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###### Understanding You

###### N1: Assessment of Mental Capacity

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| **This form is to be used to record assessments of capacity where a significant decision is required and there is a concern that the person may not be able to make it themselves. It can be completed by any professional involved in the decision-making process, not necessarily the decision-maker.**  The assessor can seek the views of others who know the person to help them (see MCA Code of Practice 4.51 – 4.54). Referrals to specialist mental health or learning disability professionals may be needed in some particularly complex cases but it is expected that social care staff will have the necessary skills to be able to make mental capacity assessments in most situations. Where a referral for specialist advice is thought to be necessary, the request must make it clear that the decision maker is not asking for a formal mental capacity assessment but rather for assistance in reaching their own conclusions.  The main exception to this principle is where the mental capacity assessment is likely to be subject to legal scrutiny, for example, as evidence relating to a Court of Protection application. In these cases the Court will expect to see a formal mental capacity assessment that has been undertaken by a psychiatrist.  The capacity assessment has two components:   1. Functional test = are they practically able to make this decision? If not, 2. Impairment test = what is the cause of the inability to make this decision? |

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| **Person this decision is about** | | | | | |
| Last name | H | | First name | Peter | |
| AIS number |  | NHS number |  | RIO number |  |
| Date filled in | 19/11/19 | Location of mental capacity assessment | | Peter’s room at Rosary nursing home | |

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| **Mental capacity assessor details** | | | | |
| Name | Click here to enter text. | Job title | |  |
| Profession | Social Worker | | | |
| Organisation and address |  | Phone number | | 07811 312224 |
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| **Decision required** (Please be as specific as possible) | | | | |
| Does Peter have capacity to manage his finances? Specifically to manage his income and outgoings. | | | | |
| When does the decision need to be made? | | | | |
| As soon as possible as there are concerns about financial abuse and this capacity assessment will help in making decisions for a protection plan. | | | | |
| Who is concerned that this person may lack capacity to make the above decision? | | | | |
| Marie, manager of The Ferns nursing home. | | | | |
| What is the reason for their concern? | | | | |
| Marie is aware of the safeguarding concerns and believes that Peter does not have capacity to make decisions about his finances, based on what she knows of Peter. | | | | |
| Has the person given consent for this assessment to take place? | | | Yes | |

