SUBJECT ACCESS REQUEST (SAR) POLICY

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1 Purpose

1.1 Jigsaw holds personal data (or information) about job applicants, admissions (prospective & declined), employees, learners and parents and other individuals for a variety of purposes.

1.2 Under Data Protection Law, individuals (known as 'data subjects') have a general right to find out whether Jigsaw holds or processes personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request (SAR). The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that Jigsaw is undertaking.

1.3 This policy provides guidance for staff members on how data subject access requests should be handled, and for all individuals on how to make a SAR.

1.4 The Data Protection Officer is responsible for overseeing data protection within Jigsaw so if you do have any questions in this regard, please contact them on the information below:

Data Protection Officer: Judicium Consulting Limited

Address: 5th Floor, 98 Theobalds Road, London, WC41 8WB

Email: dataservices@judicium.com

Web: www.judiciumeducation.co.uk

Telephone: 0345 548 7000

2 Definitions

2.1 'Jigsaw' includes Jigsaw CABAS® School, Jigsaw Plus and Jigsaw Trading 2013 Limited (Café on the Park)

2.2 SAR is an acronym for Subject Access Request

2.3 'Data Subjects' - for the purpose of this policy, this include all living individuals about whom we hold personal data. This includes pupils, our workforce, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information

2.4 'Personal Data' means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

2.5 'Processing' is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also

includes transferring personal data to third parties

3 Scope

3.1 This policy applies to all staff at Jigsaw. This includes temporary, casual or agency staff and contractors, consultants, trustees, governors, suppliers, and data processors working for, or on behalf of Jigsaw.

4 Rights of the Individual

4.1 A data subject access request is a request from an individual or from someone acting with the authority of an individual, (e.g. a solicitor or a parent making a request in relation to information relating to their child).

4.2 The SAR may cover one or more of the rights a data subject has under the data protection law. Namely:

- **To be informed** of the purpose of data processing, who information is shared with and how long it is retained
- **To have access** to data held about them
- **To have data rectified** if inaccurate
- **To have data erased** in specific circumstances (Sometimes called 'The right to be forgotten')
- **To restrict processing**
- **To data portability** (The right to have electronically held personal data provided in structured, commonly used and machine-readable format and for this to be passed at subject's consent from one data controller to another)
- **To object** to use of personal data or for personal data to no longer be used for some purposes. (Possible in limited circumstances)
- **For decisions to have an element of human intervention**, rather than be made solely on basis of automatic profiling

5 Making a Subject Access Request

5.1 Any verbal or written request for personal information can be a Subject Access Request (in person, by telephone, letter, email, text). A request is valid if it is clear that the individual is asking for their own personal data. An individual does not need to use a specific form of words, refer to legislation or direct the request to a specific contact.

5.2 A data subject is generally only entitled to access their own personal data, not information relating to other people, unless a request is received from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child.

6 What to do when you receive a Subject Access Request

6.1 All SARs should be referred to the Data Protection Team dataprotection@jigsawtrust.co.uk

as soon as they are received.

6.2 If there is any doubt if a certain request has given rise to a SAR, contact the Data Protection Team dataprotection@jigsawtrust.co.uk as soon as possible, providing full details of the request.

6.3 There are limited timescales within which Jigsaw must respond to a request and delay could result in enforcement action by the Information Commissioners Office (ICO) and/or legal action by the affected individual. It is therefore crucial to ensure that requests are passed on without delay and failure to do so may result in disciplinary action being taken.

6.4 A SAR form is available to give to individuals to use who want to make a subject access request (Appendix A). This form is available on Jigsaw's Home Pages / Common Drive. It is important to note that we cannot insist that the form is used, but individuals can be encouraged to use the standard form so that their request can be handled quickly and efficiently.

7 Responding to a Subject Access Request

7.1 Jigsaw's Data Protection Team will coordinate the response to a SAR.

8 Acknowledging the request

8.1 When receiving a SAR, Jigsaw shall acknowledge the request as soon as possible and inform the requester about the statutory deadline to respond to the request.

8.2 Jigsaw may ask for proof of ID if needed or clarification about the requested information.

8.3 If it is not clear where the information shall be sent, Jigsaw will clarify what address/email address to use when sending the requested information.

9 Verifying the identity of a requester or requesting clarification of the request

9.1 Before responding to a SAR, Jigsaw will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. Jigsaw is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are.

