

# Consent and Capacity



## Helping you make important choices

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Easy read factsheet

### 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 16 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

A screenshot of a form titled "Feedback from my optometrist" with the sub-heading "The results of my eye test". The form includes instructions on how to use it, a section for the user's name and the optician's details, and a small graphic of a camera. The logo "ABILITY" is visible in the top right corner.

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

Help you visit places like a hospital or an opticians to help you understand the choice



An optician is someone who tests your eyes

## 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 16 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



**Even if you are not able to consent to one big choice, it does not mean you cannot consent to other big choices**



## Thinking about your 'Best Interests'

This means what is best for you



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

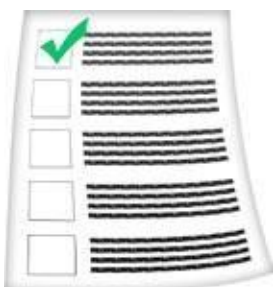
You should go to the Best Interests meeting if you are able to. You can also invite your family or an advocate



If you don't have a relative or your own advocate an Independent Mental Capacity Advocate can be found. They are known as an IMCA

An IMCA can help with choices like having 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](http://www.nhs.uk/CarersDirect/moneyandlegal/legal/Pages/MentalCapacityAct.aspx)



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