

ROTHERHAM DONCASTER AND SOUTH HUMBER NHS FOUNDATION TRUST

Mental Capacity Act 2005

FORM MCA1 January 2014

Record of a Mental Capacity Assessment – For adults age 16 and over

A person must be assumed to have capacity unless it is established that they lack capacity to make a particular decision at the point in time the decision needs to be made.

A person's capacity must not be judged simply on the basis of their age, appearance, condition or an aspect of their behaviour. It is important to take all possible steps to try to help the person to make the decision themselves. **An assessment should only be triggered if you have 'reasonable belief' that the person may have difficulty making the decision.** However where there is an impairment of or a disturbance in the functioning of the person's mind or brain use of the Act should be considered.

Name of Relevant Person		Reference number	
Name of Decision maker carrying out the Assessment		Role	
Date assessment started		Team	

As Decision maker you are assessing the person mental capacity to make this particular decision at this particular time. **If there is more than one decision to be made they must be assessed and recorded separately.**

Clearly state the decision to be made:

Do you need to involve anyone to help you to communicate with the person? Do you need anyone else to provide information or give their opinion? Please give the name and status of anyone who assisted with this assessment:

Name	Status	Contact Details

STAGE 1 - DETERMINING IMPAIRMENT OR DISTURBANCE OF MIND OR BRAIN

The Act requires assessors to have "reasonable belief" that a person lacks capacity in relation to a decision. If there is an established diagnosis of mental illness, learning disability, or some other condition then it is sufficient to confirm "impairment or disturbance of the mind". You do not need to involve other professionals unless the assessment is complex, when they can be asked to assist or provide a diagnosis.

	Response		Evidence
	Yes	No	<i>If Yes record symptoms, behaviours and any relevant information</i>
Q1. Is there an impairment of, or disturbance in the functioning of the persons mind or brain? (e.g. symptoms of alcohol or drug use, delirium, concussion following head injury, conditions associated with some forms of mental illness, dementia, significant learning disability, long term effects of brain damage, confusion, drowsiness or loss of consciousness due to a physical or medical condition)	√		

If you have answered **YES** to Question 1, **PROCEED TO STAGE 2**

If you have answered **NO** to Question 1, there is no such impairment or disturbance and thus **THE PERSON DOES NOT LACK CAPACITY** within the meaning of the Mental Capacity Act 2005

Sign/date this form, record the outcome within the person's case records. **DO NOT PROCEED ANY FURTHER.**

STAGE 2 - ASSESSMENT

Having determined impairment or disturbance (Stage 1) and given consideration to the ease, location and timing; relevance of information communicated; the communication method used; and others involvement, you now need to complete your assessment and form your opinion as to whether the impairment or disturbance is sufficient that the person lacks the capacity to make this particular decision at this moment in time. **You must ensure that the information has been provided in a way that the person is able to understand?**

	Response		<i>You must provide evidence of the steps you have taken as to how you came to your opinion</i>
	Yes	No	
Q2. Is the person able to understand the information relevant to the decision to be made? Do they understand the nature and effect of the decision and the reason why it is needed? Are they able to understand the consequences of making or not making the decision?			
Q3. Is the person is able to retain the information for long enough to make an effective decision? People who can only retain the information for a short time must not be presumed to lack the capacity to decide - it depends on the importance of the decision to be made			
Q4. Is the person is able to use or weigh up the information to arrive at a decision? Sometimes people can understand information but impairment can and stop them using it.			
Q5. Is the person able to communicate their decision? All steps must be taken to aid communication.			

If you have answered **YES** consistently to Q2 to Q5, the person is considered on the balance of probability, **to HAVE the mental capacity to make this particular decision at this point in time.**

Sign/date this form and record the outcome within the person's case records.

DO NOT PROCEED TO MAKE A BEST INTERESTS DECISION

If you have answered **NO** to any of the questions, proceed to **Q6.**

<i>Please provide details of the outcome of your assessment</i>	
Q6. Overall, do you consider on the balance of probability , that there is sufficient evidence to indicate that the person lacks the capacity to make this particular decision at this point in time?	

Signature		Date assessment completed	
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If the person is unable to make the decision themselves, is there someone with a Registered EPA, LPA or a Court appointed Deputy, with powers to make the decision which needs to be made?

If Yes: - **They make the decision.** Record their details on Appendix 1. Authorised decision makers will only be able to make decisions on matters covered by their EPA, LPA or Court order, **although they should still be consulted when a best interest decision on other matters needs to be made.**

If No: - **You are able to proceed to make Best Interests decision on their behalf but should consider at this stage whether or not an Independent Mental Capacity Advocate (IMCA) needs to be appointed.**