

## Mental Capacity Assessment – for less complex decisions

**If a person does not have an impairment or disturbance of the mind or brain, they will not lack capacity under the Act.**

*NB The Mental Capacity Act's first principle is that a person must be assumed to have capacity to make a decision or act for themselves unless it is established that they lack capacity in relation to those matters. The assessment must be about a particular decision that has to be made at the time the decision needs to be made.*

### 1. Individual's Details

Name:

Address:

Date of Birth:

Location at Time of Assessment:

### 2. Decision Requiring Assessment of Mental Capacity (provide details)

**NB: Before deciding that someone lacks capacity to make a particular decision, it is important to take all practical and appropriate steps to enable them to make that decision themselves.**

### 3. Two-Stage Test of Mental Capacity (See Code of Practice Chapter Four)

- a. Does the person have an impairment of the mind or brain, or is there some sort of disturbance affecting the way their mind or brain works? (It doesn't matter whether the impairment or disturbance is temporary or permanent.) Provide evidence.

- b. Does that impairment or disturbance mean that the person is unable to make the decision in question at the time it needs to be made?

Can the person:

Delete as appropriate:

- |  |        |
|--|--------|
| (a) understand the information relevant to the decision?                         | Yes/No |
| (b) retain that information?   | Yes/No |
| (c) use or weigh that information as part of the process of making the decision? | Yes/No |
| (d) communicate his/her decision (whether by talking or any other means)?        | Yes/No |

Provide evidence in respect of the person's ability in relation to each of these four elements of the test:

**NB: If a person cannot do one or more of these four things, they are unable to make the decision.**

### 4. Outcome of Mental Capacity Assessment

On the balance of probabilities, there is a reasonable belief that:

The person **has** capacity to make this particular decision at this time. Yes/No

Or

The person **does not have** capacity to make this particular decision at this time. Yes/No

### Details of Assessor

Assessor:

Signature:

Designation:

Date:

Time:

## Using this form: Mental Capacity Assessment – for less complex decisions

The Mental Capacity Act 2005 states that anyone can assess another person's mental capacity especially in relation to day to day decisions and simple decisions.

Practitioners must abide by the following **five statutory principles** which are as follows:

1. A person must be **assumed** to have capacity unless it is established that he/she lacks capacity (by undertaking capacity assessment).
2. 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. A person is not to be treated as unable to make a decision merely because he/she makes an **unwise** decision.
4. 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. Before the act is done, or 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.

This form has been developed to aide practitioners to assess and document a person's mental capacity giving due regard to the Mental Capacity Act 2005. Day to day interventions and decisions can be recorded in the person's care plan/notes e.g. personal hygiene care, feeding a patient etc, and assessments of capacity in respect of such decisions should be reviewed.

If a practitioner proposes health or social care treatment, they must assess the person's capacity to consent. This can involve the multi-disciplinary team, but ultimately it is up to the practitioner responsible for the person's treatment to make sure that the person's mental capacity has been assessed. No one can give consent on behalf of a person who lacks capacity to make the decision for himself/herself.

## Using a different form: Mental Capacity Assessment – for complex decisions

When the decision to be made, is more complex or could have serious consequences for the person, careful consideration about the level of assessment, and who should be involved, will be required. More formal assessments might be required in complex cases or cases where mental capacity or the decision to be made is disputed. However, the final decision about a person's mental capacity must be made by the person intending to make the decision or carry out the action on behalf of the person who lacks mental capacity.

In an urgent or emergency situation, a decision may be made in the person's best interests to give urgent treatment or care without delay - except when the healthcare professional giving treatment is satisfied that an Advance Decision to refuse that treatment exists; or an Attorney or Deputy with relevant authority exists.

If it has been established that the person lacks mental capacity for the required decision, the Decision Maker should now consider what would be in the person's best interests.