

# Making Decisions - Capacity



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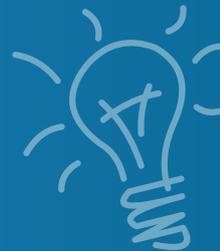
**NATIONAL FEDERATION OF VOLUNTARY BODIES**

*Providing Services to People with Intellectual Disability*

CENTRE for DISABILITY  
LAW & POLICY



“The right of persons with disabilities to make choices about their lives and enjoy legal capacity on an equal basis with others ...and being recognised as someone who can make decisions is instrumental in taking control over one’s life and participating in society with others”



Commissioner for Human Rights in *Who Gets to Decide?*  
(Strasbourg, February 2012)

## WHAT IS CAPACITY

The law says that adults have capacity. This means being able to make your own decision about something.

You should be given the chance to make choices and decisions for yourself.

The people around you, people you trust or family, should support and help you to make whatever decisions you want.

The law says having capacity means that:

- you are able to understand the information about the decision so that you can decide
- you remember the information
- you are able to understand the different choices you have so that you can make a decision
- you are able to understand what will happen when you make your decision
- you can tell or show someone what you want.

You can tell or show someone by:

- Using words
- Using pictures
- Using signs like Lámh or Irish Sign Language
- Using your communication device
- Using gestures
- Using any of these together



These can be decisions about small things - that you are able to make, like the clothes you wear, the food you eat, and the things you do for fun.

Making these decisions everyday will help you when you have to make more important decisions

You can make many different decisions about

- Yourself
- Where you live
- Your health
- Your money
- Your relationships
- Your will

## INFORMATION



You need information about something before you can make a decision about it. You might need information about yourself, your health, your money or the place you might like to live in, before you can make a decision about it,

You should be given information in a way that you can understand it.

Information can be explained to you

- Using words
- Using pictures
- Using signs like Lámh or Irish Sign Language
- Using your communication device
- Using any of these together

A new law in Ireland is coming soon and will make decision making and capacity clearer.

## MAKING BIG DECISIONS



You might like to talk to your trusted friends about different decisions you have to make.

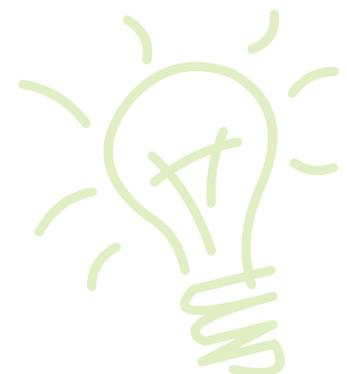
You might like to talk to a family member about where you live and how you spend your money.

You might like to talk to a friend or advocate about your health.

You might like to talk to a solicitor about your Will.

## GETTING SUPPORT TO MAKE DECISIONS

Decisions about buying a house or what to do with your money are decisions where you may need more support. You might have to write your name on legal documents to record your decision.



## WHAT YOU WOULD LIKE

You should have enough support to make your own decisions.

Sometimes it may be difficult for you to make decisions.  
Then, someone you trust can help you to make that decision.

They can support you to:

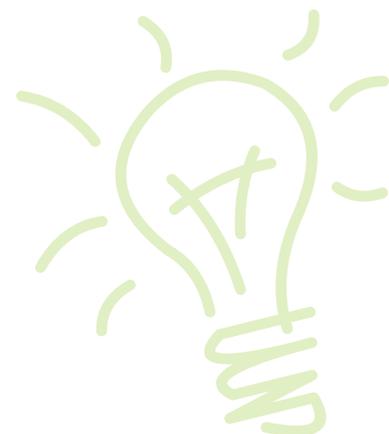
- Understand the information about your decision
- Remember the information that you need to make your decision
- Understand the different choices you have
- Know what happens after you have made your decision
- Let people know what your decision is

When someone you trust supports you to make a decision, they have to remember that it is your views that are very important.



Someone you trust can include a friend, an advocate, a family member and any other person who supports and knows you well.

Sometimes a court may decide that you are unable to make a decision about some aspect of your life. In this case, someone may be asked to make a decision for you. This decision must be based on your wishes, what is happening now and what might happen so that things are better for you.



# THIS IS PAUL ...



Paul goes to a social group and has some good friends.

The group is planning on going to the cinema.

Paul likes the cinema but is not sure if he will like the film they plan to see.

Paul decides to ask his brother what he thinks of the film they plan to see.

Paul's brother helps Paul to find out more about the film. They talk together about the film and Paul decides that he does not want to see the film.

They decide to see what other films are on that Paul might like to see instead.

Paul picks a film that he would prefer to see.

Paul tells his friends that he would like to go to the cinema but he will go to a different film.

Some of Paul's friends go to the film with him.

Paul is happy he made the decision to see this film.

*Paul made a choice about what film to see. He talked to his brother about it. They decided it would be better to see a different movie. He paid the cinema €7.50 And in return he was allowed in to see the film.*