

Talking Mats and Capacity

Every adult has the right to make decisions unless proved otherwise

Judgements on capacity

Taken from MCA (2005) and AwIA (2000)

- It is important to assess people when they are in the best state to make the decision, if possible
- The fact that a person is able to retain the information relevant to a decision for a short period only does not prevent him from being regarded as able to make the decision.
- Need to ensure capacity evidence is up to date, and re-evaluated over time

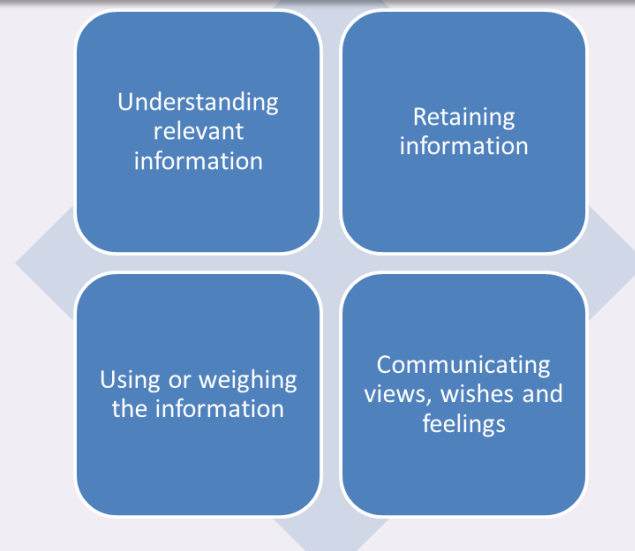
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Assumptions behind the Acts

- Cannot be based on Age, Behaviour, Disability
- Needs to be decision by decision
- Cannot be based on past decisions but account should be taken of past experience
- Information to support understanding needs to be given in a way that is appropriate to circumstances (using simple language, visual aids or any other means)

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We must assume that someone has Capacity unless it is established that the person has substantial difficulty in one or more of the following criteria



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How Talking Mats helps with determining Capacity



Understanding relevant information

- By providing relevant topics in an attractive visual format
- By grading symbols according to complexity
- By giving information in multiple channels (auditory, visual, tactile)
- By breaking down information into manageable chunks



Retaining information

- By reducing memory demands
- By reducing distractibility
- By giving a permanent visual record of their views



Using or weighing the information

- By allowing person to process information and respond in their own time
- By allowing person to change their mind
- By showing that there is no right or wrong
- By allowing person to say 'no'



Communicating views, wishes and feelings

- By allowing person to express their own views visually whether right or wrong
- By giving control to the person
- By building up a composite picture of wishes and feelings