



South Tyneside and Sunderland
NHS Foundation Trust



Making choices about your health care.



An Easy Read guide to capacity, consent and best interest decisions for adults.

This factsheet explains the law about helping people to make choices about their health.



Mental Capacity Act 2005



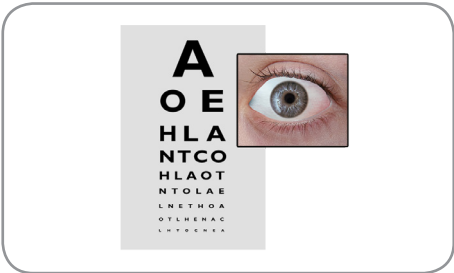
Some people need help to make choices about their health treatment.



It is important to have good health treatment. **Here are some examples.**



If you have a problem with your teeth it is important to get treatment from your dentist.



It is important to have a eye test every two years at your optician.



Sometimes you might need to have a check up at hospital or at your doctor's surgery.



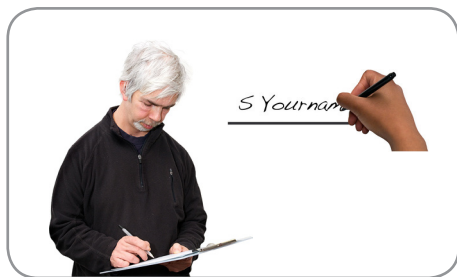
Sometimes you might need to have an operation at hospital to make you better.

The Mental Capacity Act 2005.

This is the law about how to help people make important choices.



Before you have health treatment you are asked to say yes to it. **This is called giving consent.**



To give consent you usually have to sign a form.

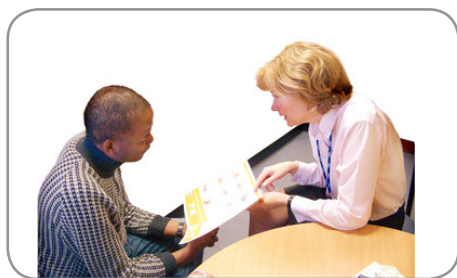
Doctors and nurses are not allowed to say that you will not understand your choice.



They must always check if you can understand.



The law says that you can make choices about your health treatment unless it is proved that you can't.

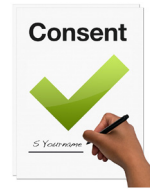


The law says says you must be given help to try to understand your choices.

Your consent needs to be checked before you have any health treatment.



It's a good idea to check consent as soon as possible.



If there is a problem with your consent the health treatment may not happen.

Some people may be frightened about having health treatment.



They may say no to having health treatment because they feel scared.

They may need help to understand why it is important for them to have a health treatment.



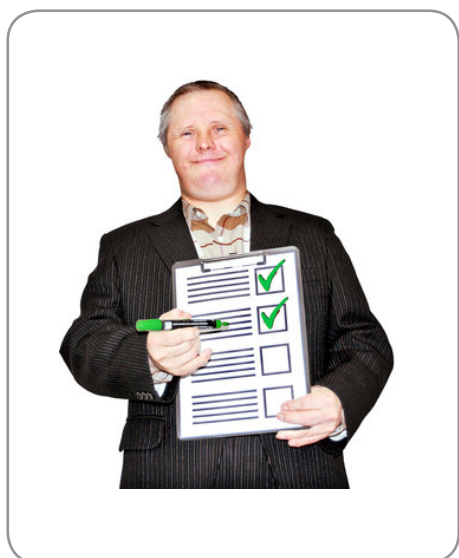
They may need the health treatment to make them better.

To give consent you must show that you understand the choice about your health treatment.



This is called having 'capacity to consent'.

To show you have capacity to consent you need to be able to understand these things:



- Why you are having the treatment.
- What might happen when you have the treatment.
- What you need to do after you have the treatment.



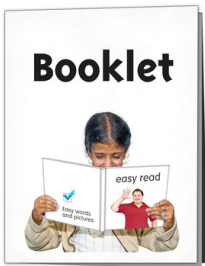
You also need to be able to communicate your choice.

You can communicate your choice in different ways. You do not have to be able to use speech.



People must try different ways to help you to understand their choice.

These things can be used to help you to understand.



Easy Read information



DVD's and films on websites like YouTube.



Visits to hospital to find out more.