9.2 Where Jigsaw has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

9.4 Jigsaw is only required to conduct a 'proportionate and reasonable search' in response to a subject access request.

9.5 If an individual is requesting a large amount of data Jigsaw may ask the requester for more information in order to conduct a reasonable search; but the requester shall never be asked why the request has been made.

9.6 Jigsaw shall let the requestor know as soon as possible that more information is needed

before responding to the request.

9.7 In both cases, the period of responding begins when the additional information has been received. If Jigsaw does not receive this information, it will not be possible to comply with the request.

10 Fee for responding to a SAR

10.1 Jigsaw will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested. If a request is considered to be manifestly unfounded or unreasonable Jigsaw will inform the requester why this is considered to be the case and that the Jigsaw will charge a fee for complying with the request.

10.2 A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

10.3 If a fee is requested, the period of responding begins when the fee has been received.

11 Time Period for Responding to a SAR

11.1 Jigsaw has one calendar month to respond to a SAR. This will run from the day the request has been received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

11.2 In circumstances where Jigsaw is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has been provided by the requester as to their identity, and in the case of a third party requester, the written authorisation of the data subject has been received.

11.3 The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period.

11.4 Where a request is considered to be sufficiently complex as to require an extension of the period for response, Jigsaw will notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

12 School closure periods

12.1 Requests received during or just before school closure periods may not be able to be responded to within the one calendar month response period, as Jigsaw may not have the appropriate staff on site to comply with the request during this period. As a result, it is possible that requests will not be received during this time. Jigsaw also may not be able to acknowledge requests during this time (i.e. until a time Jigsaw receives the request) and the time period may therefore not start until the school re-opens. Jigsaw will endeavour to comply with requests as soon as possible and will keep in communication with requestors as far as possible.

13 Information to be provided in response to a request

13.1 The individual is entitled to receive access to the personal data Jigsaw processes about them and the following information:

- the purposes for which Jigsaw processes the data
- the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations
- where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period
- the fact that the individual has the right:
    - to request that Jigsaw rectifies, erases, or restricts the processing of their personal data
    - to object to its processing
    - to lodge a complaint with the ICO
    - where the personal data has not been collected from the individual, any information available regarding the source of the data
    - any automated decision Jigsaw has taken about them, together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for them

13.2 Information will be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response shall be given in writing if the SAR was made in writing in a commonly-used electronic format.

13.3 The information that Jigsaw is required to supply in response to a SAR will be supplied by reference to the data in question at the time the request was received. However, as Jigsaw has one month in which to respond, Jigsaw is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

13.4 Jigsaw is therefore, allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. Jigsaw is not allowed to amend or delete data to avoid supplying the data.

14 How to locate information

14.1 The personal data Jigsaw needs to provide in response to a data subject access request may be located in several of the electronic and manual filing systems.

14.2 Depending on the type of information requested, Jigsaw may need to search all or some of the following:

- electronic systems, e.g. databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, CCTV
- manual filing systems in which personal data is accessible according to specific criteria, e.g. chronologically ordered sets of manual records containing personal data
- data systems held externally by our data processors (e.g. external payroll service providers)
- occupational health records held by the Occupational Health provider
- pensions data held by the pension provider
- data held by consultants engaged by Jigsaw

14.3 Jigsaw will search these systems using the individual's name, employee number or other personal identifier as a search determinant.

15 Requests made by third parties

15.1 Jigsaw needs to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney. Jigsaw may also require proof of identity in certain circumstances.

15.2 If Jigsaw is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then the information requested will be provided directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

Access to a child's education record

15.3 In England, schools are regulated by The Education (Pupil Information) (England) Regulations 2005. Those with parental authority can apply to the school to view an education record or receive a copy.

15.4 In England, this right only applies to all local authority schools, and all special schools, including those which are not maintained by a local authority.

15.5 Access to education records is a separate right and is not covered by Data Protection legislation. Unlike the right to access under Data Protection legislation, this right does not extend to pupils.

16 Requests made on behalf of children

16.1 Even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, Jigsaw will consider whether the child is mature enough to understand their rights or has sufficient mental capacity. If Jigsaw is confident that the child can understand their rights, then Jigsaw will either respond directly to the child or seek their consent before releasing their information.

16.2 In relation to older children / young adults, consideration will be based on The Mental Capacity Act (MCA) 2005, which applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves.

16.3 In cases where mental capacity is in question, this must be assessed for a specific decision at a specific time using a Mental Capacity Assessment, in compliance with the Mental Capacity Act (MCA) 2005.

