

GLOUCESTERSHIRE MENTAL CAPACITY MULTI AGENCY GOVERNANCE GROUP
Mental Capacity Assessment (MCA) Form

This form should be completed in accordance with the Mental Capacity Act 2005 and ensures all Key Principles have been followed.

Name:	Date of assessment:	Completed by:
Mental Capacity Assessment		
Confidential		
What is the specific decision to be taken? <i>(if this is a review, detail previous decision about capacity)</i> <i>What are you trying to determine here? Outline the specific decision that needs to be taken. For example, "Can X make a decision on where he/she/they live?", "Can X make informed decisions around their medication?"</i> <i>Capacity is about the ability to take a particular decision at the time it needs to be taken. It is decision-specific and time-specific.</i>		
What prompted this assessment and what made you think they lacked capacity? <i>(i.e. summary of situation/circumstances that led to the person's capacity being considered)</i> Details: <i>What has triggered this assessment and why is it needed and why is capacity in question? A mental capacity assessment should be undertaken when the capacity of a person to consent to care and treatment is in doubt. Remember, lack of capacity cannot be presumed due to a person's age, appearance, condition, diagnosis or any aspect of their behaviour. However, changes in behaviours may lead you to consider whether capacity is in question.</i> <i>Have there been previous concerns about the person's ability to make decisions? You can refer to previous capacity assessments which relate to the same, or a similar decision. Be mindful not to assume that the person's capacity in a different area determines their capacity in this area. If you are considering previous assessments bear in mind how long ago, they were completed are still relevant and applicable.</i>		
Considerations for this assessment		
Were all reasonable (practicable) steps taken to maximise the person's capacity to make the decision? <i>(please provide all evidence and documentation)</i>		Yes ☐ No ☐
Details: <i>Has sufficient effort been made to help and support the person to make the decision in question? All possible help must be given to the person to understand the information, including using simple language and visual aids if needed. The assessor should undertake the assessment in the best environment for the person and at the best time of day for them. Please detail what relevant information you have given to the person and additional support you have provided.</i> <i>Is the decision required imminently, or can it be delayed until the person has sufficient capacity to make the decision themselves? A person may temporarily lack capacity, e.g. if they are taking medication which makes them drowsy.</i>		

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- *Have you used language or communication methods that are appropriate to the person?*
- *At what time of day is the person most alert? Did you speak with them in a quiet environment that they are comfortable in? Were distractions/ interruptions removed?*
- *Will capacity improve if the decision is delayed? Did you delay the assessment to allow them time to recover from an illness/infection?*
- *Consider the effect of medication on timing. Has the person been given their relevant medication? Could they have just taken medication that could cause them to be drowsy/less attentive?*
- *Does the person have a visual/hearing impairment where alternative communication methods may be required? Did you consider the use of pictorial aids to support the persons understanding? Does anyone need to be with them? Consider religious and cultural factors.*

Please note this is not an exhaustive list and you must consider what is appropriate for each person.

Provision of relevant Information

Detail what information would be required by any person to make the decision in question. Detail how this information has been given to the person being assessed, this information could include:

- *Details of any risks or benefits of the care or treatment being proposed*
- *Details of any risks or benefits of not having the care or treatment*
- *Details of different accommodation or treatment settings and the risks or benefits of these options*

The relevant information will depend on the nature of the decision to be made.

The Court of protection has given guidance of the type of information that might be needed for specific decisions see Appendix 2

Assessment of capacity

The Functional test

Is the person able to understand the information related to the decision?	Yes ☐	No ☐
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Details:

The person must be able to understand the relevant information that is given to them. The understanding doesn't need to be in depth, broad understanding is acceptable. The person needs to demonstrate that they can understand the key points relating to the decision. Ensure information is explained clearly, avoid the use of jargon. Ensure you allow the person time to absorb the information you have explained. Be prepared to try more than once, in a different way if the person does not understand.

You must include your evidence here to explain how you have reached your conclusion. You must state that your conclusion is your professional opinion and is made on the balance of probabilities

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Are they able to retain the information related to the decision?	Yes ☐	No ☐
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Details:

The person must retain the information. Ask them if they can recall what you have been discussing, and to demonstrate this by repeating back their understanding of the topic. The information only needs to be retained for long enough to make the decision in question.

You must include your evidence here to explain how you have reached your conclusion. You must state that your conclusion is your professional opinion and is made on the balance of probabilities

Are they able to use or weigh the information whilst making the decision?	Yes ☐	No ☐
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Details:

Discuss the different options available with the person. Are they able to identify consequences risks and benefits for each option? What are the pro's and cons? Consider foreseeable consequences, risks and benefits. For example, "Can you tell me something good about having someone help you to take your medication? Can you think of something that might happen if you had no one to help you take your medication?"

You must include your evidence here to explain how you have reached your conclusion. You must state that your conclusion is your professional opinion and is made on the balance of probabilities

Are they able to communicate their decision by any means? (e.g. use of pictures, gestures facial expressions, objects of reference, etc.)	Yes ☐	No ☐
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Details:

Can they communicate the decision? A person may be able to verbally or non-verbally communicate, and indicate their wishes or views. However, this question is not whether the person can give a view, but whether they can give a capacitated decision (they must be able to understand, retain and weigh up before they can give a capacitated decision).

You should record if the person has communicated a weigh or view even if it is not a capacitated decision – this information will be important when making a Best Interest decision.

If the answer is No to any of these questions, then the person has failed the functional test and the diagnostic test will need to be completed. If Yes to all the questions the assessment indicates the person has the mental capacity to make this decision and the assessment is complete.

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Is there an impairment of or disturbance in the functioning of the person's mind or brain?

Yes ☐ (Permanent impairment)	Yes ☐ (Fluctuating impairment)	Yes ☐ (Temporary impairment)	No ☐
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Details:

Does the person have an impairment of, or disturbance in the functioning of, the mind or brain (whether permanent or temporary)? Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to?

Can the person make the decision themselves?

Yes ☐ No ☐

Details:

*Determine whether the person can make the decision themselves.
a person lacks capacity in relation to a matter if at the material time they are unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.*

This can be broken down into three questions:

- 1. Is the person able to make the decision (with support if required)?*
- 2. If they cannot, is there an impairment or disturbance in the functioning of their mind or brain?*
- 3. Is the person's inability to make the decision because of the impairment or disturbance?*

Who was consulted about the assessment of capacity to make this decision? *(give names and roles; if LPA/Deputy has the paperwork been checked?)*

Details:

Does the person lack capacity to make this specific decision?

Details:

If you reach the conclusion that the person lacks capacity to make this specific decision you need to state it is your view that on the balance of probability the person lacks capacity to make the decision.

Can the decision be delayed because the person is likely to regain capacity in the near future?

Yes ☐	No – the person is not likely to regain capacity ☐	No – not appropriate to delay ☐
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Details:

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If the person lacks capacity, you will be making the decision for them in consultation with family / friends / other professionals, and by involving the individual as much as possible.

If you decide that the person cannot make the decision for themselves, **you should review this assessment along with the associated care plan(s)**, or if anyone raises concerns that the person's capacity may have changed.

Is this form being completed to meet the treatment requirements of section 58 of the Mental Health Act 1983 for a patient detained under the Mental Health Act 1983?	Y ☐ N ☐
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Assessor:		Role:	
Organisation:		Telephone no:	
Signature:		Electronic:	☐

Appendix 1:

The 5 Key Principles of the Mental Capacity Act 2005 have been summarised below:

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practicable (doable) steps to help them to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- Any action done or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- Before the action 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 persons rights and freedom of action.