

Assisted Decision-Making (Capacity) Act, 2015



**This is an Easy to Read version of
the Assisted Decision-Making
(Capacity) Act, 2015**

The Assisted Decision Making (Capacity) Act

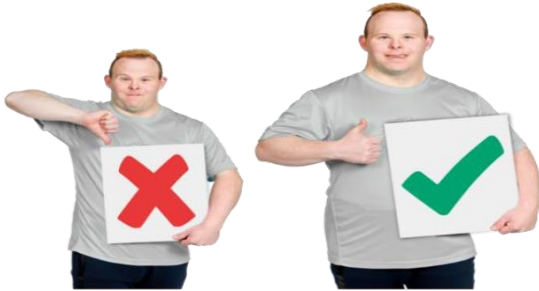
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1. Introduction

Consent is being asked if you agree or do not agree to something

This means saying yes or no



Sometimes we have to make very big decisions like:

- Do I want to live in this house?



- Should I have an operation in hospital?

Capacity is whether you understand the decision you need to make

The Assisted Decision Making (Capacity) Act is all about making decisions. It is law. It protects your right to make decisions about your life.



The law says that every adult can make their own decisions unless we find out they can't.

Your family, friends and staff can't make decisions for you because you are an adult.



Some people are able to make every decision about their own lives.

Some people are able to make some decisions.

Not being able to make a decision is called "lacking capacity".



The Assisted Decision Making (Capacity) Act is about making sure that people have the support they need to make as many decisions as possible.

2. Decisions

The Act is about four types of decisions:



- Personal welfare decisions
This is about your day to day activities and your happiness



- Medical decisions
This is about your health and not being in pain



- Financial decisions
This is about your money and how you use it



- Property decisions
This is about where you live and who you live with

The Act is about making **big** and **small** decisions.

Some examples:



- What to wear



- Whether to let staff help you in the bath



- Whether to let someone look after your money



- Whether to have a boyfriend or girlfriend



- Whether to go to the doctor about a health problem

3. Capacity

To make a decision we need to:



- Understand information



- Remember it for long enough to make the decision



- Think about the information



- Tell someone about your decision

Ability, or capacity can change:



A person with epilepsy may not be able to make a decision the day after a seizure.



Someone with a mental health problem may not be able to make a decision now, but in a week's time they may feel much better.

4. The rules

1) Assume that people are able to make decisions, unless it is shown that they are not

Everyone is different and every decision is different.



Somebody may not be able to decide whether to move house. They need people to help them make this decision, or to make this decision for them if they can't.



But they may be able to decide what to eat and what to wear. They must be supported to make those decisions.

Even if you are not able to consent to one big decision, it does not mean you cannot consent to other big decisions.

2) Give people as much support as they need to make decisions



If a person finds it hard to understand words, they must be helped to make the decision using pictures, sign language, photos or symbols.



Some people say “yes” and “no” by pointing their fingers or their eyes in different directions.



People who know them well should be there to help them to understand and communicate their decision.

3) Unwise decisions

Adults have the right to make decisions that other people disagree with.

Some examples:



- Going for a walk in the pouring rain



- Spending lots of money on a new TV



- Smoking 20 cigarettes a day



- Staying up until 4am



John really likes chocolate.



The nurse says that John might get sick if he eats six chocolate bars all at once.



The nurse talks with John about what might happen if he eats six chocolate bars at once.



John understands that he might have a sore tummy and a sore head.



He decides that he wants to eat the chocolate bars.

If the person is able to decide these things, and to understand the decision, they must be allowed to go ahead.

4) Will and Preference

This means that the decision must be what the person would choose for themselves.



If someone is not able to make a decision, then the people helping them must only make decisions that agrees with their will and preference.



If we know that Gerry would like a pet but we also know that he is afraid of dogs, his will and preference would be to have a different pet – maybe he would like a turtle.

5) What if you cannot understand the decision?



If you really cannot understand your decision, other people will need to make the decision for you.

When a decision is made for somebody, it must give them as much freedom as possible.



Paul likes to be outdoors. He falls over and hurts himself a lot. Should his staff:

- a) Keep him indoors all the time where he is safe?
- b) Let him go outside, but wearing protective clothes to stop him getting hurt?

The answer is b). It would be wrong to stop him doing the things he enjoys if there is another way to keep him safe that is “less restrictive”.

5. The Decision Support Service

If you do need help or find it hard to make a decision, then there are people who can help you. They are called the Decision Support Service. They can find someone to help you make the decision.



If you need a little bit of support, a **Decision making assistant** will help you understand what is happening so that you can still decide by yourself.



This should be a close friend, family member or person that you trust.



A Decision-making assistant must make an agreement with you and write it down.

You can have more than one Decision-making assistant in your agreement.

The agreement will tell you what support they will give you to make the decision.



If you need more support, a **Co-Decision maker** will help you to decide together with them.



A Co-decision-maker should be a close friend, family member or person that you trust.



You can have one Co-decision-maker for a decision,

You can have different Co-decision makers for different decisions.

You must make a Co-Decision-Making Agreement and write it down.

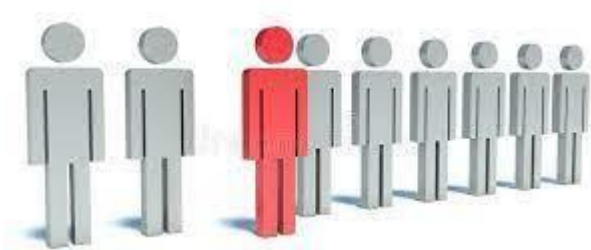
The agreement will tell you the kind of decisions you will make together.



If you need a lot of support a **Decision-making representative** will make the decision for you, but only if you really need help and can't decide for yourself.



They are only appointed by a judge.



There can be more than one Decision-making representative for a decision.

There can also be one Decision-making representative to make all decisions.



A Decision-making representative can make decisions about personal welfare, medical decisions or financial and property decisions.



A Decision-making representative can only make decisions that agree with your past will and preferences and not what they think is best. Will and preference is about what you would want.