

understanding mental capacity assessments



factsheets and videos
for people and their supporters

NHS
Bromley
Clinical Commissioning Group



understanding mental capacity assessments

what's in the pack

easy read factsheets

1. mental capacity

all about making decisions

2. Mental Capacity Act

what the law says about decisions

3. having a mental capacity assessment

what happens in an assessment and what help you can get

4. best interests

what happens if you cannot make a decision for yourself

5. useful communication tools

resources for supporting communication and helping people be involved in decisions about their life

flowcharts

The flowcharts show how a mental capacity assessment fits into an important decision. They show how the results of the assessment make it clear who needs to make the decision.

Sarah's decision

Sarah's doctor says she needs a heart operation

Tom's decision

Tom's sister wants him to stop smoking

films

Too early to tell

Peter needs to decide about a hip operation.

This film shows how capacity can be different at different times.

- goes with **factsheet 1**

Jane's story

Jane need to move house.

This film shows what happens when an assessment shows someone does not have capacity and a best interests decision must be made. It shows how an IMCA and others can help them be involved in a decision about their life.

- goes with **factsheet 2** and **factsheet 4**
- you can also **read Jane's story**

Joe's story

Joe needs to move house.

This film shows the different ways someone can show they have capacity to make an important decision.

- goes with **factsheet 2**
- you can also **read Joe's story**

A hard choice

Claire's support worker is worried about how Claire spends her money.

This shows a support worker preparing someone for a mental capacity assessment.

- goes with **factsheet 3**

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tips for using the pack

Everyone has their own favourite way of getting information. Some people can understand words, and other people like pictures or films better.

There are lots of different ways of using the information in this pack. You should choose the best way to help the person you are working with. You could use the information in the pack to help someone understand about mental capacity whether or not they are going to have an assessment themselves.

- watch the films and read the information first before you decide how to use them
- **use the films** first to get a person's interest and focus them on the topic if they have trouble with words
- **use the factsheets** to give more information and to help people think more about mental capacity and what it means for them. Some of the factsheets have activities too
- **use the flowcharts** to help someone understand how the law works for different decisions and where people can and cannot make a decision for themselves
- **use the picture stories** to think more about other people's experiences of making decisions.
Every decision is personal and different and everyone can get as much help as they need
- don't use the whole pack at once.
Stick with the bits that the person finds easiest to understand, and the bits that are important to them.

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1. mental capacity



Mental capacity is about making decisions.

If someone can think about a decision and decide for themselves, we say they have capacity to make that decision.



Most people make decisions all the time.

They can be small decisions like

- what to wear
- what to have for breakfast



They can be bigger decisions like

- where to live
- whether to have an operation



what decisions do you make every day?

what decisions do you make once or twice in your life?

does anyone help you make those decisions?



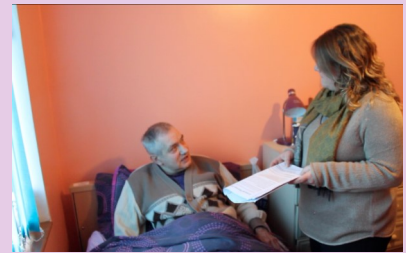
Some people need help to make decisions

Some people can make decisions at some times but not at other times



Some people can make some decisions but not others

Watch Too early to tell



link to video: bit.ly/1SrRFBp



There is a law called the Mental Capacity Act. See **factsheet 2**. This law says

- how to check if people **have capacity** to make a decision
- what to do if they do **not have capacity** to make that decision

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2. Mental Capacity Act



The Mental Capacity Act is a law about making decisions.

What the law says



1. about people who can make their own decisions

The law says you must allow people to make their own decisions if they can

- even if they need lots of help to do it
- even if you think their decisions are wrong



You should never think someone cannot make a decision without checking carefully.



James has to decide whether to have a knee operation or not.

What could help him decide?



2. about people who cannot make their own decisions

The law says if someone has to make a decision for you

- it must be the best decision for you
- they must talk to people who know you well



Jane's story



link to video:
bit.ly/1pEMUsz

Joe's story



watch the video:
bit.ly/26tGXjL



if someone needs to check if you can make a decision, they will do an **assessment**.
See **factsheet 3**.



the Mental Capacity Act tells them what to find out and how.

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3. having a mental capacity assessment



If there is an important decision to make about your life, someone might need to check if you can make that decision for yourself.



That person might be a doctor or a social worker, or someone else who works with you.



They will check by talking to you about your life and about the decision that has to happen. It will be a conversation.



The person who talks to you might not call it an assessment.

They might say something like



I've come to talk to you today about living on your own

or



I want to find out how you feel about managing your money



what the assessment will show

The assessment will show if you can make a decision for yourself.

