

MENTAL CAPACITY ASSESSMENTS

All of our assessments are completed by qualified, experienced, and registered Social Workers. We provide a relaxed and informal approach to ensure you have the best opportunity and help in making decisions.

Our assessments are person-centred and therapeutic in nature, designed to put you at ease, ensuring you have every possible chance to make your own decision. We can visit you at home, or wherever you feel most comfortable, so you feel relaxed and empowered.

Rest assured, all of our assessments are compliant with the Mental Capacity Act (2005) and relevant case law, where necessary. Giving you peace of mind that you are in expert and experienced hands.

We understand how crucial Mental Capacity Assessments are for individuals, their families, and the agencies supporting them. That's why we aim to complete our assessments within seven days, from instruction to completion. We can carry out assessments in person or via our secure Telehealth video-link system whichever suits your individual circumstances best.

OUR MENTAL CAPACITY ASSESSMENT SERVICE INCLUDES:

- **Decision Specific Assessments.**
- **Testamentary Capacity Assessment.**
- **Court of Protection (COP3)**
- **Capacity to Grant Lasting Power of Attorney.**
- **Activating a Lasting Power of Attorney.**
- **Capacity to Gift.**
- **Health & Welfare Decisions.**
- **Children and Young Person COP3.**
- **Mental Capacity Assessment.**
- **Litigation.**

OUR PROMISE

Everything we do is ethically priced. We will provide you with a full quote before your assessment gets underway, so you know the exact cost. There will never be any hidden charges, ever.

CAPACITY TO MARRY / CIVIL PARTNERSHIP

Marriage, for many of us, is an important day, that's why we aim to ensure we take every practicable step in supporting you to make your own decision. Our Social Workers ensure their assessments are compliant with the Mental Capacity Act (2005) and relevant case-law *Southwark v KA* (2016).

The decision to marry is not something to be taken lightly, and we ensure we don't add to any stress by ensuring you have an outcome to the assessment on the day the assessment takes place.

SOCIAL MEDIA CAPACITY ASSESSMENT

Social Media is a large part of modern-day life and can be an excellent way for people to stay in touch, create new relationships, and engage in communities. The Mental Capacity Act (2005) and relevant case law identified in 2019 are based on our mental capacity assessments. As technology advances, access to social media, of all varieties, creates different choices, risks, and opportunities for disabled people.

As such, our Social Workers work towards promoting independence while adhering to the Mental Capacity Act (2005) principles and ensuring every practicable step is taken to allow an individual; to make their own decisions when it comes to accessing social media.

DECISION SPECIFIC ASSESSMENTS

The Mental Capacity Act (2005) states that the assessment of capacity should be decision-specific. As expert mental capacity assessors, we are experienced in assessing individuals for any decision where there's a particular concern. For example, their capacity to:

- Marry or divorce.
- Choose where they live.
- Create a Trust.
- Act as a Trustee.
- Agree to Care Provisions.
- Residency.
- Agree to a contract.

CAPACITY TO GIFT

The High Court defines the test to establish mental capacity to make lifetime gifts as the common law test. To ensure our assessments are compliant with the High Court's ruling, we apply the principles set out in *Re Beaney* (1978) 1 WLR 770.

The test defines whether an individual can understand the effect of making a lifetime gift if the consequences had been fully explained to them. Depending on the specific gift in question, this could include your capacity to understand:

- The nature of the gift you're making.
- The value of your gift.
- Why you're making it.
- The implications of making it.



CAPACITY TO CONDUCT COURT PROCEEDINGS (LITIGATION)

The capacity to litigate can be known as the capacity to engage in court proceedings.

We have worked with the official solicitor's office to create a bespoke assessment that incorporates a Montreal cognitive assessment (MoCA). And, where practical, a financial vulnerability assessment to ensure our assessments are evidenced-based and client focussed.

Our assessors are all accredited MoCA Assessors with specific experience in completing the capacity to engage in court proceedings.

TESTAMENTARY CAPACITY

The test for testamentary capacity is based on case law (Banks Vs. Goodfellow, 1870). It is seen as a more straightforward test to pass than the one outlined in the Mental Capacity Act (2005). Testamentary capacity requires the individual to:

- Understand the nature of making a will and its effects.
- Understand the extent of the property involved.
- Be able to comprehend and appreciate the claims involved.
- Having no disorder of the mind that perverts your sense of right, or prevents you from exercising your natural faculties when making or amending your will.

To further evidence your mental capacity, all of our testamentary capacity assessments include a Montreal Cognitive Assessment and financial decision tracker at no additional cost.

