

MENTAL CAPACITY ACT 2005

CAPACITY ASSESSMENT GUIDANCE NOTES

Date: January 2015

Please read these guidance notes carefully before undertaking a capacity assessment.

1. Preface

A Capacity Assessment is CONFIDENTIAL and the completed form must not be circulated generally.

The young person, their parent/carer, and the person who needed the decision to be made should be provided with a copy of the completed form. The assessor will need to keep a copy on file.

2. Introduction

This form sets out the process to follow to undertake a capacity assessment when a significant decision is needed and there is a concern that the young person may not be able to make it.

The capacity assessment form should be used to record the assessment. It should be completed by the relevant person (the assessor). Who the assessor is will depend on the nature of the decision. It is important that the assessor is identified when it is known that the young person will need to make the specific decision. It is also important, if the young person lacks capacity, that the assessor knows who will make the decision on behalf of the young person. Generally this will be the young person's parents or carer.

3. A Two Stage Assessment

A capacity assessment has two stages, each of which must be completed. Stage 1 determines whether a capacity assessment is required for this decision. Stage 2 is the completion of the assessment using the four key questions.

4. Stage 1

Stage 1 has two steps, which must both be completed. This determines whether a capacity assessment is required for this decision.

STEP 2:

Does the impairment or disturbance mean that the young person is unable to make a specific decision when they need to?

STEP 1:

Does the young person have an impairment of, or a disturbance in the functioning of, their mind or brain?

5. Stage 1 – Step 1

Does the young person have an impairment of, or a disturbance in the functioning of, their mind or brain?

Does the young person have a learning difficulty or difficulties with their emotional well-being or mental health issues?

- Learning difficulty refers to a significantly reduced ability to understand new or complex information, or to learn new skills. This is likely to have affected other aspects of development such as independence.
- Emotional wellbeing or mental health issues relate to:
 - Anxiety, depression, phobias, obsessive-compulsive disorder
 - Autism
 - ADHD
 - Attachment disorder
 - Eating disorders
 - Psychotic disorders e.g. bipolar disorder
 - Mental and behavioural disorders caused by psychoactive substances

6. Stage 1 – Step 2

Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to?

Does the young person's learning difficulty or emotional well-being difficulties or mental health issues, mean they are unable to make this decision when they need to?

7. Is a capacity assessment required for this decision?

If the answer to Stage 1 - Step 1 is No, or the answer to Stage 1 – Step 2 is No, then the young person has capacity and no further action is needed.

If the answer to Stage 1 - Step 2 is Not Sure or Yes, then a capacity assessment with the four key questions is required for this decision.

The truth table below shows the four possible outcomes of Stage 1:

Step 1 No	Step 2 Yes	Step 1 Yes	Step 2 Not sure	Step 1 Yes	Step 2 Yes
Young person has capacity	Young person has capacity	A capacity assessment will gather the information needed to answer the question	Young person may lack the capacity to make this decision and a capacity assessment is required for this decision		

8. Stage 2: Capacity Assessment using the Four Key Questions

1. Can the young person understand the information relevant to the decision, including understanding the likely consequences of not making the decision?
2. Can they retain the information long enough to make the decision?
3. Can they use and weigh the information to arrive at a choice?
4. Can they communicate their decision in any way?

If the answer to any of the four key questions is No then the young person lacks capacity. Capacity is Yes or No; there is no such thing as partial capacity.

--End of document--