

Alcohol & Mental Capacity

One-Minute Guide

Alcohol use and alcohol dependence can be important, and sometimes overlooked, factors in mental capacity decision-making. Assumptions about capacity can unintentionally lead to safeguarding concerns being missed and decisions not being made in a lawful, person-centred way.

This One Minute Guide provides practical reminders to help professionals identify when alcohol use raises doubt about capacity and ensures assessments are timely, lawful, and person-centred.

Do not assume capacity based on how someone presents

People with alcohol dependence may appear articulate, familiar with services, or confident in professional conversations. This can sometimes give an incomplete picture of a person's decision-making ability.

Capacity should never be inferred from presentation alone; it is always important to explore it carefully where alcohol use is a factor. Where alcohol use is present, capacity should always be actively considered and, where appropriate, assessed and clearly documented. This can result in safeguarding risks being missed and decisions being accepted without proper scrutiny.

Alcohol dependence can affect capacity in less obvious ways

The impact of alcohol use on decision-making isn't always immediately visible. A person may appear articulate, familiar with services, and able to understand information, while still lacking capacity for a specific decision.

Alcohol dependence can affect someone's ability to remember information or manage the steps involved in decision-making, making it harder for someone to recognise risks, particularly where craving, intoxication or withdrawal are present. Some people may experience alcohol-related brain injury, including conditions such as Wernicke-Korsakoff syndrome, which can significantly affect decision-making even when conversation appears intact. These impacts are often missed unless capacity is explicitly explored

Do not rely on agreement as evidence of capacity

Agreement or cooperation can sometimes mask difficulties with decision-making. A person may agree, repeat information, or appear to follow the conversation, but still find it difficult to use or weigh that information to make a decision.

Agreement, compliance, or familiarity with professional language does not demonstrate capacity. The key question is not simply *what* the person says, but *how* they arrive at the decision.

Be curious: alcohol use may be affecting the person's ability to make a specific decision

Professionals should always ask whether alcohol use raises doubt about the person's capacity for the specific decision being made. People may make decisions that appear high-risk or inconsistent, and this may indicate they are struggling to consider consequences or explain their reasoning. Decisions that place the person at serious risk of harm should always prompt consideration of a formal capacity assessment.

Apply the full 4-stage mental capacity test

A lawful capacity assessment must consider all four elements of the test:

- Does the individual understand the relevant information
- Can the individual retain the information long enough to make a decision
- Can the individual use or weigh the information as part of decision-making
- Can the individual communicate their decision

In alcohol-related situations, the "use or weigh" element often needs particularly sensitive exploration.

Timing matters

Because capacity can fluctuate, especially when someone is intoxicated, withdrawing, or experiencing the effects of alcohol use, timing becomes important. Where a decision is urgent and assessment cannot wait, this must be clearly recorded alongside the steps taken to minimise risk.

Record what you considered

Clear recording is essential for lawful, defensible practice. Records should show that alcohol use was actively considered, why it raised concern about capacity, and how each element of the mental capacity test was explored. Where capacity is fluctuating, this should be clearly documented alongside plans for review or reassessment.

Avoid vague statements such as '*Has capacity, known drinker*'. These do not meaningfully reflect the person's situation or demonstrate professional reasoning

Key messages

- Alcohol dependence should prompt active consideration of mental capacity where there is doubt.
- Capacity assessments must be decision-specific, timely and carried out face-to-face wherever possible.
- Capacity assessment is more than a tick-box exercise, it requires thoughtful, person-centred exploration.
- If you would not consider the person safe to drive or operate machinery, a formal capacity assessment is required.