The person talking to you will need to find out if you can



- understand important information about the decision
for example the risks of an operation or the cost of going on holiday
- remember the information
- think about the information
- tell someone your decision

A hard choice



link to video: bit.ly/1MYZnT7



communication in the assessment

The person doing your assessment should use things to help you understand and talk, like



- easy read
 - simple words
 - sign language or Makaton
 - pictures
 - communication aids like switches or voice output aids
- This is a computer that can talk for you

See **factsheet 5:**
useful communication tools.



If you need a supporter to help you talk and understand they must be at your assessment. Your supporter can help you communicate, but they will not make the decision for you.



If the assessment shows that you cannot make the decision for yourself, someone will make the decision for you.



They have to make the best decision for you. This is called **best interests.**
See **factsheet 4.**

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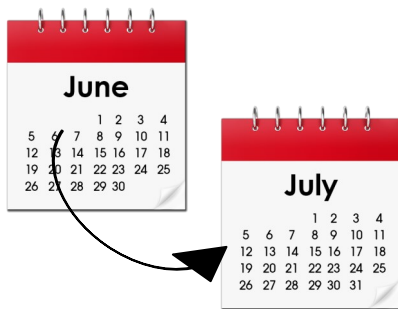
4. best interests



If you cannot make a decision yourself, someone else can make it for you.



That person might be a doctor or a social worker, or someone else who works with you.



Before they make a decision for you, they must

- check if the decision can wait
you might be able to decide for yourself another time
- check if you could make the decision yourself with more help
- talk to people who know you well
- think about your life and what you like and do not like



The decision they make has to be the best one for you.



If someone makes a decision for you about your life they must give you as much freedom as possible.



Mary has dementia, and it is not safe for her to use her cooker any more. She likes to make her own meals, and does not realise it is not safe.

Staff have to decide what to do.



choice 1

Mary's staff will make all her meals from now on.



choice 2

Mary's staff will get meals on wheels for her



choice 3

Mary's staff will support her to make cold meals, like salad, or to buy and use a slow cooker



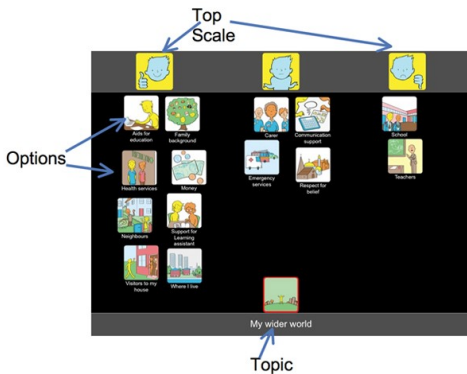
Which choice gives Mary the most freedom?



The staff decided on choice 3, because she can still make healthy food for herself with a bit of support.

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5. useful communication tools



Talking Mats



www.talkingmats.com

Talking Mats is a communication tool that uses pictures and symbols to help people think about subjects and say what they like or want.

➔ You could use Talking Mats to help someone make a decision or be involved in choices about their life.



Books Beyond Words



www.booksbeyondwords.co.uk

Books Beyond Words is a series of picture stories about things that happen in life, to do with health, relationships and activities. They can help people talk about their own experiences and feelings.

➔ You could use Books Beyond Words to find out what someone knows about a situation and if they have capacity to make a decision.



Intensive Interaction



www.intensiveinteraction.co.uk



Intensive Interaction is a way of communicating using body language, touch and sounds. If someone does not use or understand language it can help you interact well with them, understand their feelings and moods and respond to what they want.

➔ You could use Intensive Interaction to find out more about what someone likes and does not like so that they can be involved in choices about their life.



This is my Hospital Passport
For people with learning disabilities coming into hospital

My name is: _____

If I have to go to hospital the book needs to go with me. I give hospital staff important information about me.

I need to bring on the end of my book and a copy photo of me put in my notes.

The passport belongs to me. Please return it when I am discharged.

When hospital medical staff please look at my passport before you do any tests or treat with me.

Things you must know about me

Things that are important to me

My likes and dislikes

Essex and St Helens University Hospitals NHS Trust
Fingleton Hospital NHS Trust
Hendry Healthcare NHS Trust
St George's Healthcare NHS Trust
Foundation of Pharmacy Studies

Croydon Community Learning Disability Team
Fingleton Community Learning Disability Team
Hendon Team for People with Learning Disabilities
Preston Specialist Healthcare Team (Learning Disabilities)
Sutton Learning Disabilities Team
Walsworth Community Learning Disability Team

hospital passports

An example here



[www.easyhealth.org.uk/listing/hospital-passports-\(leaflets\)](http://www.easyhealth.org.uk/listing/hospital-passports-(leaflets))

A hospital passport is a booklet with information about a person. It is used when a person goes into hospital so that the patient can tell people what their health needs are and what they like and dislike.

