

# Decision-making and mental capacity

Information for the public  
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## Supporting people to make decisions



We decide things all the time in our daily lives.

Being able to make decisions is called having 'mental capacity'.



Making decisions can be affected by things like learning disability, dementia and mental health conditions.

These can make it hard for people to understand or remember information. They can also make it hard to use information or to communicate what they have decided.

## The Mental Capacity Act



A law called the Mental Capacity Act protects people who might not be able to make decisions. It says staff working with people should:

- always assume people can decide for themselves unless it is shown that they can't
- help people make their own decisions whenever they can
- respect what people decide even if they don't agree
- make sure that if a decision is made for someone it is in their best interests.



You can read more about the Mental Capacity Act at the [NHS website](#) or the [Care Quality Commission](#).

You can also see an [EasyRead guide](#) to the Act.

## What is this guideline about?



We have written this guideline to help staff use the Mental Capacity Act. Some of the ways the guideline says staff can do this are listed below.

## Help and support people



- Get to know people well – this helps staff understand what support someone will need to decide something
- Give people information they can understand
- Help them say what they think

## Talk about advocacy



- Tell people about independent advocates – they make sure people’s views, wishes and feelings are listened to
- Explain when an advocate might help, like when someone needs to make an important decision

## Advance care planning



- Tell people they can make decisions now about the future and explain what this involves
- Help them through this process – this means making a written plan together and checking often that they are still happy with it

## In the news



Read NICE news about how this guideline will help.

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## Where can I find out more?



These people can give you more advice and support.

Their information is not written by NICE.

- [Alzheimer's Society](#), 0300 222 11 22
- [Carers UK](#), 0808 808 7777
- [Headway – the brain injury association](#), 0808 800 2244
- [Mencap](#), 0808 808 1111
- [Mind](#), 0300 123 3393
- [POhWER](#), 0300 456 2370
- [Rethink Mental Illness](#), 0300 5000 927

To share an experience of care you have received, contact your local [Healthwatch](#).

## Who wrote this guideline?



We wrote this guideline with people who have needed support to make decisions, their families and carers and staff who support them. The guideline is based on the best research available.

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