others may not.

• MMSE – “prevalence of patient” should be “patients”
• The second sentence of the discussion is also weak. A one-sentence paragraph is inappropriate. Can they not expand? Or combine with the next paragraph?

Discretionary Revisions
• Typically, the ‘n’ to denote number of patients is displayed as a non-capital n e.g. “26.4% (n=70) were excluded....”
• There is no clear mention of limitations in the discussion – the assessors, I assume, were also the authors and thus not independent (is this the case of the “gold standard” psychiatrist, in which case this should be mentioned. This was an observational study – there was no assessment of the affect of the importance of having a correct assessment. Why 3 months? There was no sample size calculation, although they have managed to show differences. It is up to the authors to decide if they want to discuss their limitations, although most decent papers do!

Level of interest: An article of limited interest

Quality of written English: Needs some language corrections before being published

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:

I declare that I have no competing interests