Figure one

An overview of the assessment of Mental Capacity in clinical practice

Suggested solutions

Start here, and work around clockwise.

Why is assessing mental capacity important?
- A patient must give informed consent to any healthcare act, which requires the capacity to do so.
- Without consent to act, a healthcare professional places himself and her employer at risk.
- Lack of adequate mental capacity is common in healthcare.
- A substantial proportion of people lacking capacity are not recognised as lacking capacity.
- An impairment of, or a disturbance in the functioning of, the mind or brain.
- The absence of one or more of four abilities
- The Mental Capacity Act 2005 defines criteria for diagnosing loss of capacity

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Features of Mental Capacity to make healthcare decisions

Mental capacity in clinical practice

Assessing capacity in clinical practice

Many challenges

Widespread failure to respect the Mental Capacity Act
- Should be integrated into all decision making with a patient.
- Is the responsibility of the person proposing to undertake a healthcare action (e.g., operation).

Many challenges

Mismatch between stated intention when assessed and actual decisions in reality
- Disagreement between experienced assessors - in uncertain cases especially.
- Interface between Mental Capacity Act and Mental Health Act

Many challenges

Capacity should always be considered as an integral part of shared decision-making
- There is time for assessment over time by many people.
- Often as part of the management of risk associated with patient behaviour.
- Must always be documented, with evidence and reasoning.

Many challenges

Will arise naturally if a shared decision-making process is used
- Only this person will know the relevant facts.

Many challenges

Capacity present, but may require time and support
- Capacity uncertain, and a major decision is needed
- Capacity lost, but will recover before major decision needed
- Capacity lost, unlikely to recover before a major decision is needed

Many challenges

Patients will fall into one of four categories
- The decision-specific nature of capacity makes standardised assessment impossible
- Hence one cannot screen for capacity

Many challenges

Formal testing of capacity

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