

## Mental Capacity Assessment

According to the Mental Capacity Act 2005 a person must be assumed to have capacity to make a decision unless it is established that they lack capacity. An assumption of capacity cannot be made based on the person's age or appearance, condition or an aspect of their behaviour. Please read the guidance below to remind yourself of the five principles of the MCA.

### Guidance

1. We must begin by assuming that people have capacity "A person must be assumed to have capacity unless it is established that he/she lacks capacity."
2. People must be helped to make decisions "A person is not to be treated as unable to make a decision unless all practicable steps to help him/her to do so have been taken without success."
3. Unwise decisions do not necessarily mean lack of capacity "A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision."
4. Decisions must be taken in the person's best interests "An act done, or decision made under this Act for or on behalf of a person who lacks capacity must be done, or made, in his/her best interests."
5. Decisions must be as least restrictive of freedom as possible "Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action."

What follows is a document to use when making an assessment about a person's ability to make a specific decision at a specific time. This document should not replace any internal documents usually used for admission processes. This document should be used in conjunction with a Best Interest decision making meeting.

### Personal Details

<b>Name</b>	
<b>Date of Birth</b>	
<b>Address</b>	
<b>Location of Assessment</b>	

**1. What is the nature of the decision?**

Provide details

**2. Does the person have an impairment of, or disturbance in, the functioning of the mind or brain? (temporary or permanent).     Yes    No**

**If No.** Do not proceed with this mental capacity assessment. (If the answer is No, then the person cannot lack capacity as defined in the Mental Capacity Act 2005)

**If Yes.** please write the nature of the disturbance e.g. Dementia, Stroke, Confusion etc.

Details/ Evidence:

**3. Understanding the decision**

a) Does the person have a general understanding of what decision they need to make and why they need to make it?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) Does the person have a general understanding of the likely consequences of making, or not making this decision?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) Is the person able to understand, retain, use and weigh up the information relevant to this decision?	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) Can the person communicate their decision (by talking, using sign language or any other means)? Would the services of a professional, to enable communication, be helpful? E.g. translator?	<input type="checkbox"/> Yes <input type="checkbox"/> No
e) Is there a need for a more thorough assessment (from a Doctor, Independent Mental Capacity Advocate)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**If the answer to any of these questions is No then on the balance of probability, the person Lacks Capacity to make the specific decision at this time.**

**4. Has everyone involved done all that they can to help the person to make the decision?**

Provide details.

5. Outcome of Mental Capacity Assessment	Please Tick:
I. Based on this assessment I reasonably believe that the person <u>lacks capacity</u> to make the decision.	
II. Based on this assessment I reasonably believe the person <u>has capacity</u> to make the decision.	

**Assessor Details**

<b>Nature of professional relationship with the person: (Care worker, Care Home Manager, etc.)</b>	
<b>Name:</b>	
<b>Signature:</b>	
<b>Date and time:</b>	

**Care Home Manager**

<b>Name</b>	
<b>Signature</b>	
<b>Date and time</b>	

**References:**

Mental Capacity Act 2005 Code of Practice, © Crown Copyright 2007.

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>