

## 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



## MCA guidance 1/3

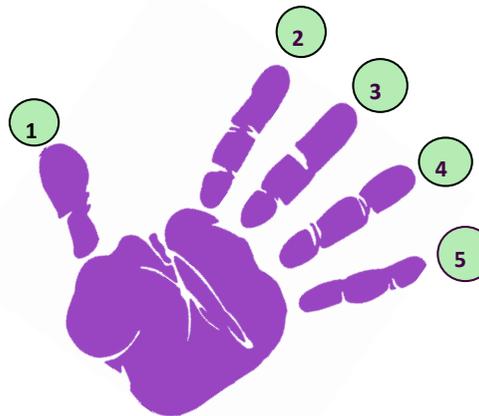
This leaflet contains brief guidance on best practice. For detail, further explanation with evidence and relevant Case Law, Please refer to further guidance:

2/3 - Assessing Mental Capacity

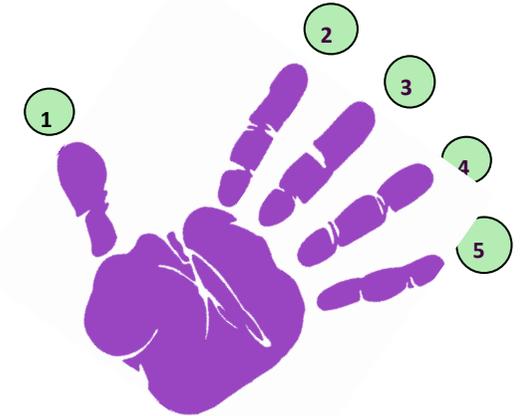
3/3 - Additional information

All of these guidance notes can be found at:

[www.ssaspb.org.uk](http://www.ssaspb.org.uk)



## 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

## 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?**