➔ If someone has a hospital passport you can use it to have a conversation with them about their hospital stay and help them be involved in their care.



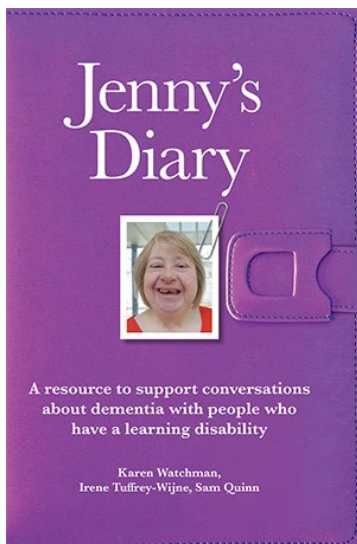


Personal Health Profile

In Bromley this is also called a Black Book. A personal health profile has all someone's personal information in it. Every time they see a health worker, for example a GP, a dentist, optician or therapist, the health worker can write what happened in the book.



→ If someone has a personal health profile, you can use it to talk to them about their health and medical treatment.



Jenny's Diary



www.uws.ac.uk/jennysdiary/

Jenny's Diary is a tool for communicating with people with a learning disability who have dementia. It shows how you can make a record of someone's life and routines, and support them well. It also has guidelines for talking to someone about their condition and their life.



→ The guidelines in Jenny's Diary can help you understand how much a person knows about their condition, and how to support them as their life changes.

Life Story Work



www.dementiauk.org/for-healthcare-professionals/free-resources/life-story-work



A life story book, box or film is a way of making a record of someone's life, using pictures, objects and memories. It can help people with dementia to communicate about their life in the past and their life now. It can help their supporters to know them better.



➔ You can use life story work to find out more about a person and what they like or do not like. It can help them be involved in choices and life changes.



Sarah has a chest pain and goes to hospital



The doctor looks at Sarah and says she might need an operation



The doctor talks to Sarah about the operation. They talk about the risks and benefits

Sarah cannot decide for herself



The doctor talks to Sarah's mum about the operation.



The doctor decides if Sarah should have the operation.

best interests

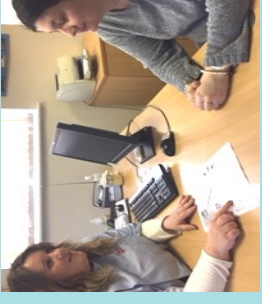
assessment



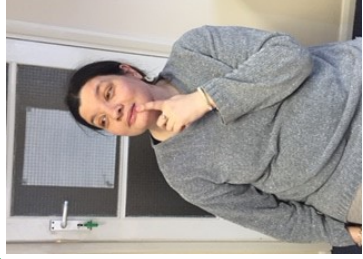
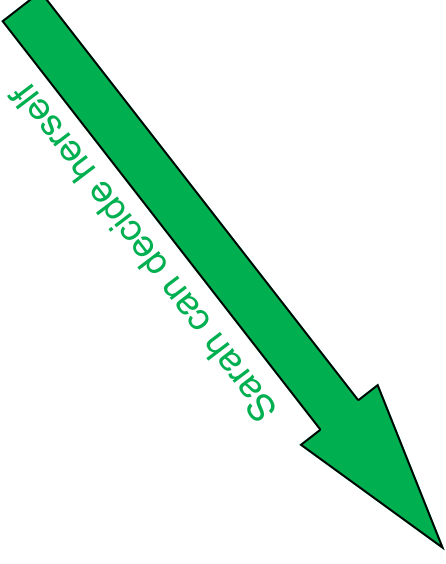
Sarah has a chest pain and goes to hospital



The doctor looks at Sarah and says she might need an operation



The doctor talks to Sarah about the operation. They talk about the risks and benefits



Sarah decides whether to have the operation. She can say yes or no.

assessment

Tom lives in a nursing home. He likes smoking and has 40 cigarettes a day.



Tom sometimes gets chest infections. His sister wants the nursing home to stop him smoking.



The nurse talks to Tom about his smoking and about getting ill. Tom does not understand about the risks.



Tom cannot decide himself

The nurse thinks about what is more important: Tom's health or doing what he enjoys. She talks to staff and Tom's sister.



The nurse decides if Tom can carry on smoking or not



best interests

assessment

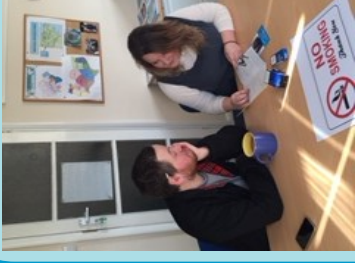
Tom lives in a nursing home. He likes smoking and has 40 cigarettes a day.