16.4 Provided that Jigsaw is confident that the individual understands their rights, and there is no reason to believe that the child/young adult does not have the capacity to make a request on their own behalf, Jigsaw will require the written authorisation of the child/young adult before responding to the requester or provide the personal data directly to the individual.

16.5 It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering cases where mental capacity is in question, it should be taken into account, among other things:

- the child's level of maturity and their ability to make decisions like this
- the nature of the personal data
- any court orders relating to parental access or responsibility that may apply
- any duty of confidence owed to the child or young person
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment
- any detriment to the child or young person if individuals with parental responsibility cannot access this information
- any views the child or young person has on whether their parents should have access to information about them.

16.6 Jigsaw may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example if it is likely to cause detriment to the child.

17 Requests made on behalf of adults

17.1 It is the right of the adult learner, rather than of anyone else such as a parent or guardian, to have access to the adult learner's personal data and it must be assumed that the learner has the capacity to understand their rights.

17.2 In cases where mental capacity is in question, this must be assessed for a specific decision at a specific time using a Mental Capacity Assessment, in compliance with the Mental Capacity Act (MCA) 2005.

17.3 If Jigsaw is confident that the adult can demonstrate capacity to understand their rights,

then Jigsaw will either respond directly to the adult or seek their consent before releasing their information.

17.4 In cases where mental capacity is in question, it should be taken into account, among other things:

- whether a Mental Capacity Assessment has been conducted, and whether a Best Interests decision is required
- the nature of the personal data
- any court orders relating to parental access or responsibility that may apply
- any court of protection orders relating to legal deputyship for welfare and affairs
- any duty of confidence owed to the adult
- any consequences of allowing those with deputyship orders, or parents/guardians where capacity has not been established, access to the adult's information. This is particularly important if there have been allegations of abuse or ill treatment
- any detriment to the adult if individuals with deputyship orders, or parents/guardians where capacity has not been established, cannot access this information; and
- any views the adult has on whether their legal deputy, or parents/guardians where capacity has not been established, should have access to information about them.

17.5 Consideration will be based on The Mental Capacity Act (MCA) 2005, which applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves. Provided that Jigsaw is confident that the individual understands their rights, and there is no reason to believe that the adult does not have the capacity to make a request on their own behalf, Jigsaw will require the written authorisation of the adult before responding to the requester or provide the personal data directly to the adult.

17.6 Jigsaw may also refuse to provide information to a legal deputy, or parents/guardians where capacity has not been established, if there are consequences of allowing access to the adult's information – for example if it is likely to cause detriment to the adult.

17.7 A copy of JigsawPlus' Capacity to Consent form is provided at Appendix 2.

18 Protection of third parties -exemptions to the right of subject access

18.1 There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests will be considered on a case by case basis.

18.2 Jigsaw will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then Jigsaw does not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

- the other individual has consented to the disclosure
- it is reasonable to comply with the request without that individual's consent

18.3 In determining whether it is reasonable to disclose the information without the individual's consent, all of the relevant circumstances will be taken into account, including:

- the type of information that they would disclose
- any duty of confidentiality they owe to the other individual
- any steps taken to seek consent from the other individual
- whether the other individual is capable of giving consent
- any express refusal of consent by the other individual

18.4 It will be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to Jigsaw disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, Jigsaw will decide whether to disclose the information anyway. Jigsaw will consult the DPO as necessary in making any such determination.

19 Other exemptions to the right of subject access

19.1 In certain circumstances Jigsaw may be exempt from providing some or all of the personal data requested. These exemptions are described below and will only be applied on a case-by-case basis after a careful consideration of all the facts.

19.2 Crime detection and prevention: Jigsaw does not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.

19.3 Confidential references: Jigsaw does not have to disclose any confidential references given to third parties for the purpose of actual or prospective:

- education, training or employment of the individual
- appointment of the individual to any office
- provision by the individual of any service

19.4 This exemption does not apply to confidential references that Jigsaw receives from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (i.e. the person giving the reference), which means that Jigsaw will consider the rules regarding disclosure of third-party data set out above before disclosing the reference.

19.5 Legal professional privilege: Jigsaw does not have to disclose any personal data which are subject to legal professional privilege.

19.6 Management forecasting: Jigsaw does not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist in the conduct of any business or any other activity.

