

# Information About Mental Capacity

**Solihull  
Safeguarding  
Adults Board**  
*Protecting Adults Together*



## Introduction

This leaflet gives a simple explanation of mental capacity, and where to get more information. It is intended as a reference for people who are being assessed for mental capacity, and their family and friends.

## What Do We Mean When We Say Someone Has Mental Capacity?

When we believe someone can decide what they want to do and how they want to live their life, we say they have mental capacity.

Making our own decisions is important to all of us. There are daily decisions like; what we want to wear, what we want to eat, or whether we want to go out to see friends. There are also bigger decisions such as; where we want to live, how we spend our money, or whether to go to the doctor about a health problem.

In practice, having the mental capacity to make decisions means that you can:

- Understand the information presented to you.
- Remember the information long enough to make a decision.
- Be able to use (or weigh up) the information as part of the decision making.
- Tell other people what you have decided.

## **Why Is It Important to Recognise Whether Someone Has the Mental Capacity to Make Decisions?**

We all want to be independent and decide what we want to do and therefore it is important to recognise whether someone has the mental capacity to make decisions. However, where someone is left to make decisions when they are unable to, this may put them in a situation where they are taken advantage of or abused.

## **Why Might Someone Not Have Mental Capacity?**

Some people are assessed as not having the mental capacity to make decisions. This could be due to having a learning disability, having dementia, or having a mental health problem. Most people have some degree of mental capacity whatever impairment they may have and can make decisions about some things but not others. For example, a person may be able to choose what to wear, or eat and drink, but may not be able to decide how to protect themselves from harm. Other people can make decisions at certain times but not others. For example, they may have a mental health problem that affects them differently at different times.

## What Does the Law Say?

The law is very clear about protecting and supporting us. It says:

1. We must assume that people have mental capacity and can make their own decisions unless it is proven they can't.
2. We all have the right to make our own decisions and we should be supported to do this.
3. We all have the right to make our own decisions even if other people don't agree with us.

If someone cannot make their own decisions, the law says that people helping them must only make decisions in their 'best interests'. This means the decision made by other people on their behalf must be what is best for them, not for anyone else. The decision must give that person as much freedom as possible.

## Who Decides if You Have Mental Capacity

A doctor, a social worker, or your key worker might decide that, in their opinion, you do not have mental capacity if you cannot understand, remember, or think about the information necessary to make a decision or cannot communicate your decision.

## Help and Support

If you have any questions, your contact person is

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Their contact details are:

**Phone** .....

**Email** .....

They can be contacted at these times:

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## Services in Solihull

### Age UK Solihull

Phone: 0121 704 7840

Web: [ageuk.org.uk/solihull](http://ageuk.org.uk/solihull)

Email: [info@ageuksolihull.org.uk](mailto:info@ageuksolihull.org.uk)

### Carers Centre

Phone: 0121 788 1143

Web: [solihullcarers.org](http://solihullcarers.org)

Email: [centre@solihullcarers.org](mailto:centre@solihullcarers.org)

### Solihull Action through Advocacy

Phone: 0121 706 4696

Web: [solihulladvocacy.org.uk](http://solihulladvocacy.org.uk)

Email: [office@solihulladvocacy.org.uk](mailto:office@solihulladvocacy.org.uk)

### Solihull Council – Adult Social Care

Phone: 0121 704 8007

Web: [solihull.gov.uk/adult-social-care](http://solihull.gov.uk/adult-social-care)

Email: [ccadults@solihull.gov.uk](mailto:ccadults@solihull.gov.uk)

## Useful Links

### Mental Capacity Act Code of Practice

Code of practice giving guidance for decisions made under the Mental Capacity Act 2005

[gov.uk/government/publications/mental-capacity-act-code-of-practice](https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice)

### Mental Capacity Act 2005 Legislation

The Mental Capacity Act (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over.

[legislation.gov.uk/ukpga/2005/9/contents](https://legislation.gov.uk/ukpga/2005/9/contents)

### Community Advice Hubs

Age UK Solihull has a range of services that have been developed over 40 years of experience in meeting the needs of older and vulnerable people in Solihull.

[ageuk.org.uk/solihull/services](https://ageuk.org.uk/solihull/services)



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