Tom sometimes gets chest infections. His sister wants the nursing home to stop him smoking.



The nurse talks to Tom about his smoking and about getting ill. Tom understands about the risks.



Tom can decide himself

Tom thinks about things for himself. He decides if he enjoys smoking enough to risk his health.





Jane's story



Jane has a learning disability. She uses some words, facial expressions, and body language.

She has lived in her community home all her life, but now she needs to move to a new shared home.



Jane's social worker does a Mental Capacity Assessment. They talk about the places Jane could move to. Jane does not follow the conversation or understand the choice.



The assessment shows Jane cannot decide for herself which new home she should move to. The social worker will decide for her.



Jane does not have any close family, so the social worker asks for an Independent Mental Capacity Advocate (IMCA) to make sure she is involved in the decision.



Jane's IMCA visits her at home and goes to her day centre with her. He spends time with Jane and her staff, and gets to know what she likes to do and where she likes to go. Jane likes swimming and going on day trips.



Jane's IMCA takes her to visit the different places she could move to. They take photos of her in the different places. When she is back home Jane looks at the photos and remembers. There is one place she likes best. Jane's IMCA can talk to her social worker and occupational therapist about the place she likes.



Jane and her IMCA look at a furniture catalogue together. There is a green chair that she likes. Jane buys it for her new house.



Joe's story



Joe wants to move out from his parents' house and live in a flat.

Joe's mum and dad do not know if he can decide for himself where to live.



Joe talks to Mary his care manager about his choices.

Mary helps Joe think about the different things he likes doing, like going to the cinema, and playing football with his friend Simon from school.



Joe and his parents talk to Mary about what help he needs. He is good at washing and dressing but does not do his own shopping or cooking.



Joe thinks about where he wants to move to. He takes his parents to a place he might like to move to. He works out the different buses he can get, and they go to the local shops.



Joe stays the night with his friend Simon. Simon lives in his own place. They make a meal together and watch a film. They have a good time together.



Mary finds a place where Joe can live near the area he likes. She says that he can have help for 2 hours a day with shopping and cooking. Joe likes the new place and decides to move in.



By talking a lot to his care manager and his mum and dad, and trying different things out, Joe is able to decide for himself where to move to.

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useful links

Advocacy for All IMCA service

covers Bromley, Bexley and Lewisham

<http://www.advocacyforall.org.uk/imca.php>

SCIE resources on mental capacity

includes information and videos about mental capacity assessments

<http://www.scie.org.uk/publications/mca/>

Easy Health

includes free easy read resources to help people understand a wide range of health and social care topics

<http://www.easyhealth.org.uk/>

Mencap resources

Mental Capacity Act resource pack

<https://www.mencap.org.uk/sites/default/files/documents/mental%20capacity%20act%20resource%20pack.pdf>

Aimed at family carers, covering all aspects of the law including assessments

<https://www.mencap.org.uk/involveMe>

AMCAT—Assessment Mental Capacity Audit Tool

BRIDGET—Best Interests Determination General Research and Evaluation Tool

developed by the Foundation for People with Learning Disabilities and the Mental Health Foundation for decision makers and people carrying out mental capacity assessment to check and improve the way they work.

<http://www.amcat.org.uk>

<http://www.bestinterests.org.uk/>

Bromley Sparks easy read service

can help you make your information easy to understand for people with a learning difficulty or disability and others who.

Get in contact to talk about how the easy read team can help.

<http://www.advocacyforall.org.uk/easyread.php>

understanding mental capacity assessments

thank you to...

actors



David



Nicole



Teresa



Stephen



Adam



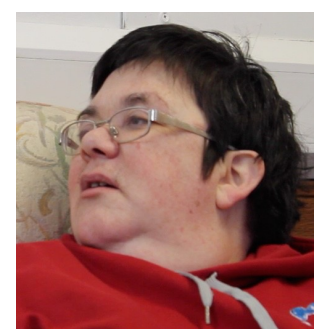
Gordon



Holly



Liam



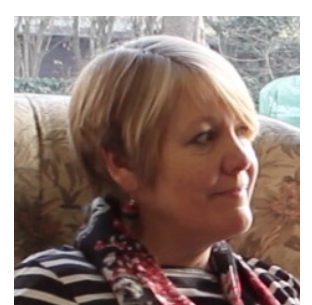
Gillian



Rosemary



Sue



Jan

crew



Sue Langley
facilitator



Isaac Ngugi
camera and editing



Laura
Adam
Teresa
Ben
Linda
Gillian
David