

### Capacity checklist

**What is the decision to be made?** Think carefully of how the decision should be worded.

**Do you have concerns that the person may not be able to make the decision for themselves?** Be clear that the concerns relate to the decision to be made, and not based on previous concerns related to other decisions.

**If so, can the decision wait until the person can make the decision?** Is the person's condition likely to improve in time to make the decision such as recovery from physical illness.

**What help may the person need to make the decision?** Do they need to have any experience of the decision to aid understanding or some practical input to give further information such as education or training?

**How can this be provided and by whom?**

**If the decision cannot be delayed who should assess capacity?** Anyone can assess capacity. More complex or life changing decisions may need professional input.

**What practicable steps need to be taken before the capacity assessment commences?** Location of the assessment; timing; communication; health issues of the person; aids that may help the person.

**What other considerations need to be taken into account?** The person's anxiety; do they want anyone else to be present; concerns about confidentiality; have they been told clearly what is happening.

**What are the salient points of the decision that the person needs to know?** Do not expect the person to think about information that is not necessary to the decision. Relevant points only should be identified and these should be as straightforward as possible.

**How will be information be presented to the person?** Think about how the person takes in information. Do you need to use pictures, photographs, video or audio recordings or any other methods that will make it easier for the person to take part in the decision making process.

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**What is the impairment in the functioning of the mind or brain, permanent or temporary?** This can be due to mental illness; dementia; significant learning disability; acquired brain injury; physical or medical conditions; delirium; concussion; symptoms of alcohol or drug use.

**Once this is determined, follow the rest of the 2 stage test**