

MICKLEOVER SURGERY
CAPACITY ASSESSMENT POLICY

PURPOSE

This policy details Mickleover Surgery's position on carrying out capacity assessments. This provides guidance for patients, or legal professionals on behalf of patients requesting such assessments.

STATEMENT

Mickleover Surgery is committed to providing a high standard of care within the scope of its NHS contractual obligations. Conducting capacity assessments for legal purposes does fall outside the practices contracted duties as NHS GPs. The clinicians at Mickleover Surgery do not have the specialised training or indemnity necessary to perform such assessments and therefore they are not undertaken at the practice.

UNDERSTANDING CAPACITY

Any assessment of a patient's mental capacity needs to be decision specific and time specific to decide whether the patient can make a decision at the time it needs to be made. There must never be a generalised statement that someone lacks mental capacity. It is never enough to say the person lacks mental capacity solely because of a diagnosis (such as dementia), or because of their age or appearance.

- The starting assumption must always be that the patient has capacity until it has been proven that they lack capacity
- Anyone who concludes that a patient lacks capacity must be able to demonstrate and provide evidence that all the appropriate necessary steps have been taken to help the patient make a decision for themselves
- The capacity to make specific decisions may change over time, and if appropriate a decision may need to be postponed until such a time that the patient's capacity can be reviewed and reassessed

THE ROLE OF A GP IN CAPACITY ASSESSMENTS

It is an essential part of the role of a GP to conduct capacity assessments which relate to decisions concerning medical treatment, investigations and patient care. However, capacity assessments which relate to welfare, finances, property etc are complex and outside of the experience of a GP. Therefore, it is essential that those carrying out these assessments for legal purposes are appropriately trained and have experience in this area. Legal capacity assessments do not fall within the NHS contractual duties of a GP. As such, Mickleover Surgery recommend that these assessments are conducted on a private basis by an independent specialist.

ADVICE FOR PATIENTS AND SOLICITORS

Mickleover Surgery does not conduct capacity assessments for legal purposes, and as such patients, or their representatives should contact a qualified professional who specialises in this field of work. Patients or solicitors requesting a capacity assessment should arrange for an independent specialist i.e. psychiatrist or clinical psychologist, who is trained and has indemnity to perform them.

The GPs at Mickleover Surgery are available to discuss any medical concerns or provide advice relating to a patient's health and well-being.

We realise that this may cause some inconvenience, but the priority of the GPs at Mickleover Surgery must be to their core contractual NHS duties and providing the best possible care within their scope and capabilities.