**NHS no: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Patient ID: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Surname: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Forename: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  
**D.o.B**: \_\_\_ / \_\_\_ / \_\_\_

**Mental Capacity Assessment**

(Mental Capacity Act 2005)

To be kept in patients records when completed.

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| This form should be used to record an assessment of capacity where there is cause to question that person’s capacity to make their own decision (the person must be aged 16+). The Mental Capacity Act 2005 states that ‘**any assessment of capacity is time and decision specific’**.  Please note: a separate capacity assessment form should be completed for each decision. |

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| --- | --- |
| **Name and Job Title of person completing this assessment:** | **Date and Time of Assessment:** |

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| --- |
| **What is the specific decision that the person needs to make?** |
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| --- | --- | --- |
| **Does this decision need to be taken now?** | **Yes** | **No** |
| Please state reason for this decision. Can the decision be delayed until the person’s capacity improves? | | |
| **What is the relevant information for this decision?** | | |
| This should be tailored to the decision. It may include (but not be limited to): why the decision is needed, what the person’s situation or condition is, what options are available to them and what each of these involve, and the likely benefits or risks involved for each option, or of making no decision. | | |
| **What steps have been taken to support the person to make or be involved in this decision?** | | |
| e.g. consideration of best time/place, use of communication aids, use of interpreter if required, possible effects of medication minimised, familiar face to support them. | | |

**Assessment of Capacity**

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| --- | --- | --- | --- |
| 1. **Do you consider the person is able to understand the information relevant to the decision to be made?** | **Yes** | | **No** |
| Summarise how you reached your conclusion by reference to the relevant information and why you believe the person understands or does not understand this. | | | |
| 1. **Do you consider the person is able to retain the information for long enough to use it in order to make the decision?** | **Yes** | | **No** |
| Summarise how you reached your conclusion. What is the evidence that the person can or cannot retain the information for the time needed. | | | |
| 1. **Do you consider the person is able to use or weigh that information as part of the decision-making process?** | **Yes** | | **No** |
| Summarise how you reached your conclusion. Was the person able to consider the advantages and disadvantages of possible outcomes and relate this to their own situation? Were they able to adjust their view in the light of new information? Could they see the different parts of the argument and decide how much weight to apply to them? | | | |
| 1. **Do you consider the person is able to communicate their decision?** | **Yes** | | **No** |
| Communication can be in anyway that is understandable. Summarise how you reached your conclusion. Explain how the person communicated their decision, or why they could not. | | | |
| **Outcome of assessment:** | | **Tick** | |
| If the answer to **All** of the questions 1-4 is **Yes -**The person**HAS CAPACITY**  at this time for this decision. | |  | |
| If the answer to **Any** of the questions 1-4 is **No -** The person **DOES NOT HAVE CAPACITY**  at this time for this decision. | |  | |

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| **If you have ticked “does not have capacity” you must now detail below the impairment of, or disturbance in, the functioning of the person’s mind or brain, AND how this causes their inability to make the decision.** |
| \*Please note if you believe that the person’s decision-making ability is being impacted by undue influence or coercion from another party you should contact your Trust Safeguarding Service for advice as soon as possible. |

**Next Steps**

**If the person has been assessed as having capacity to make the decision themselves.**

You must respect the persons decision. This applies even if the decision may seem unwise. ‘Safety net’ where possible and document what this looks like. Consider seeking advice from the trust Safeguarding Advisory Service where risks are considered to be significant.

**If the person has been assessed as lacking capacity to make the decision:**

Unless there is a valid and applicable advance decision, or another person has the authority to make this decision (for example a *Power of Attorney or a Court Appointed Deputy*), a decision must now be made following the best interests process. (Complete the Trust Best Interest form).

**Notes to support completing this form**

This mental capacity assessment form is intended to record a single capacity assessment about a single specific decision. Before you assess a person’s capacity you should be clear about what the decision is that they need to make, and the details of what options are available to them to choose from.

The professional who is providing or organising the care or treatment (the ‘decision-maker’) will usually be the right person to assess capacity. It may be helpful to seek advice about an individual’s understanding or cognitive abilities from an expert, and in these cases the decision-maker should take that advice into account in completing their assessment.

The court has provided guidance on the relevant information that should be discussed for the following specific types of decision.

* Marriage
* Care
* Residence
* Medical treatment
* Contact
* Sexual relations
* Contraception
* Admission to hospital
* Hoarding and belongings
* Conducting proceedings
* Deprivation of liberty

If you are supporting a person and assessing their capacity to make a one of the types of decision listed above you will need to make sure that you have followed the guidance set out by the courts. You can view a summary of the court guidance in the *Mental Capacity guidance note: Relevant information for different categories of decision* produced by 39 Essex Chambers and found here: <https://www.39essex.com/information-hub/mental-capacity-resource-centre/mental-capacity-resources/mental-capacity-guidance> . You should contact the Trust mental capacity team if you need support in planning a capacity assessment.

An assessment of capacity is made on the ‘balance of probabilities’. To conclude that a person lacks capacity for a specific decision you must be able to show that it is more likely than not that they cannot make the decision for themselves

Before making a judgement that a patient lacks capacity you must take all steps reasonable in the circumstances to assist the patient in making their own decisions. This may often involve explaining what is involved in very simple language, using pictures and communication and decision aids as appropriate. People close to the patient (family/friends) may often be able to help. There are also a range of specialist colleagues available to support practitioners- such as speech and language therapists, learning disability specialist team, psychiatric liaison teams, as well as independent advocates and interpreter services.