



Adults with Incapacity – Online Learning Course

Session 5: Class 7

Developing a Capacity Checklist



Capacity Checklist

- Am I clear what the decision is for which I am assessing capacity?
- Am I starting with a presumption of capacity?
- What do I need to know about the decision and the circumstances, including the individual's personal circumstances, to assess the person's capacity to make a decision on this matter?
- Have I validated the information I've been told ?
- What would I expect the average man in the street to know about the issue / to consider in order to enable them to arrive at a decision?

Capacity Checklist

- Can I assess the individual against this benchmark, or do I need to make any adjustments?
- Is the situation optimal for the person to be able to make a decision?
- If no, what do I need to do to facilitate this?
- Is the individual free of undue pressure, or any other vitiating factor?
- Is the person able to understand the requisite information to enable them to come to a decision?
- If no, do I need to offer this information in a different way?
- With this information are they able to weigh up the pros and cons and so make a decision?

Capacity Checklist

- For how long am I expecting they should be able to retain the memory of this decision? Can they?
- If prompted are they able to recall their decision?
- Is there evidence of consistency in their decision making process?
- Do they reach the same outcome a second time?
- Are they able to communicate their decision? Has every assistance been offered to ensure this?
- Are responses appropriate to the situation.
- Is tone, pitch, speed of communication as I would expect?

Capacity Checklist

- Are there any non-verbal behaviours which are relevant?
- Do I need to get information from anyone else before completing my assessment?
- Is the individual able to take the necessary action?
- If not, can we facilitate this in some way?
- Have I missed anything? Anything else at all of relevance in this case?
- On a balance of probabilities, can I conclude them capable?
- If not, which of the factors above would evidence incapacity?