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| **The assessment** | | | | |
| **Section 1**: The four stage functional test | | | | |
| 1.1 | **Does the person understand the relevant information about the decision to be made?** | | | No |
| What is the information the person needs to understand to make this decision? | | | |
| * In order to be able to manage his finances, Peter has to know what his income is, what his outgoings are and the cost of day to day living. | | | |
| How was the information communicated to them?  (for example, use of sign language or an interpreter, printed documents including pictures, easy read, large print or Braille formats) | | | |
| * I had a face to face conversation with Peter. He did not need any additional communication aids. | | | |
| What is the evidence that they do or do not understand this information? | | | |
| * Peter does not know where his money comes from. He told me ‘I don’t take any fascination in all that’. * He believes that he is still working and currently working at the Rosary and that this is the source of his income. He told me ‘I’m working now, like a robot. I’m enjoying it and getting on with the people I work with’. * He could not tell me how much he gets paid or how much he would consider to be a fair wage for the work that he believes he is doing. Peter told me ‘I wouldn’t have a clue’. * I asked Peter where he lives and he told me that he lives at the Rosary (he just said ‘here’). I asked how much it costs to live there and he said he doesn’t know. I asked what would be a fair price to pay for rent and he said he doesn’t know. He told me he doesn’t care how much it costs ‘as long as I’ve got the money to be able to pay the rent’. He said ‘I wouldn’t give a damn’ how much it costs. * I asked Peter how he pays the rent to live there and he said he didn’t know but thinks ‘some other facility pays it’. * Peter told me that he is ‘very fortunate’ as other people do a lot for him including making sure that he is paid and that everything is paid for him. * I asked about paying bills – whether he has any bills and if so, how does he pay them? Peter told me ‘it’s all automatic’ and said ‘I wouldn’t know if the clock was ticking’. * I asked Peter what he does if he wants to spend some money. He told me ‘I’d be ok’ but couldn’t say how he would get to his money or what he might like to spend money on. He said that in the past he spent all of his money ‘on machines’, i.e. motorbikes. * I asked Peter how he feels about his money and how it is currently being managed/ looked after. He told me ‘I’d be damned if I know where my money goes’ and ‘I could be getting screwed to the floor’. * I asked Peter if he worries about his money or getting ripped off and he said ‘I don’t think much about it. As long as my bills are paid and I’m eating’. * I asked Peter how much money he spends apart from his bills and he said ‘I don’t know’. He then went on to say ‘I’m just a hell raiser and highly intelligent. I like to live’. * Peter told me that he had a ‘very good friend who did my finances’. He couldn’t remember his name but did say ‘yes’ when I asked if it was Chris. Peter said that Chris ‘was brilliant’ and he trusts him, though hasn’t seen him for a while. * Peter could not remember if Chris or anyone else has access to his bank account. * When I told Peter that Chris is a named party on his bank account and that he has a card, Peter was surprised. He said ‘so everyone else has one and I haven’t? That’s nice’. * I asked Peter if he has a pension but he didn’t know. I asked how much he thinks a pension would be, but he didn’t know. * Peter told me that he thinks it would be sensible to look after his finances, but he has never been a very organised person. He said ‘I might think of something that needs doing and then, you know, 20 years later I’ll get round to it’. Peter seems to have a very relaxed attitude and good sense of humour. * I asked Peter if he goes shopping and whether he likes it. He told me that ‘the people here do that’. I asked him how much things would cost him if he did go shopping, for example if he needed some milk or bread or some new clothes, how much would he pay? He said he didn’t know and he is ‘out of touch’ with prices. * I asked Peter if he has a bank account, which he said ‘yes’ but he could not tell me who he banks with.   Peter does not know what his income is (pension), how much it is, how often it is paid and where it is paid to. He believes that he is still working though couldn’t tell me how much he thinks he is paid to work. Peter knows that he has to pay for rent and food but could not tell me how much these things cost. | | | |
| 1.2 | **Can the person retain the relevant information for long enough to think about and make the decision?**  (Aids to memory can be used such as a notebook, photograph, video recording, voice recording, written document, computer) This question is not about their memory in general, just in relation to the information for this decision. | | | No |
| What is the evidence that they can or cannot retain the relevant information? | | | |
| * Peter cannot remember key details of his financial affairs in order to make decisions about how they are managed. * When I repeated several issues during the conversation Peter did not remember that we had already discussed them. | | | |
| 1.3 | **Can the person use or weigh the information as part of the decision making process?**   * Evaluate the information by weighing up the likely consequences of the choices available * Use the information to make a decision * Decide without undue influence, persuasion or to please another | | | No |
| What is the evidence that they can or cannot use or weigh the relevant information? | | | |
| * Peter cannot use the relevant information to make decisions about his finances due to his lack of understanding about his finances. * Generally, Peter cannot make decisions about how to spend his money and ensuring bills are paid because due to his dementia related memory problems he does not know what his income and outgoings are. * Peter does understand that it is ‘sensible’ to look after your finances and that he does not want to go into bankruptcy, though he would not be able to take actions himself to ensure that this doesn’t happen. I believe this is because he has dementia and this affects his memory and cognitive functioning. | | | |
| 1.4 | **Can the person communicate their decision by any means?** | | | Yes |
| What is the evidence that they can or cannot communicate their decision? | | | |
| Peter is able to communicate well verbally and does not require any additional support, though you do need to take into consideration the fact that Peter has dementia and things that he says may not be factually correct, i.e. that he is working at the Rosary.  Peter is able to give his views and was able to tell me that he thinks it is ‘sensible to look after your finances’. He also told me ‘I don’t want to go into bankruptcy’. | | | |
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| **Additional information** | | | | |
| **Give details of any additional actions taken to enhance the person’s ability to participate in the decision-making process** | | | | |
| None required | | | | |
| **Give details of any specialist opinions sought in making this assessment**  (for example, from a psychiatrist or other mental health practitioner, a psychologist, a speech and language therapist). Please attach any relevant documents. | | | | |
| None required | | | | |
| **If the answer to any of the questions in 1.1 – 1.4 is ‘No’ this means the person is regarded as functionally unable to make the decision and you should proceed to the second stage of the assessment below.** | | | | |
| **Section 2**: **The impairment test** | | | | |
| 2.1 | **Does the person have an impairment of, or a disturbance in, the functioning of their mind or brain?** | | | Yes |
| If yes, what is the evidence for this impairment of disturbance? Do they have a diagnosed condition such as a learning disability or dementia? | | | |
| Diagnosis of dementia. | | | |
| The impairment or disturbance is: | Permanent | Please comment: | |
| Dementia is a permanent impairment. | | | |
| 2.2 | **Is this impairment or disturbance the likely cause of their inability to make this decision?** | | | Yes |
| What is the evidence for this? | | | |
| Dementia affects a person’s memory and cognitive ability. | | | |
| **If their inability to make the decision is probably caused by the impairment or disturbance identified in 2.1 this meets the MCA definition of lacking mental capacity and the decision-maker should proceed to make a best interests decision by consultation with the people who have an interest in their welfare. Please see the appropriate guidance for making and recording best interests decisions.** | | | | |
| If their inability to make this decision is probably caused by some other factor they will not be regarded as lacking mental capacity under the Mental Capacity Act and a best interests decision **cannot** be made.  Please describe what you believe to be the cause of the inability to make this decision. | | | | |
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| **This form should be stored in the person’s electronic social care records** | | | | |