19.7 Negotiations: Jigsaw does not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual, where doing so would be likely to prejudice those negotiations.

20 Refusing to respond to a request

20.1 Jigsaw can refuse to comply with a request if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

20.2 If a request is found to be manifestly unfounded or excessive Jigsaw can:

- request a "reasonable fee" to deal with the request
- refuse to deal with the request

20.3 In either case Jigsaw will justify the decision and inform the requestor about the decision.

20.4 The reasonable fee should be based on the administrative costs of complying with the request. If deciding to charge a fee Jigsaw will contact the individual promptly and inform them. Jigsaw does not need to comply with the request until the fee has been received.

21 Record keeping

21.1 A record of all subject access requests shall be kept by the Data Protection Team. The record shall include the date the SAR was received, the name of the requester, what data Jigsaw sent to the requester and the date of the response.

22 Policy Review

22.1 This policy will be updated as necessary to reflect best practice and to ensure compliance with any changes or amendments to relevant legislation.

22.2 This policy was last reviewed in February 2026.

23 Version History

No.	Date	Amendment
1.2	August 2019	Removal of flowchart. Clarification at 5.5 on what "manifestly unfounded or excessive" means in practice.
1.3	November 2020	Review and minor amends for clarity only in Sections 5.1, 5.2, 6.2, 6.5, 6.6
1.4	June 2021	5.3 – Addition of Judicium as DPR, and in SAR form at Appendix 1
2.1	January 2022	Comprehensive policy review to incorporate information from Judicium's SAR policy template
3.1	April 2024	Policy review. Updates to wording at Section 15, to include information on access to educational records and Sections 16 and 17 particularly related to capacity to consent. Updated Mental Capacity Assessment Forms included at Appendix 2 & 3.
4.1	February 2026	Additional wording on conducting a 'proportionate and reasonable' search added to Section 9 and the Subject Access Request Form (Appendix A), to adhere to clarification conducting SARs, as set out in the Data Use and Access Act (DUUA) 2025.

24 Related Legislation & Guidance

Document	Location
Data Protection Act, 2018	Data Protection Act 2018 (legislation.gov.uk)
ICO	https://ico.org.uk/concerns/
UK-GDPR	https://ico.org.uk/for-organisations/dp-at-the-end-of-the-transition-period/data-protection-and-the-eu-in-detail/the-uk-gdpr/
ICO guidance on accessing pupils' information	https://ico.org.uk/for-the-public/schools/pupils-info/

25 Related Internal Documentation

Document	Electronic Copy Location
Data Protection Policy	Common / MyJigsaw / Policies / Jigsaw Trust /
Data Breach Policy	Common / MyJigsaw / Policies / Jigsaw Trust /

APPENDIX 1 - Subject Access Request (SAR) Form

The Data Protection Act 2018, together with additional provisions within the Data Use and Access Act (DUAA) 2025provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to make a request for your data.

Proof of identity: We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g. bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

Requesting clarification of the request: Jigsaw is only required to conduct a 'proportionate and reasonable search' in response to a subject access request. If you are requesting a large amount of data we may ask you for more information in order to conduct a reasonable search.

Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity. The period for Jigsaw to respond begins when proof of identity and/or the additional information has been received in order to conduct a reasonable search. If Jigsaw does not receive this information, it will not be possible to comply with the request.

Part 1 – The Data Subject

Please fill in the details of the data subject (i.e. the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title:	
Full Name:	
Date of Birth:	
Full Address, including postcode:	
Phone number:	
Email address:	

I am enclosing the following copies as proof of identity (please tick the relevant box): ☐ Birth Certificate ☐ Driving Licence ☐ Passport ☐ An official letter to my address

Employment records: If you are, or have been, employed by Jigsaw and are seeking personal information in relation to your employment please provide details of your Staff number/Unit/Team/Dates of employment. **Details:**

Are you the Data Subject (the person whose information you are requesting)?	YES / NO If yes, please continue to Part 3. If no, please complete Part 2 below

Part 2 – Details Required from Requestor

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e. the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title:	
Full Name:	
Date of Birth	

Full Address, including postcode:	
Phone Number	
Email Address	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- ☐ Birth Certificate
- ☐ Driving Licence
- ☐ Passport
- ☐ An official letter to my address

What is your relationship to the data subject? (e.g. parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- ☐ Letter of authority
- ☐ Lasting or Enduring Power of Attorney
- ☐ Evidence of parental responsibility
- ☐ Other (give details):

Part 3 – Details of Subject Access Request

Please describe as detailed as possible what data you request access to (time period/ categories of data/ information relating to a specific case/ paper records/ electronic records).

