**Guidance on Care and Support Plan Recording**

**Mental Capacity**

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| Capacity | Lacks Capacity | Fluctuating Capacity |
| * A service user with capacity should decide the content of their care plan.
* Should be written in the first person.
* Person should sign to indicate consent to actions and involvement.
* Two stage tests **may** be used and evidenced where a person’s capacity was in question/in doubt.
 | * Written in the 3rd Person; only indicators of ‘preference’ can be written in the first person e.g. the person may not be able to make the decision about their personal care but may be able to state a preference about products to be used, such as a particular shampoo.
* Evidence of use of the two stage test.
* Their signature is not appropriate and recording should indicate they lack capacity to consent.
* Relatives can sign to say they have been **consulted** but cannot consent unless they have the legal power to do so.
* The decision maker should record their name, date completed and their signature to verify their belief that the care proposed is the person’s best interests.
 | * Discuss with the person at the times when they have capacity in order to help plan and prepare best interests decision making at the times they lack capacity.
* Encourage involvement of the person in constructing a care plan that reflects actions that are consented to (when they have capacity) and indications of preferences and wishes (for when they lack capacity). This will inform best interest’s decision making when they lack capacity.
* Always consider whether the decision can wait until the person is able to make the decision themselves.
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