

# PREPARING TO COMPLETE AN ASSESSMENT UNDER THE MENTAL CAPACITY ACT 2005

## Reason for the assessment

- The MCA Code of Practice is clear – we assume capacity unless there is doubt otherwise.
- The only legitimate reason for undertaking an assessment is when doubt arises about a person's capacity either from your observations or from someone else, and when support to help the person to make the decision is not successful.
- If you decide not to complete an assessment and there are concerns, your rationale should be clear and well recorded.

## Preparing for an assessment

- Before an assessment is started, it is vital to prepare. Good preparation for an assessment will make the assessment easier for the person and for you as the assessor.
- What do you know about the person and their background? Who is best to support them?
- What adaptations/reasonable adjustments do they need (communication/sensory/environment)?

## What is the decision?

- Check – is there actually a decision to make?
- Capacity must always be considered in a time and decision specific manner.
- The decision should be accurately described. This allows you, as the assessor, to consider what is needed by the person, and what questions you wish to ask.
- Avoid multiple decisions in one assessment. This creates confusion for the person and the assessor.

## Threshold for understanding

- It is important to consider, as the assessor, what you want the person to understand, retain, weigh up and use, to demonstrate capacity. The following 4 principles from Tim Farmer are useful when thinking about a threshold of understanding:
- CONCEPT – what concepts does the person need to understand e.g. what is support (using their language), elements of care (eating, drinking, personal care, medication)
- MECHANICS – how does the intervention occur (how would the person receive their care)
- SHORT TERM RISKS/BENEFITS – What are the short-term risks/benefits of the decision?
- LONG TERM RISKS/BENEFITS – What are the long-term risks/benefits of the situation?

## Preparing your questions

- What questions do you want to ask the person?
- Are there any frequently asked questions for this decision? [Relevant information - 39 Essex Chambers](#)
- It is important to record these, so if a re-assessment is needed, the new assessor knows what has been asked.

## Support to maximise autonomy

- Has the person received the relevant information in a format they use? Remember the Accessible Information Standard 2016 requires us to ask people how they require their information.
- Do they need any reasonable adjustments? Has the person's communication needs been considered and information adapted appropriately? Do they wear glasses/hearing aids? Are they clean and in working order?
- Is the time and day right for the person?
- Is the environment right for the person? (appropriate lighting/comfort)
- Would they feel more comfortable with a familiar person in the room with them?
- Have you shared what this process looks like for them? Do they know what will be happening and why?