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HOW WE CAN HELP**

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COP3 COURT OF PROTECTION CAPACITY ASSESSMENT

COP3 Capacity to Manage Finances or Health (deputyship)

As a deputy, you will be authorised by the Court of Protection to make decisions on their behalf. You can apply to be someone's deputy to help them manage financial affairs, or to help them manage their personal welfare, including their health, wellbeing and care.

As experienced COP3 assessors, we understand how important it is to act quickly and safeguard individuals at risk. That's why we aim to complete COP3 assessments within 7 days, from instruction to completion.

DISCHARGE FROM THE COURT OF PROTECTION

A loss of mental capacity can be temporary, which means that someone who needed a deputy, is now able to make their own decisions again. As experienced assessors, we can provide a thorough assessment of your capacity and evidence any changes, to support your discharge application to the Court of Protection.

CHILDREN AND YOUNG PERSON COP3 MENTAL CAPACITY ASSESSMENT

When applying to be a deputy for a child or teenager, the Court of Protection requires a mental capacity assessment to be completed by a health and social care professional, referred to as a COP3 report.

We have a wealth of experience when it comes to supporting children, young people and their families, including working with children with life-limiting conditions and supporting children in educational settings.

Assessments are carried out in your own home or wherever you feel most comfortable.

To create a relaxed environment for children, we've worked with educators and illustrators to create a fun and simple colouring book to help start the conversation around finances for example.

We work from a social model of disability to provide you with the most accurate, evidence-based assessment possible and aim to complete assessments within 7 days from enquiry to referral.

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LASTING POWER OF ATTORNEY AND CAPACITY

Granting Lasting Power of Attorney

There are two types of Lasting Power of Attorney (LPA):

1. Property and Financial Affairs.
2. Health and Welfare.

To arrange a Lasting Power of Attorney to manage either your property and finances or your health and wellbeing, you must have the mental capacity to do so. If the person granting the LPA's mental capacity is in doubt, a formal mental capacity assessment should occur.

This assessment should evidence:

- You understand the roles of an attorney and their limitations.
- You understand the concept of Best Interests.
- You understand your right to revoke.
- You understand your choices.

The Mental Capacity Act (2005) states that capacity is 'decision specific,' which means that each type of Lasting Power of Attorney requires a separate assessment.

CAPACITY TO REVOKE LASTING POWER OF ATTORNEY

If an individual wishes to amend or cancel their lasting power of attorney, the office of the public guardian may require evidence of the individual's capacity to revoke. Our capacity to revoke assessment can, when necessary, include a Montreal Cognitive Assessment and a financial decision tracker, as additional supporting evidence at no additional cost.

ACTIVATING A LASTING POWER OF ATTORNEY (LPA)

When you make a Lasting Power of Attorney for Property and Financial Affairs, the donor (the person seeking the LPA) can choose whether their attorney acts for them from the moment the LPA is registered, or only when they lose capacity.

If the donor has chosen to activate their LPA only when they lose capacity, and you, as their attorney, have doubts about their mental capacity, we can help. Many professionals and organisations require a Mental Capacity Assessment to evidence lack of capacity, before they will deal with you as an attorney.

We provide an evidence-based assessment to identify if a donor has lost the capacity to manage their own property and finances independently, to activate the LPA and give attorneys the authority they need to act. This report can be used to evidence your authority as an attorney with banks, solicitors and other professionals.

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SPECIALLY DESIGNED ASSESSMENTS BY NELLIE

PROPERTY SALE FOLLOWING A CARE HOME MOVE

If you're a deputy or attorney deciding to sell a property following someone's move into residential or nursing care, you need to be able to answer the specific question of whether there's a possibility of them returning home.

With our experience of mental capacity assessments, we can provide all the relevant information and evidence to support your decision making, including:

- **A Care Act (2014) Needs Assessment**
Identifying the individual's needs, abilities and wishes.
- **A Mental Capacity Assessment**
For the specific decision(s)
 - to identify if the individual is able to choose where they live and decide on their residency and care.
- **A Best-Interest Checklist**
To ensure all practical steps have been taken in ensuring and evidencing your decision is made in the clients Best Interests.

RETROSPECTIVE MENTAL CAPACITY ASSESSMENT

When an individual's decision making is contested on the grounds he or she lacked capacity at the time of making a decision, a contemporaneous retrospective assessment can be undertaken by a health or social care professional.

This can involve a mental capacity assessment of the individual, reviewing medical records, and discussions with family, friends, and professionals to determine the probability of capacity at the time of the decision being made.

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Depending upon the situation, a retrospective capacity assessment can include:

- A Montreal Cognitive Assessment.
- A Transaction Specific Financial Vulnerability Assessment.
- A Transaction Specific Family and Friends interview.
- A Review of Medical Records.
- A Mental Capacity Assessment in-line with the Mental Capacity Act (2005) and relevant case law.

