

## AMCAT Audit Tool

### **1. What is your relation to the person whose capacity was being assessed?**

### **2. Did the person you assessed have one or more of the following?**

Impairment or disturbance of the brain, such as a mental illness... but only where it is affecting their capacity to make a specific decision when they need to

### **3. Why did you do the assessment?**

An assessment of capacity should only be made when the person is having a problem making a particular decision at a particular time

### **4. How long did you have to assess the person's capacity before the decision had to be made or action taken?**

Use a two-stage test to determine 'reasonable belief' that the person does not have capacity:

- Does the person have an impairment of, or disturbance in the functioning of, their mind or brain?
- Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to?

### **5. Before starting the assessment did you think the person was able to make the decision?**

The first principle of the Act states you should always assume the person has the capacity to make a decision before starting an assessment... an assessment is triggered because you have 'reasonable belief' that the person may have difficulty in making the decision; however, until the assessment is complete you should always assume that the person has the capacity to do so

### **6. What was the decision about?**

### **7. Was it relevant to involve someone who could tell you how best to communicate with the person?**

### **8. Was it relevant to have someone to support the person to make the decision – such as a relative, friend or advocate?**

### **9. Did you ensure the person had all the relevant information to make the decision?**

The second principle states that a person is not to be treated as unable to make a decision until all practicable steps to help them do so have been taken without success... when assessing for capacity make sure that you understand the nature and effect of the decision to be made yourself

### **10. Did you explain the information in a way that was easy for the person to understand?**

**11. Was it relevant to check if there were any ethnic, cultural or religious factors which should have been taken into account?**

**12. Did you take any practical steps to put the person at their ease to make the decision?**

Chapters 3 & 4 of the Code of Practice raise the issues of taking account of the appropriate time of day and location for making the decision

**13. Was it relevant to ask for specialist advice about the person's capacity?**

Chapters 3 & 4 of the Code of Practice indicate that when assessing someone's capacity where specific communication difficulties occur specialist help may be required, particularly in more serious decisions such as consent for medical treatment or significant changes to a care package

**14. Were you satisfied that the person could understand the nature of the decision?**

**15. Were you satisfied that the person understood why the decision needed to be made at the time?**

**16. Were you satisfied that the person could understand the likely effects of deciding one way or another?**

The first stage of assessing capacity is whether the person understands the consequences of making the decision one way or another

**17. Were you satisfied that the person could retain the information about the decision long enough to use it to make the decision (even if this was only for a short time)?**

This is the second stage of the assessment

**18. Were you satisfied the person could use or weigh up this information (e.g. understand the pros and cons) as part of the decision-making process?**

This is the third stage of assessing for capacity

**19. How did you decide about the person's decision-making capacity?**

You should reach a decision on the balance of probability having looked at all the relevant information

**20. Could the decision have been delayed until the person could make it themselves?**

**21. How did you record your assessment?**

It is important to keep a record of the stages of the assessment, to show you had 'reasonable belief' that the person lacked capacity