

Assessing Capacity

Is there doubt regarding the patient's capacity to decide to leave hospital?



If so, apply the two stage test of capacity:

Stage one - Is there an impairment or disturbance in the functioning of the patient's mind or brain? eg. dementia, CVA, alcohol/drugs/detox

Stage two - If so, is the patient able to do **ALL** of the following:

- understand the decision to be made;
- understand the consequences of making or not making the decision;
- retain the information relevant to the decision long enough to make the decision;
- can the patient communicate their decision, whether by talking, using sign language or any other means.



If the patient can do all of the above regarding the decision to leave hospital, is aware of the risks involved in this decision but still chooses to go then he/she **has** the capacity to make this decision.



If the patient cannot do one or more of the listed points above, in stage two of the test, he/she **has not** got capacity to decide to leave hospital.



The best interests of the patient should be ascertained by discussion with ward staff/carers/NOK etc, but if the patient has a medical need to be in hospital, the consultant in charge of their care is the decision maker as to whether the patient should remain in hospital at this time.