



How does Mencap support people to make decisions?

Mencap believes that every person has the right to make choices that give them as much control over their own lives as possible.

For people we support who cannot easily communicate their preferences and choices, it is important we work with you to help them make choices and decisions about their lives.

The Mental Capacity Act 2005

People make choices and decisions every day but some need more help than others. The right for people to make their own decisions is outlined in the Mental Capacity Act 2005. We use this act to make sure we are doing the best for the people we support; this document should help you to understand more about how it works.

What is the Mental Capacity Act?

Mental capacity is a person's ability to make decisions for themselves. People who cannot make decisions for themselves are said to 'lack capacity'. This could be due to a lifelong condition such as a learning disability, or it could be short term, for example if someone is temporarily suffering from a mental illness.

Capacity is different for different things; a person could have capacity to make simple decisions, such as what to wear each day but lack capacity to make more complex decisions such as how to manage their finances. To decide whether someone has capacity or not, their capacity must be assessed; this may be a formal, or informal process depending on how big the decision is.

The Mental Capacity Act looks at how decisions are made for adults and applies to all people in England and Wales who are over the age of 16.

The Mental Capacity Act is based on five key principles:

1. Every adult has the right to make decisions for themselves. It must be assumed that they are able to make their own decisions, unless it has been assessed otherwise.

2. Every adult has the right to be supported to make their own decisions. This must be done in ways they understand such as with pictures or storyboards, easy read information etc.
3. Every adult has the right to make decisions that may appear to be unwise or strange to others.
4. If a person lacks capacity, any decisions taken on their behalf must be in their best interests.
5. If a person lacks capacity, any decisions taken on their behalf must be the option least restrictive to their rights and freedoms.

The law states that we must presume that the people we support have the capacity to make their own decisions unless it is proven that they cannot do this following a capacity assessment. We must also ensure that people are given the help they need to make decisions for themselves. By working together, we can agree what help your family member or friend needs and how we can provide this most effectively.

More information on the Mental Capacity Act can be shared with you by the managers who oversee the service, or found here: <https://www.mencap.org.uk/advice-and-support/mental-capacity-act>

How does this work at Mencap?

Case study 1 – assessing capacity

James has been in considerable pain in his hip for some time and it is now affecting his mobility and quality of life. James does not have the capacity to determine for himself how this could be treated effectively. His GP refers them to the consultant orthopaedic surgeon for their professional opinion. This medical professional decides to recommend a total hip replacement. The family are invited to a best interest meeting to explore their views and listen to what the surgeon is advising as the best possible treatment for James. All the views are taken into consideration, including previous medical history, input from other paramedical professionals, support teams, and family. James is included in this meeting to hear and have explained in ways that he can try to understand, what is being decided in his best interest.

Case study 2 – temporary capacity changes

Seema has been diagnosed with dementia, which is in the early stages and affecting her memory. Seema is usually still able to make decisions on her own, but there are times when her capacity to do so is limited. When big decisions need to be made, formal or informal capacity assessments are undertaken to understand what support Seema will need to help her to make the decision.

Case study 3 – gaining/ regaining capacity

Louisa has a capacity assessment which states that she does not have the capacity to understand her finances on a day to day basis. The team that supports her is confident that with the right support and learning her capacity would increase. They choose methods to teach Louisa more about money in a way that is easily understood by her. Following the learning of these skills, Louisa's understanding grows and a new capacity assessment confirms she requires less on-going support and may become more independent with her own finances in the future.