I wish to:

- ☐ Receive the information by post*
- ☐ Receive the information by email
- ☐ Collect the information in person
- ☐ View a copy of the information only

*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Part 4 - Declaration

Please read the following declaration carefully and sign and date it.

I, …… (your name) certify that the information provided on this application is true and hereby request that Jigsaw provide the data requested on the basis of the authority I have as the Data Subject / Requestor of data in relation to …… (insert name of Data Subject)

Signature: …… Date: ……

Please return the completed form and proof of identity by email to:
dataprotectionteam@jigsawtrust.co.uk

APPENDIX 2 – Mental Capacity Assessment – JigsawPlus

MENTAL CAPACITY ASSESSMENT

Name of learner		DoB	

DETAILS OF PERSON COMPLETING THIS FORM

Name				
Role				
Telephone	Mobile		Landline	

DETAILS OF THE ASSESSMENT

What prompted the Assessment? *Please give background information and outline the current circumstances*
JigsawPlus offers a tailored and individualised curriculum to all learners. Following a person-centred approach, it is vital that learners are involved in as much of the decision making processes around the care, support and treatment they receive as possible. As an organisation, we strive for learners to make informed choices, voice opinions and share accessible information to support our learners to reach decisions. Thus, giving more control over their daily activities as well as future plans.
What is the specific decision that needs to be made?

STAGE 1

Does the learner have an impairment of, or a disturbance, in the functioning					
Yes – Permanent impairment*	☐	Yes – Temporary impairment	☐	No	☐

*If Yes, permanent impairment, please proceed with the assessment. The learner does not need to have a formal diagnosis. If the learner's behaviour or circumstances cause doubt as to their capacity and there is a risk of harm to them then an assessment should be carried out

Please provide further information

PRACTICABLE STEPS

What different ways did you try to help the learner understand*? eg. interpreter, pictures, photographs or help from a specialist such as a speech and language therapist*

Are there times of the day when the learner's understanding is better?			
Yes		No	
Specify			
Are there locations where they may feel more at ease?			
Yes		No	
Specify			
Can anyone else help the learner to make choices or express a view? *eg. family member, carer, advocate or someone to help with communication?*			
Yes		No	
Specify			

STAGE 2

UNDERSTAND THE INFORMATION RELEVANT TO THE DECISION

What are the key points that the learner needs to understand? What questions did you ask, what responses did you receive? You should include the learner's own words in your recording. What relevant information did you give the person about the decision to be made?

Does the learner understand what the decision is?	
Yes ☐	No ☐
What relevant information did you give about the decision to be made?	
If they are making a decision that involves choosing between alternatives, what different options did you give?	
Do you think the learner understands the information relevant to the decision?	
Yes ☐	No ☐

RETAIN THIS INFORMATION LONG ENOUGH TO MAKE THIS DECISION

The learner must be able to hold the information in their mind long enough to use it to make an effective decision. But Code of Practice section 3(3) states that people who can only retain information for a short while must not automatically be assumed to lack the capacity to decide – it depends on what is necessary for the decision in question. Items such as notebooks, photographs, posters, videos and voice recorders can help people record and retain information.

Demonstrate how you assured yourself that the learner retained the information	
Do you think the learner can retain the information long enough to make the decision?	
Yes ☐	No ☐

USING OR WEIGHING THE INFORMATION

Can the learner discuss the pros and cons of different options with you? Does the learner understand the risks, benefits and consequences of taking different courses of action? Can they use the information given to them to make their own decision? What questions did you ask and what responses did you receive?

Please document details	
Do you think the learner can USE or WEIGH the information as part of the decision-making process?	
Yes ☐	No ☐

COMMUNICATING THE DECISION

How does the learner communicate and are they able to communicate their decision? It is important to make every effort to help them communicate, ie. interpreter, pictures, photographs, help from a specialist such as a speech and language therapist.

