

Mental Capacity Act
Knowledge Paper Answers

Mental Capacity Act Knowledge Paper

1. Define 'lack of capacity' in the context of the Mental Capacity Act.

Someone who can not make decisions or take action for themselves.

2. In your own words what is the first of the five statutory principles which underpins the Act?

A person must be assumed to have capacity until it is proven that he / she lacks capacity.

3. Which document that accompanies the Mental Capacity Act are you legally required to 'have regard' to when carrying out an assessment or making a decision on another person's behalf?

Code of practice

4. Name three decisions which are covered by the Act?

The act covers all types of decisions that clients may need to make from:

What to wear

What to eat for dinner

Whether to have surgery

Where to live

Financial decisions

5. Name or define the two stages of the assessment of capacity.

- 1 - Diagnostic Test – take into account factors such as Dementia / significant learning difficulties.
- 2 - Functional Test – if client can understand information long enough to make a decision, weigh up the pros and cons and communicate their decisions.

6. Who can assess a client's capacity to make a decision.

The carer or any other person involved with the individual in a professional capacity.

7. Give two reasons why you should record details of assessments of capacity that you have carried out.

CQC requirement, comply with the code of practice, if your action or non action maybe questioned at a later date or to show you have done everything to help the client understand their choices and to make a decision themselves. (Provide evidence).

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8. Give a reason why a person assessed as lacking a capacity to make one decision must not be assumed to be unable to make any decisions.

It may only be temporary. Because the lack of capacity / confusion may fluctuate and at another time they may be more lucid to make a decision. (Time of day, alcohol, medication / illness).

9. 'A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success'. This is the 2nd statutory principle, please explain what it means to you.

A person needs to be given time to formulate their understanding and thus their decision. Breakdown information into short sentences, repeat if necessary. A person must be given all the support and information before it can be said that they lack capacity.

10. Give two examples of things you could do to meet the requirements of the second statutory principle.

Sign language
Interpreter
Different ways to communicate

11. If a client needs help with decisions of a personal or sensitive nature why must you be careful about who you involve in discussions.

You must protect clients confidentiality. Privacy and rights. GDPR and safeguarding.

12. Give one example of information that you must record about an assessment to satisfy the Care Quality Commission that you are complying with the Mental Capacity Act?

How the client was helped to make a decision for themselves, and how effective this was
How much the person is able to understand information relevant to the decision
Whether the person can remember information for long enough to make the decision
How well the person can weigh up the pros and cons
How the person can let others know what their decisions are and how well they can do this
Who was involved.

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13. If you believe that a client has made a wrong decision can you assume that they lack capacity? Give one reason for your answer.

No. If a client is able to weigh up the pros and cons of a situation and still choose differently from what you assume wrong does not automatically mean they lack capacity. It is their right to choose / decide.

14. Your local area is experiencing severe weather conditions; it's freezing cold, the pavements are icy and it's snowing. One of your clients tells you that they are going to the post office; what do you do?

Explain the situation clearly to them and try and explain to them that it could be dangerous for them to go alone. Offer them alternative ways of getting them there if they really want to go. Offer to go with them. Explain it might be safer when the weather improves. Except their decision.

15. Name three principles on the 'best interests' checklist.

Encourage participation / identify all relevant circumstances / find out a person's views / avoid discrimination / assess whether the person may regain capacity / consult relevant people / avoid restricting rights / take all of the above into account.

16. Give two examples of people you would consult about the best interests of a client who lacks capacity and requires treatment for cancer.

The clients consultant / GP / Medical Team / The clients family, if they have no family then an Independent Mental Capacity Advocate (IMCA) must be appointed.

17. What is IMCA?

Independent Mental Capacity Advocate

18. Give 2 examples of ways in which restraint might be used to protect a client from harm.

Locking a front a door to prevent them leaving.
Physically holding a person.
Using medication to control behaviour.
Wheelchair lap belts.
Bed rails.

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19. Give an example of a time when it might be necessary to involve other professionals or agencies in the assessment and decision making process.

When a person has suffered a stroke that may have affected their ability to make decisions. When a person may be at risk due to severe medical conditions.

20. Which body has the power to remove deputies and attorneys who are acting inappropriately?

The Court of Protection