***Capacity Assessment generic template***

Person's name:

Person’s DoB:

Name / Profession of Capacity Assessor(s):

**Please ensure that it is identified to the person that a capacity assessment in relation to the specific decision is being completed and why this is being done (only in exceptional circumstances can this be omitted – if it would be seriously detrimental to the person’s health).**

A) What is the *specific* decision in question and why does it need to be made - why is a capacity assessment being completed? Is there legitimate doubt regarding decision making ability? Identify the specific decision and give the relevant background as to why a capacity assessment is needed at this time. Consider if focusing on decisional capacity only is relevant for this assessment or is executive function relevant. Executive function means their ability to carry out the decisions they describe.

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B) What *relevant information* does the person need to understand in order to make this decision? Record how you gave this *relevant information* to the person and steps you took to help them understand the issue (have you taken all practicable steps to do this? Is there something you could do to support the person to have the capacity to make this decision? Are you meeting with them at the best time and in the best place? Are there sensory needs? This could include the use of tools like communication aids, pictures to help them make the decision).

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C) Interview – Assessment (**1st stage of 2 stage capacity** **test: Functional -** *Is the person functionally able to make the decision being asked of them? Have they been offered all required support to assist them in making the decision for themselves?*)

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| Does the person ***understand*** the relevant information detailed above?  *Does the person understand the purpose of the assessment and what the decision is to be made? Do they understand the individual elements of the ‘relevant information’ as they are discussed with them? Have you presented the different available options if there is a choice to be made? You must not start with a ‘blank canvas’, there should be identified options, not abstract concepts. (Ensure the bar is not set too high, understanding every element is not necessary, bar the salient factors. Remember there are case law frameworks for some key decisions)* | Assessor’s  Judgement |
| Assessor’s observations & person’s response – | Yes / No |
| Can the person ***retain*** the relevant information detailed above?  *Normally the person only needs to be able to retain the information* *in order to make the decision at the material time – meaning when they are being asked to make the decision. If they can only make the decision in a short timeframe but cannot recall it over a longer period, that may be sufficient for them to HAVE capacity, although this may be dependent on the specific decision in question, is it a one-off decision or one that needs to be repeated through their daily lives?* | Assessor’s  Judgement |
| Assessor’s observations & person’s response – | Yes / No |

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| Can the person ***use and weigh*** the relevant information detailed above as part of the process of making the decision?  *Can they apply the information to the decision being taken in real world? Is there evidence of ‘reasoning’ being used to guide the person’s decision? Can the person weigh up the pros and cons of the decision or options, of making the decision, or NOT making it, including the impact upon themselves (and upon others, if relevant).*  *Not agreeing with professional's concerns does not equate to a lack of capacity. Not believing a scenario is not determinative of not using/weighing information. Ensure that your own views / values are not influencing your assessment of their using and weighing the information.*  *Considering executive functioning, it may be required to triangulate the capacity assessment with observation and wider information over a period of time. Please see further guidance for longitudinal / micro / macro decision making if relevant.* | Assessor’s  Judgement |
| Assessor’s observations & person’s response – | Yes / No |

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| Can the person ***Communicate*** their decision?  *Ensure they are supported in the way they need to be able to communicate their decision. Previously only if the person had* ***no*** *verbal or nonverbal communication would they have failed this element of the test (e.g., the person was unconscious or in a permanent vegetative state, minimally conscious state), however interpretation of this element has progressed.*  *If a person is able to communicate the* ***decision*** *being asked of them, then they meet this functional element (answer would be a* ***yes****.) However, if they are not able to communicate the decision being asked of them, but are able to communicate their wishes and feelings, then they are* ***NOT*** *able to meet this functional element (answer would be a* ***no)***  *If you have assessed that they are unable to understand, use or weigh or retain the information BUT they are able to communicate their wishes / feelings in some way, this should be recorded here.* | Assessor’s  Judgement |
| Assessor’s observations & person’s response – | Yes / No |

D) Does the person have a suspected (evidenced) or diagnosed *Mental Impairment?* (**2nd stage of 2 stage capacity test – Diagnostic**) (No formal diagnosis is required)

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E) Is the person’s inability (functional aspect) to make the specific decision because of the identified impairment or disturbance (diagnostic aspect)? Or to put it another way, is the mental impairment causing the person to be unable to make the decision in question? (**this is known as the causative nexus**), OR is there another reason they are unable to make the decision?

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F) Capacity Assessment Decision

Only one element must be ticked from the choices below

{ } - The 4 elements above are *all marked YES*therefore the person **HAS** capacity to make the decision.

{ } - *One or more* of the 4 elements above are marked NO therefore the person **LACKS** capacity to make the decision.

{ } if you think their inability to make the decision is based upon another factor and not caused by an impairment of the mind or brain, the Mental Capacity Act does not apply.

**(If you are unable to make a decision based upon this assessment, suggest a 2nd opinion/suggestion is sought)**

G) Follow on work

Any elements that apply should be ticked from below. If the person has been assessed to lack capacity for the specific decision in question, then the best interest process **MUST** now be followed.

{ } – As the person lacks capacity, a Best Interests meeting/discussion will take place ASAP (**see Best Interest checklist in s4 of the MCA 2005**)

{ } – The person has capacity for this decision and is subject to restrictions upon their choices that require urgent review.

Please provide further detail on the boxes ticked above including pending actions. Please also use this space to record any other thoughts or recommendations you have regarding the issue.

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H) Signature(s) & date

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