

Appendix 2

CAPACITY ASSESSMENT AND 'BEST INTERESTS' RECORD

The **Mental Capacity Act 2005 (MCA)** assumes that persons can and will make decisions about their own lives and have the capacity to do so. Where there may be doubt, consider whether there is **an impairment, or disturbance in the functioning of the person's mind or brain**. If there is **no such impairment or disturbance**, then, the person has capacity as defined by the Mental Capacity Act 2005.

Name	
Address	
Date of Birth	

Decision to be made:.....

Persons consulted:

Name	Role: (e.g. relative, attorney – specify welfare and/or property)

Where did the assessment of capacity take place (e.g. at the person's own home, in a hospital ward):.....

When did the assessment take place? (date/time).....

Persons present during the assessment:.....

1. Decision regarding capacity in relation to the decision outlined above only. **Does the person have an impairment of the mind or brain, or is there some sort of disturbance affecting the way their mind or brain works?** (It doesn't matter whether the impairment or disturbance is temporary or permanent.) Provide evidence.

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2. Does the impairment or disturbance mean that the person is unable to make the particular decision detailed above at this time?

The MCA says a person is unable to make a particular decision if they cannot do one or more of the following four things (Please tick the appropriate box):

Question	Yes []	No []
Does the individual understand the information relevant to the decision? [Explain and record evidence].		
Question	Yes []	No []
Can the individual retain the information for long enough to enable him/her to make the decision? [Record evidence].		
Question	Yes []	No []
Can the individual use or weigh up that information as part of the process of making the decision? [Record the basis for your decision].		
Question	Yes []	No []
Can the individual communicate the decision effectively? [Record how the decision was communicated].		

Outcome of the assessment, in relation to the decision above

On the balance of probabilities, there is a reasonable belief that:

The person [has/ has not] got capacity in relation to this decision.

2. Details of Assessor

Assessor:	
Role in agency	
Agency	
Assessor's Signature	
Date of Assessment	

3. 'Best Interests' - Factors to be considered

If the outcome of the assessment indicates that the individual lacks capacity to make this particular decision at this time, consider the following before making a decision in the person's best interests:

Could the person have capacity in the future and can the decision wait till then?

Should an IMCA be instructed (i.e. is the person unbefriended: and lacking capacity, and does the decision involve either serious medical treatment or long term care and health moves (more than 28 days in hospital /8 weeks in a care home)?

An IMCA **may** also be instructed to support someone who lacks capacity to make decisions concerning adult protection cases, (whether or not family, friends or others are involved). **or** care reviews, where there are no appropriate family or friends to represent the individual.

If yes, follow the guidance on referral to the IMCA service.

Date IMCA requested: .../.../..... Name of IMCA:

Has the individual made a valid and applicable Advance Decision that applies to the decision above? If yes, please provide details.	
Has the individual made any other statement, written or verbal, in relation to the decision above when they had capacity? If yes, please provide details.	
Who needs to be consulted in relation to this decision and what is their relationship to the person? (e.g. relative, carer, attorney – specify type)	
Specify the outcome of the consultation with each individual named above.	

4. Details of 'Best Interests' Consultation

What are the issues which matter most to the person who lacks capacity?	
Record their past and present wishes, feelings and concerns in relation to this decision.	
What are the person's values and beliefs (e.g. religious, cultural, moral) in relation to this decision?	
Are there any other "relevant circumstances" that should be taken into account in this case?	

List the possible alternatives considered. Which is the 'least restrictive' option and Why?

Options	Best interest Y/N	Reasons (Please outline the rationale and how the best interest decision has taken into consideration the 'least restrictive' option)

Please highlight any particular issues that should be addressed in future review(s).

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