Please document details	
Are you satisfied the learner has been able to communicate their decision?	
Yes ☐	No ☐

SUMMARY OF ASSESSMENT

If one or more of the sections of this Assessment has been recorded with a "NO" response, the outcome of the assessment is that, on balance of probabilities, the learner lacks capacity to make this decision. The content of the Assessment must evidence this outcome. The Best Interest process must now be followed – please complete the section 'BEST INTERESTS DECISION MAKING'

PLEASE USE THE SUMMARY SECTION BELOW TO PROVIDE DETAILS OF THE OUTCOME. EXPLAIN WHY THE LEARNER'S IMPAIRMENT OF OR DISTURBANCE IN THE FUNCITONING OF THE MIND OR BRAIN HAS PREVENTED THEM FROM BEING ABLE TO MAKE THE DECISION OR HOW CAPACITY WAS DETERMINED.

Please summarise the main points of the Assessment					
Capacity	Yes ☐ No ☐	Lacks capacity (at this time)	Yes ☐ No ☐		
Name		Signed		Date	

BEST INTEREST DECISION MAKING

IMPORTANT: If the decision is about major medical treatment or the person's long-term accommodation then an Independent Mental Capacity Advocate (IMCA) must be consulted if the person is unbefriended or where there is no one appropriate to consult

Date of Best Interest Meeting	

PEOPLE CONSULTED – in carrying out the assessment I have consulted with the following people

Name 1	Address	Contact number(s)	Email
Relationship to learner	How consulted		Date consulted
Signature			

Name 2	Address	Contact number(s)	Email
Relationship to learner	How consulted		Date consulted
Signature			

Name 3	Address	Contact number(s)	Email
Relationship to learner	How consulted		Date consulted
Signature			

What steps have you taken to encourage the learner to take part, or to improve their ability to take part, in making this decision? Please evidence

What are the learner's wishes and feelings about the decision? Please consider both past and present wishes.

What are the learner's beliefs and values *eg religious, cultural, moral or political* – that would be likely to influence this decision in question?

Are there any other factors the learner would take into account, if they were to make their own decision?

What are the views of significant others? eg. *anyone previously named by the learner as someone to be consulted or those identified in Key Roles*

BEST INTERESTS OPTIONS

Details of the Best Interests decision that needs to be made

LIST ALL THE POSSIBLE OPTIONS CONSIDERED

Options considered	Risks	Benefits

What is the Best Interest Decision made?
Why do you think this is in the learner's best interest?

DECISION MAKER'S DETAILS

Name of decision maker	
Organisation name	
Address	
Date of decision	
Signature	

Name of learner	

DETAILS OF PERSON COMPLETING THIS FORM

Name				
Role				
Telephone	Mobile		Landline	

LASTING OR ENDURING POWER OF ATTORNEY

Please specify whether there is a Lasting Power of Attorney for Health and Welfare, Lasting Power of Attorney for Property and Financial Affairs, court of Protection Deputy for Personal Welfare, Court of Protection Deputy for Property and Affairs, Enduring Power of Attorney for Property and Financial Affairs.

Please check and document that you saw a copy of the relevant document and that it has been registered.

If none is available, please check with the Office of The Public Guardian (use Form OPG100 on Office of Public Guardian website)

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	

INDEPENDENT MENTAL CAPACITY ADVOCATE

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	

COURT OF PROTECTION DEPUTY

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	

APPENDIX 3 – Mental Capacity Assessment – Jigsaw School

MENTAL CAPACITY ASSESSMENT

To add information electronically – click in each box.

Name of pupil		DoB	

DETAILS OF PERSON COMPLETING THIS FORM

Name	
Role	
Telephone	

DETAILS OF THE ASSESSMENT

What prompted the Assessment? *Please give background information and outline the current circumstances*

What is the specific decision that needs to be made?

STAGE 1

Does the pupil have an impairment of, or a disturbance, in the functioning of their mind or brain?

☐ Yes – Permanent impairment*	☐ Yes – Temporary impairment	☐ No

*If Yes, permanent impairment, please proceed with the assessment. The pupil does not need to have a formal diagnosis. If the pupil's behaviour or circumstances cause doubt as to their capacity and there is a risk of harm to them then an assessment should be carried out

Please provide further information

PRACTICABLE STEPS

What different ways did you try to help the pupil understand? *eg. interpreter, pictures, photographs or help from a specialist such as a speech and language therapist*

Are there times of the day when the pupil's understanding is better?	
☐ Yes	☐ No
Specify	

Are there locations where they may feel more at ease?	
☐ Yes	☐ No
Specify	

Can anyone else help the pupil to make choices or express a view? *eg. family member, carer, advocate or someone to help with communication?*	
☐ Yes	☐ No
Specify	

STAGE 2

UNDERSTAND THE INFORMATION RELEVANT TO THE DECISION

What are the key points that the pupil needs to understand? What questions did you ask, what responses did you receive? You should include the pupil's own words in your recording. What relevant information did you give the person about the decision to be made?

