

Consent and capacity



Helping you make important choices



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SeeAbility Easy Read Factsheet 8

Consent is being asked if you agree to something.

This means saying **yes** or **no**.

Sometimes we have to make very big choices like:

- Do I want to live in this house?
- Should I have an operation at hospital?



Capacity is whether you understand the choice you need to make.

The law says that everyone over 18 years old can make their own choices unless we find out they can't.

We must work hard to help people understand their choices before we say they don't understand.



Helping you to make big choices.

There are many things the law says people must do to help you understand the choice.

- Spend time with you explaining things.



- Get help from someone who knows you well and can help you communicate.



- Use things like Easy Read Factsheets, photos, and pictures, to help you understand.



- Help you visit places like a hospital or an opticians so you better understand what you may be agreeing to.



To give consent you need to be able to:

- Understand the information about the choice.
- Remember the information long enough to make a choice.
- Think about what is best for you.
- Communicate your choice.



What if you cannot understand the choice?

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

If you are aged 18 or over a family member, social worker, advocate, or care worker cannot usually give consent for you.



They can only give consent for you if the law says they can. They need to have been appointed as a Deputy, or have Lasting Power of Attorney.



If you are not able to consent to one big choice people are not allowed to say you cannot consent to other big choices without trying to help you understand them.

Thinking about your 'Best Interests'.

It is important that you have all the help and treatment you need to stay healthy and well.



This can include things like:

- Having your eyes tested.



- Having an eye operation if you have cataracts.



People may agree that having an eye test or an operation is the best thing for your health. **People cannot decide for you in your 'best interest' just because they do not agree with your choice.**

A 'Best Interest' meeting.

If you cannot make an important choice yourself there should be a 'Best Interest' meeting.



At the meeting people talk about what is best for you.

People like your family and advocate should be invited to your best interest meeting.

If you don't have a relative or your own advocate an Independent Mental Capacity Advocate (IMCA) can be found.



An IMCA can help if your choice is about serious medical treatment or changing where you live.

People at the meeting will need to talk about:

- If it is best that you have the treatment.
- The best way to do the treatment so you do not get very upset.
- Helping you get better after the treatment.



For more information

This factsheet is a summary of parts of the Mental Capacity Act 2005. For detailed information go to:

www.nhs.uk/CarersDirect/moneyandlegal/legal/Pages/MentalCapacityAct.aspx



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