

Record of mental capacity assessment

Use this example to support you to record your mental capacity assessments. Ensure that you keep your records in your client files or record-keeping systems.

Name of the adult being assessed:

Date of birth:

Today's date:

System reference:

Current address:

Your name and role:

Name and role of any person assisting:

Details of the specific decision to be made:

Details of the concerns surrounding the adult's mental capacity to make this decision:

Details of any information relevant to this decision:

What steps have you taken to help the person make the decision themselves, and why did these not succeed?

The mental capacity 'test'

1. Is the adult unable to make the decision in question, at the time it needs to be made?

Confirm if the adult is able to make the decision and note on what basis you have reached this decision (i.e. the evidence for this).

2. Does the adult have an impairment of the mind or brain or is there some sort of disturbance affecting the way their mind or brain works?

If there is an impairment or disturbance, note what this is.

3. Is the adult's inability to make the specified decision as a result of the identified impairment or disturbance?

If the answer is yes, notes any details about the impairment or disturbance which impacts on the adult's ability to make the specified decision.

If the answer to all three questions is 'yes', then the adult will lack capacity to make the specified decision. To assist you in making this decision, you should consider the following four-stage test.

If you answer 'No' for any question below, give details of what the person could not do in relation to one or more of the four questions and explain what practicable steps were taken to overcome the problem.

If you answer 'Yes' for any question below, please detail what the person understood and how this was indicated, how retention of the information was shown, evidence of using or weighing the information (what the person said or did), and how the decision was communicated.

Failure on any one question below means the person lacks capacity at this time to the decision asked of them.

The four-stage test

1. Does the adult understand the decision that needs to be made, and why?

Note the information you shared about the decision to be made, including the consequences of the decision and the adult's exact words and/or responses (e.g. movement, pictures used etc).

2. Can they use and weigh up the relevant information?

Note the adult's exact words and/or responses (e.g. movement, pictures used etc) to evidence how they can or cannot weigh up the information relevant to the decision.

3. Can they retain the relevant information long enough to make a decision?

Note your judgment on this based on the adult's ability, or not, to remember the information discussed and their decision.

4. Can they communicate their decision in any way to you?

If they can, please describe how they communicated. If they cannot, please explain how you found them to be, what they were doing and/or saying.