Does the pupil understand what the decision is?
☐ Yes ☐ No
What relevant information did you give about the decision to be made?
If they are making a decision that involves choosing between alternatives, what different options did you give?
Do you think the pupil understands the information relevant to the decision?
☐ Yes ☐ No

RETAIN THE INFORMATION LONG ENOUGH TO MAKE THIS DECISION

The pupil must be able to hold the information in their mind long enough to use it to make an effective decision. But Code of Practice section 3(3) states that people who can only retain information for a short while must not automatically be assumed to lack the capacity to decide – it depends on what is necessary for the decision in question. Items such as notebooks, photographs, posters, videos and voice recorders can help people record and retain information.

Demonstrate how you assured yourself that the pupil retained the information
Do you think the pupil can retain the information long enough to make the decision?
☐ Yes ☐ No

USING OR WEIGHING THE INFORMATION

Can the pupil discuss the pros and cons of different options with you? Does the pupil understand the risks, benefits and consequences of taking different courses of action? Can they use the information given to them to make their own decision? What questions did you ask and what responses did you receive?

Please document details
Do you think the learner can USE or WEIGH the information as part of the decision-making process?
☐ Yes ☐ No

COMMUNICATING THE DECISION

How does the pupil communicate and are they able to communicate their decision? It is important to make every effort to help them communicate, ie. interpreter, pictures, photographs, help from a specialist such as a speech and language therapist.

Please document details
Are you satisfied the pupil has been able to communicate their decision?
☐ Yes ☐ No

SUMMARY OF ASSESSMENT

If one or more of the sections of this Assessment has been recorded with a "NO" response, the outcome of the assessment is that, on balance of probabilities, the pupil lacks capacity to make this decision. The content of the Assessment must evidence this outcome. The Best Interest process must now be followed – please complete the section 'BEST INTERESTS DECISION MAKING'

PLEASE USE THE SUMMARY SECTION BELOW TO PROVIDE DETAILS OF THE OUTCOME. EXPLAIN WHY THE PUPIL'S IMPAIRMENT OF OR DISTURBANCE IN THE FUNCITONING OF THE MIND OR BRAIN HAS PREVENTED THEM FROM BEING ABLE TO MAKE THE DECISION OR HOW CAPACITY WAS DETERMINED.

Please summarise the main points of the Assessment					
Capacity	☐ Yes ☐ No	Lacks capacity (at this time)	☐ Yes ☐ No		
Name		Signed		Date	

BEST INTEREST DECISION MAKING

IMPORTANT: If the decision is about major medical treatment or the pupil's long-term accommodation then an Independent Mental Capacity Advocate (IMCA) must be consulted if the person is unbefriended or where there is no one appropriate to consult

Date of Best Interest Meeting	

PEOPLE CONSULTED – in carrying out the assessment I have consulted with the following people

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Relationship to pupil	**How consulted**		**Date consulted**
Signature			

Name 2	Address	Contact number(s)	Email
Relationship to pupil	**How consulted**		**Date consulted**
Signature			

Name 3	Address	Contact number(s)	Email
Relationship to pupil	**How consulted**		**Date consulted**
Signature			

What is the Best Interest Decision made?
Why do you think this is in the pupil's best interest?

DECISION MAKER'S DETAILS

Name of decision maker	
Organisation name	
Address	
Date of decision	
Signature	

Name of pupil	

DETAILS OF PERSON COMPLETING THIS FORM

Name	
Role	
Telephone	

LASTING OR ENDURING POWER OF ATTORNEY

Please specify whether there is a Lasting Power of Attorney for Health and Welfare, Lasting Power of Attorney for Property and Financial Affairs, court of Protection Deputy for Personal Welfare, Court of Protection Deputy for Property and Affairs, Enduring Power of Attorney for Property and Financial Affairs.

Please check and document that you saw a copy of the relevant document and that it has been registered.

If none is available, please check with the Office of The Public Guardian (use Form OPG100 on Office of Public Guardian website)

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	

INDEPENDENT MENTAL CAPACITY ADVOCATE

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	

COURT OF PROTECTION DEPUTY

☐ NOT APPLICABLE

Name				
Role				
Telephone	Mobile		Landline	