

TOOL TO ASSESS WHETHER AN INDIVIDUAL LACKS MENTAL CAPACITY

Specify decision in question:		
Assessment questions		NO
1. Is there an impairment or disturbance in the functioning of mind or brain? (permanents or temporary).	YES impairment is present record symptoms/behaviours, any relevant diagnosis.	NO impairment is not present, record evidence. If NO the person is deemed capable - assessment is ended.
2. If yes:		
a) With all possible help given is the person able to understand the information relevant to the decision eg. What is your understanding of the decision in question? Can you tell me why you think the decision needs to be made? What do you think the consequences of your decision will be? or	YES - able to understand info. Record views/evidence to show they understood it.	NO - unable to understand info. Record steps taken to explain info and views/evidence why they did not understand it.
b) Are they able to retain the information long enough to make the decision? or	YES -able to retain info, record evidence.	NO - unable to retain information, record any help given and evidence.
c) Are they able to weigh the information as part of the decision making process? Are they unable to understand the consequences of making or not making the decision? or	YES - able to weigh information, record evidence.	NO - unable to weigh info record evidence.
d) Are they able to communicate the decision?	YES - able to communicate, record evidence.	NO - unable to communicate, record evidence.
Conclusion - If the answer to 1. is YES and the answer to any of 2. a) - d) is NO then the person lacks capacity under the Mental Capacity Act 2005.	FLUCTUATING CAPACITY: Always consider whether the person has fluctuating capacity and whether the decision can wait until capacity returns. If this is the case, explain and enter reassessment date in outcome below.	
	Outcome:	
	Assessor:	

BEST INTERESTS CONSULTATION - SERVICE USER

Consultation with the person lacking capacity	Supporting evidence (record here or note here where the information is recorded on their case file/ SWIFT etc)
What are the issues that are most relevant to the person who lacks capacity?	
Specify their past and present wishes, feelings and concerns in relation to this decision.	
What are the person's values and beliefs (eg. religious, cultural, moral) in relation to this decision?	
Does the person have any previously held instructions (eg. Advance Decisions) relevant to this decision? Give details	
Are there any other "relevant circumstances" that should be taken into account in this case?	

BEST INTERESTS CONSULTATION - RELEVANT PARTIES

Person(s) being consulted:

Name (list)	Role
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.....
.....
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Questions	Views
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<p>1. What do you consider to be in the person's best interests on the matter in question? (list names, with views opposite)</p>	
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<p>2. Do you have any information about the person's wishes, feelings, values or beliefs in relation to this matter? (list names, with views opposite)</p>	
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BEST INTERESTS - REACHING A DECISION

NB. Ensure you do not make assumptions about what is in a person's best interests based on their age, appearance, condition or behaviour. (principle of equal consideration - section 4(1))
Ensure that you have carried out any necessary risk assessment and that this is reflected in the best interests option chosen.
Ensure that wherever possible a less restrictive option is chosen, whilst still representing best interests.

Specify the different options that are being considered	Is this in the person's best interests - Y/N	Reasons
1.		
2.		
3.		
<p>If your final decision is at odds with anybody who was consulted please highlight the reasons for your decision</p>		

Decision maker: **Date:**

Manager: **Date:**