Through completing these different interviews and assessments, we can achieve a thorough investigation to ascertain the probability of a person having the capacity for a specific decision at a particular time.

Retrospective assessments can be completed pre and post-mortem for a host of specific decisions.



CASE MANAGEMENT

We are here to help you find the right kind of care and support wherever you need it – we can help organise appropriate care in your home, including finding suitable carers and the right technology for you. Alternatively, if required, we can help you find a suitable care home placement to meet both your physical and social needs both on a respite or permanent basis.

Our qualified, registered Social Workers are experienced in every aspect of adult social care, and will listen, guide, and support you every step of the way.

STEP 1: NEEDS ASSESSMENT

Our friendly and experienced Social Workers will talk to you about your needs and wishes to find out what kind of care and support is right for you. Your Needs Assessment can take place in your own home or wherever you feel most comfortable. Together, we can identify your abilities as well as difficulties you may be experiencing with your health and wellbeing. The assessment looks at all aspects of your life, including the social and cultural elements and your community networks.

Our assessments are based on the same legislation and eligibility criteria used by the NHS and Local Authorities outlined in the Care Act (2014).

That ensures our Social Workers gain a holistic picture when it comes to helping you –

- Look after yourself and your home.
- Your relationships with others.
- Accessing work.
- Training, education, or volunteering.
- Making use of local services such as public transport
- Your caring responsibilities.

STEP 2:

CARE PLANNING

Following on from the Need's Assessment we will work together to create a bespoke Care Plan, tailored to your unique needs, abilities and wishes. A care plan should ensure the needs identified in your Need's Assessment are met, including in emergencies.

STEP 3:

CARE BROKERAGE

If you need extra help to support your wellbeing and independence, such as a carer, nurse, or therapist, we can arrange high-quality care provision, equipment, and technology on your behalf. With so many providers to choose from, it can be challenging to find the one that's right for you. With our know-how and experience, we can help you research, source, and choose the best option and talk to your chosen provider to put everything in place.

Because we're independent, we work with providers that local authorities are unable to, giving you more choice and flexibility. Unlike automated brokerage services, we provide a bespoke, person-centred service just for you.

STEP 4:

CARE REVIEW

Reviewing your care is essential. It makes sure you remain the focus of your care plan. We can discuss any changes in your needs or any concerns you may have, quickly, before anything becomes an issue. Our Social Workers can act as the link between you, your family, and your care provider. Advocating on your behalf, and ensuring everyone involved is communicating effectively. We can visit as often or as little as you like, in your own home, or wherever you feel comfortable. As an independent Social Work practice, we offer a simple, fast, ethically-priced way to manage the care and support you receive.

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CPD ACCREDITED ONLINE TRAINING

We offer a range of training designed to meet the needs of professionals working in social care and other relevant and complementary areas – across the public, private and voluntary sectors.

Our online training courses have been specially created by our registered Social Workers, using their knowledge of education and Social Work practices. This experience and expertise ensure our training is based on real case scenarios and practical experience and our in-depth understanding of evolving legislation and policy.

We're a member of the CPD Certification Service, which means our high-quality courses have received accreditation by the UK's leading independent CPD accreditation body.

"CPD is the holistic commitment of professionals towards the enhancement of personal skills and proficiency throughout their careers."

CPD Certification Service.

THE MENTAL CAPACITY ACT (2005) FOUNDATION

An introduction to the Mental Capacity Act (2005) for new professionals or those new to the legislation, including an overview of mental capacity, its five principles, and the 2-stage test. Successful completion of the course should give you the knowledge and understanding to progress to the intermediate course.

THE MENTAL CAPACITY ACT (2005) INTERMEDIATE

Our Intermediate course takes a more in-depth look into Mental Capacity, case law, and good practices when it comes to completing a mental capacity assessment.

THE HUMAN RIGHTS FOUNDATION LEVEL

An introduction to Human Rights for new professionals or those new to Human Rights legislation. This course includes an overview of human rights, where they came from, and why they are important.

HUMAN RIGHTS ADVANCED LEVEL (2-PART COURSE)

Part 1 – builds on foundation knowledge to explore the evolution of global protections of rights, universalism vs. cultural relativism, examples of individual covenants/conventions and their impact on promoting rights.

Part 2 – focuses on the regional bodies responsible for human rights in specific regions and UK domestic legislation.

LASTING POWER OF ATTORNEY (LPA)

Aimed at anyone with an interest in learning more about LPAs, this course looks at what LPAs are, when they can be used, why they are important, how they are completed, and the role of attorneys.

GET IN TOUCH TO HEAR MORE ON OUR COURSES

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