

## Mental Capacity Assessment: Standard

[www.mental-capacity.co.uk](http://www.mental-capacity.co.uk)

This assessment is in accordance with The Mental Capacity Act (2005)

Prior to taking the Assessment, I have reviewed the five principles of the Mental Capacity Act (2005);

- 1) A presumption of capacity has been held, acknowledging a medical diagnosis or disability does not lead to the assumption of lacking capacity.
- 2) The Individual has been provided with all reasonable adjustments to support their own decision making,
- 3) The Individual has a right to make an unwise decision,
- 4) If lacking capacity, the decision maker for the individual will act in their Best Interest,
- 5) If lacking capacity, the decision maker for the individual will ensure the least restrictive option

Based on these core principles, there must be reasonable grounds to complete this assessment. Either there is doubt that the individual has capacity to make a specific decision, or to safeguard their right to make a particular decision that may be contested.

**Name of Assessor:** Susan Ross

**Signature:**

**Date:** 20.09.2021

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**Date of Assessment:** 20.09.2021

**Time of assessment:** 10:00

**Assessor name and role:** Susan Ross

**Name of individual being assessed and address;** Jacob Aberton, Kirby Residential Home

**D.O.B.:** 15.06.1974

**NHS number:** 441 390 7610

**Specific Decision being addressed:** Use of a lap strap.

**How has the individual been supported?**

Staff have spoken with Jacob in a quiet environment without disruption.

## Mental Capacity Assessment – Two Stage Test

**Can the individual understand information surrounding the specific decision?  
Please give examples.**

Jacob does not understand his daily needs and support; Jacob is helped with all aspects of his care from personal care to meals and community access. Jacob has a short attention span and was not keen to speak about the use of his lap strap for long.

**Can the individual retain information surrounding the specific decision?  
Please give examples.**

Jacob's focus is generally low, needing staff support to manage his daily routines. Jacob is not able to recall information able when to take medication or his appointments.

**Can the individual weigh up information surrounding the specific decision?  
Please give examples.**

Jacob cannot weigh up decisions in his day without staff support, for example, he cannot select appropriate clothing items to wear on cold winters or hot summers days needing staff to direct and encourage. Jacob needs the use of his wheel chair to access the community, without which he is at risk of falls and fatigues quickly.

**Can the individual communicate, in any format, information surrounding the specific decision? Please give examples.**

Jacob can speak in short sentences that can be unclear at times and uses repetitive speech patterns.

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**Based upon this, if decision making is impaired, does the individual have an impairment or disturbance in the functioning of their brain or mind that impacts the individual's ability to make this specific decision? This can include but is not limited to, a Urine Tract Infection, Dementia, influence of alcohol or drugs, Cerebral Vascular Accident or Learning disability. How does this present for the individual, i.e. does it impact their concentration, short term or long term memory, orientation etc.**

Cerebral palsy, autism spectrum disorder

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If any of the two stage test is negative, i.e. they cannot understand/retain/weigh up/communicate information surrounding the specific decision, then the individual lacks capacity.

**Based on this, it is the assessor's opinion that in the balance of probabilities the individual can/cannot make the decision in question.**

**If lacking capacity for this specific decision, is it likely that the person will regain capacity?**

No

**Therefore this will be recorded within appropriate support plans and appropriate steps will be taken.**

This assessment will be reviewed every **6 months/12 months** or sooner if there is any significant change in cognitive functioning.

Signature of assessor: Susan Ross

Date completed: 20.09.2021