







# Making decisions about your life



**CAPACITY AND SELF-DETERMINATION  
(JERSEY) LAW 2016**



This is an Easy Read leaflet about making decisions  
about your life and the Capacity Jersey Law 2016

 <p><b>CAPACITY AND SELF-DETERMINATION (JERSEY) LAW 2016</b></p>	<p>The Capacity Law is about making decisions.</p> <p>It is law.</p> <p>A law is like a rule.</p>
	<p>Some people can make all decisions about their own life.</p> <p>A decision is like a choice.</p>
	<p>Some people can make a few decisions.</p>
	<p>Some people cannot make any decisions.</p>



If someone cannot make a decision, it is called 'lacking capacity'



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The Capacity Law is about making sure that you have the support you need to make as many decisions as you can yourself.



The Capacity Law keeps people safe.

Some people need family, friends, their carer, or support staff to make decisions for them.



The Capacity Law is about making big and small decisions.

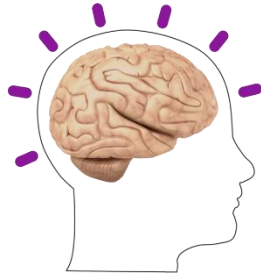
This might be:

- what clothes to wear
- if you want staff to help you with your personal care
- if you would like to have a boyfriend or girlfriend
- if you are happy to let family or staff look after your money
- where you want to live
- how long to stay at the pub
- if you want to go to the doctor about a new health problem



To make a decision you need to

- understand information
- remember it for long enough
- to think about the information
- communicate your decision or choice to another person
- your ability to do this might be affected by your learning disability, dementia, or a mental health problem



Being able to make a decision can change.

If you have epilepsy, you may not be able to make a decision after you have had a seizure.



If you have a mental health problem you might not be able to make a decision now, but in a weeks time you might feel much better.



The people that support you must always take it that you are able to make your own decisions.



Unless you show that you cannot.



Everyone is different and every decision is different.

You may not be able to decide whether to move house.

You might need support to help make this decision.



You might need family, friends, your carer, or support staff to make this decision for you if you cannot.



But you can choose what to eat and what to wear each day.

You must be allowed to make those different decisions.



You have the right to be given as much support as you need to make decisions.



If you find it hard to understand words.

Then it is not enough to just talk to you about a decision or choice.



Information about the decision can be given to you by using signing, photos or symbols and easy read.



If you use a communication device this can also be used.





People who know you well should be there to help you to understand and communicate your decision.

### Making decisions



As an adult you have the right to make decisions that other people disagree with.

This might be

- Going for a walk in the pouring rain
- Spending too much money on a new TV
- Staying up until 4am
- Smoking 20 cigarettes a day





If you can decide these things for yourself.

If you understand the decision, you have the right to make that decision.

### A 'Best Interest's decision



If you cannot make a decision because you are 'lacking capacity'

Then your family, Doctor or carer can make a decision for you.



This is called a 'best interests decision'



'Best interests' means that a decision must be what is best for you not for anyone else.



The people in your life who can make the 'best interest' decision for you must think about these things first.

- Can the decision wait, until a time when you can make it yourself?
- How can you be helped to make the decision yourself?
- What do other people who know you think?



If you are not able to make a decision, then the people helping you must only make a decision in your 'best interest'.

When a decision is made for you, it must give you as much freedom as possible.



There are things carers cannot do even if it is in your best interest.

They must not:

- Use too much restraint.
- Hold a person still for an injection that they do not want, this is called restraint.
- Carers must not take away your freedom without the law telling them to for your best interest.



If you are in supported living your Care Provider must ask the Minister about where you can live or the things you are allowed to do.

### Limits to “Best Interests”



Carers must not go against the wishes of someone who is legally allowed to make decisions on your behalf.



Carers must not go against an advance decision to refuse treatment.

An advance decision is when you have already let people know what you want to happen.

### Independent Capacity Advocate (ICA)



If you cannot make big decisions, like whether to move house or have medical treatment.

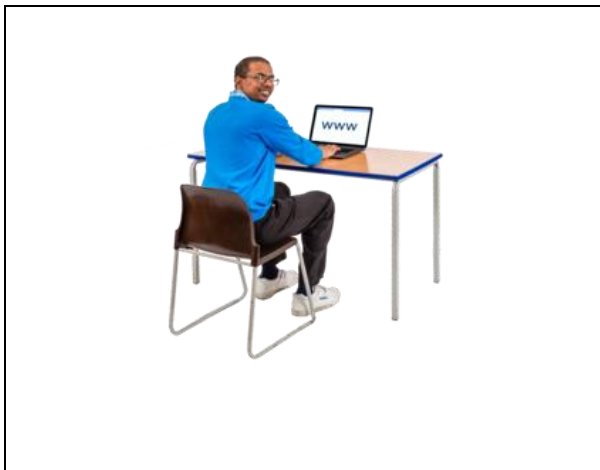
You might need an Advocate



Advocates do not make  
decisions about your care.

They are there to support you.

## For more information



For more information you can  
look online.

**Website:**

[www.gov.je/capacitylaw](http://www.gov.je/capacitylaw)