

Mental Capacity Act (MCA) Assessment

*This tool should be used when there is a **concern about capacity** regarding the specific decision.*

A mental capacity assessment is a dynamic process of providing the relevant information to the person and then asking the person questions to assess their ability to understand, retain, use, or weigh that information, and communicate their decision. It may be necessary to provide the relevant information more than once and in different formats. For example, if a person does not understand something the first time, it would be appropriate to explain it in a different way using a different method. Due to the complexity of self-neglect, the mental capacity assessment may need to be carried out over several visits.

It is fundamental to the assessment process that the vulnerable adult is informed of the purpose of the assessment. This involves explaining to the person the reasons why the assessment is being carried out and that you have a duty to ensure that they are making informed decisions about their lifestyle/refusal of services.

The five principles of the MCA (2005).

1. "A person must be assumed to have capacity unless it is established that they lack capacity." (presumption of capacity)
2. "A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success." (help the person to make the decision)
3. "A person is not to be treated as unable to make a decision merely because they make an unwise decision." (unwise decisions)
4. "An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, **in his best interests**." (best interests)
5. "Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is **less restrictive** of the person's rights and freedom of action." (less restrictive option)

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- a) **what has led to this Mental Capacity Act assessment taking place at this time**
(why capacity is being considered)
- b) **What is the decision to be made?** *(What is the decision that the person should be trying to make?)*
- c) **What is/ are the proposed intervention(s) / action(s) to take to reduce the risk of harm?** *(This may include providing appropriate shelter, provision of a package of care to support the person with personal care, nutrition and hydration and their physical health needs).*
- d) **Referring to section c - what are the reasonably foreseeable consequences for the client of deciding one way or another, or failing to make the decision?**

- e) **The following practicable steps have been taken to enable and support the person to participate in the decision-making process**
(e.g. interpreter, easy read document for SWEP beds)

PROMPTS TO CONSIDER

Since self-neglect encompasses such a wide range of behaviours, the relevant information that a person needs to understand, retain, and use or weigh, will vary from case to case.

However, it is likely to include:

- **The nature or character of their self-neglect** e.g., whether it manifests as lack of self-care (neglect of personal hygiene, nutrition, and hydration and/or health) and/or lack of care of one's environment.
- **For neglect of self-care, the risks are likely to include:**
 - The risk of infection
 - The risk of pressure ulcers
 - The risk of malnutrition/dehydration
 - hypothermia / freezing
 - Hospital admission
 - Deteriorating physical health and death.

The recording of the conclusion reached as to whether the person had capacity.

Is the person able to understand the information about the decision to be made?

Do they understand the nature of the decision? The reason why the decision is needed? The likely effects of deciding one way or another, or making no decision at all?

Yes, give details

No, give details

Is the person able to retain the information relevant to the decision?

"Retaining" should be cited only in relation to the ability to remember relevant information.

Yes, give details

No, give details

Is the person able to use or weigh up the relevant information as part of the decision-making process?

"To think through decisions non-impulsively" and "to give coherent reasons"

Yes, give details

No, give details

Is the person able to communicate their decision by any means?

Yes, give details

No, give details

Advice if a person is uncommunicative. <ul style="list-style-type: none"> Your lack of response to my questions, is leading me to be concerned for your welfare and believe you many need medical attention, so I'm considering calling an ambulance. Can I ask you the questions again? 	
Is the person's inability to make the decision because of the identified impairment or disturbance in, the function of the mind or brain? Explain the rationale. <i>(The inability to make the decision is because of an impairment of, or a disturbance in, the functioning of the mind or brain (causative nexus)</i> A formal diagnosis is not required, it can include medical conditions causing confusion, drowsiness, concussion, and the symptoms of drug or alcohol abuse.	
Yes, give details	No, give details
In my opinion the person HAS capacity to make this specific decision <i>"I have a reasonable belief that this person has capacity (or lacks capacity) at the moment to make this particular decision ...". (Remember that if there is evidence the person cannot do any one of these things then they must be found to lack capacity about that decision - for example, often a person may be able to understand but cannot retain or use the information).</i>	
Yes, give details - DO NOT PROCEED TO MAKE A BEST INTERESTS DECISION	No, give details
Assessor's name and role: Signed Date:	
BEST INTERESTS DECISION <i>Principle 4 of the MCA Code of Practice states: "An act done, or decision made, under this Act for or on behalf of someone who lacks capacity must be done, or made, in his best interests."</i>	
All staff can carry out capacity assessments providing you are legally compliant. If you have a reasonable belief that the person lacks capacity, a Best Interests Decision will need to be made. You should discuss with your Team Manager or refer the situation to the responsible body (Adult Social Care or NHS). There are many different outcomes that may arise out of a Best Interest Decision depending on the question, the options and what those who contribute to the decision think is best.	
WCC appreciate the emotional burden on outreach teams supporting rough sleepers, wanting to ensure all viable avenues are pursued to prevent loss of life. WCC Housing Needs are committed to supporting teams by reviewing every case of this nature with cross-departmental input, including ASC and safeguarding. Please return this template for review and feedback.	