

Afterwards....

Where is your recorded evidence to support conclusions reached?

For example:

“During the assessment I was able/ unable to prove that (person’s name) understood... retained...was able to use the information... could communicate.”

- Write down the person’s responses as evidence
- Support conclusions with evidence in documentation written at the time



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MCA guidance 1/3

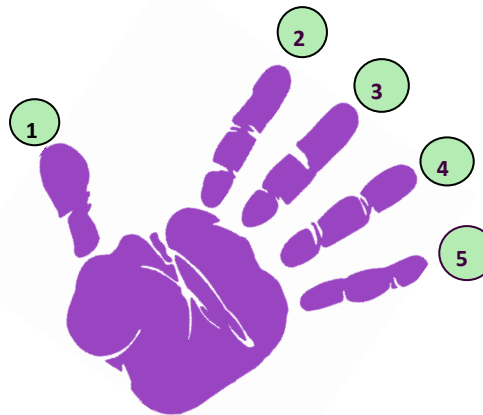
This leaflet contains brief guidance on best practice. For detail, further explanation with evidence and relevant Case Law, Please refer to further guidance:

2/3 - Assessing Mental Capacity

3/3 - Additional information

All of these guidance notes can be found at:

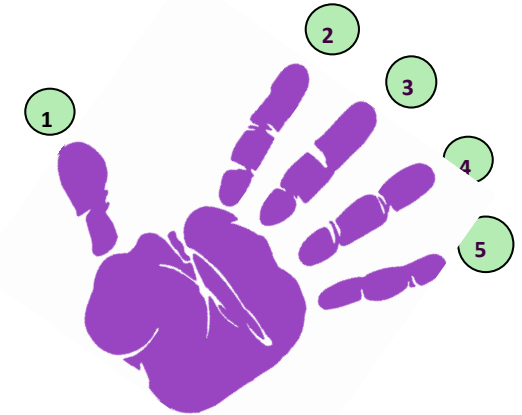
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Supported Decision Making & Good Practice in Assessing Mental Capacity



1. A presumption of capacity - start by thinking I can make a decision
2. The person is supported to make their own decisions - do all you can to help me make that decision
3. Unwise decisions - you must not say I lack capacity just because my decision seems unwise
4. Best Interests - use a best interests checklist for me if I can't make the decision
5. Least restrictive option - check the decision made does not stop my freedom more than needed



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Before meeting the person

Don't forget

.....in preparation to support and assess, consider the following:

- What has prompted this assessment?
Be clear about the decision in question
- Have concerns been raised?
- Does the person know of these concerns?
- What has the person already been told?
- What does the person need to know in order to be able to make the decision for themselves?
- Who have you already gathered information from, what is the relevance of this?
- When is the person at their best, for example, time of day and what might help them to communicate with you?
- What communication tools/resources have you considered?

During the conversation.....

verbal or otherwise

When speaking with the person give them time and be patient....

- Does the person know why you are there? Tell them
- Check out at the start what the person already knows
- Give information to them that they need in order to make the decision – tell them what you have gathered and what options are available to them
- Following this you can assess whether they can retain that information, for example, you could say;

'This is what I know... ..this is why...'

- Asking who, what, where, when, very often checks for knowledge, not understanding

...this could be seen as a test and not helpful if you want the person to engage with you

...avoid jargon and speak plainly

Don't forget

- To gain further detail and extend response use open questions to find out more about a person's weighing up of the information
- Listen to the person– can you show that they understand?
- Is what they communicate appropriate to the question?
- Probe to elicit more information but remember this is a conversation not an interrogation
- Prompt where necessary
- Ask the person for their opinion

For example, you could say;

Can you tell me?

Explain what you mean

Has that been explained to you?

Why do you think that?

Can we go through that again?

Can you tell me what you understand that to mean?