Talking with a nurse or doctor



Talking with friends and family

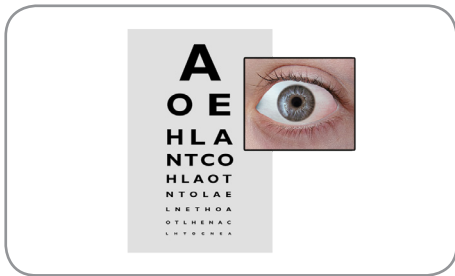


People must give you the time you need to understand your health choices.

Consent needs to be given for each different health treatment.



Some people can consent to some health choices but not to others.



Many people find it easy to choose to have an eye test.



Choosing whether to have an eye operation is a harder choice.

Even with lots of help people sometimes cannot make a choice about a health treatment.



A decision about their health treatment can be made by other people.

This is called making a decision in the person's **best interest**.

The health professional can decide whether it is in the person's best interest to have the treatment.



They do not make this decision on their own.



They will talk to the person's family and other people who know them to find out what they think.



People will think about how much the treatment could help. They will also think about the risks of having the treatment.



They should make a plan so the treatment causes as little worry and stress as possible.



They should make sure the person has the support they need to get better after the treatment.

Example of a 'Best Interest' decision

Karl had a bad toothache



- He was in pain all the time and couldn't sleep properly.
- He wouldn't let anyone near his mouth to look at his teeth.
- It was found that he couldn't give consent to have his tooth fixed.

The dentist talked to Karl's family and the staff who support him.

Everyone agreed that Karl's tooth should be fixed as the pain was making his life miserable.

The dentist thought the best way to do the treatment was for Karl to have a general anaesthetic so he would be asleep.

Everyone agreed that this would cause Karl the least stress.



The treatment went well.



Karl felt much better after the treatment and was much happier.

Example of a 'Best Interest' decision

Angela's doctor wanted her to have an MRI scan to check the muscle in her leg.



- Angela was having trouble walking.
- Her doctor wanted the scan to check if there was any damage to the muscle.
- It was found that she couldn't give consent to have the scan.

The radiographer had a meeting with Angela's mum and the staff who supported her.

An MRI scan does not hurt, but it is very noisy and you have to lie still. People were worried that Angela would find the scan very upsetting and would not be able to lie still enough.

The Radiographer decided it was not in Angela's best interest to have the scan as the risks were greater than the benefits.



Angela's mum went back to talk to the doctor about other ways they could help Angela.

Independent Mental Capacity Advocates.

Also known as IMCA's



If a person has no family or friends to talk to about a health decision an Independent Mental Capacity Advocate can get involved.



IMCA's help people who lack the capacity to make important choices about serious medical treatment.

The IMCA works with the person and represents their views to those who are working out their best interests.

VoiceAbility run the IMCA service in Sunderland.

Write to: Total Voice Sunderland,
VoiceAbility, 1 Qd North Sands Business
Centre , Liberty Way, Sunderland,
Tyne & Wear, SR6 0QA.



Phone: 0191 510 5051



Email: totalvoicesunderland@voiceability.org



In an emergency health staff might not ask for your consent for treatment.



In an emergency you may need treatment quickly.



If you are very ill or badly hurt a paramedic or a doctor will treat you without needing to check your consent.

Useful websites.

South Tyneside and Sunderland NHS Foundation Trust:



www.stsft.nhs.uk

Sunderland Action for Health Easy Read website.



www.sunderlandactionforhealth.co.uk

For more detailed information about The Mental Capacity Act 2005 go to the NHS Choices website.



www.nhs.uk/CarersDirect/moneyandlegal/legal/Pages/MentalCapacityAct.aspx

Credits

This factsheet was developed by the Learning Disability Liaison Service at South Tyneside and Sunderland NHS Foundation Trust, and funded by the Sunderland Clinical Commissioning Group.

Designed by The Clear Communication People Ltd.using Photosymbols and other stock photography.


Sunderland
Clinical Commissioning Group

With thanks to South Tyneside and Sunderland NHS Foundation Trust.


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About Easy Read information

Easy Read information using larger print, easy words and pictures to make information easier to understand. Easy read is a summary of the key points. Whilst it is useful to help people understand complex subjects it should not be relied upon solely in the process of supporting people to make decisions about their health care and treatment.

This factsheet can be downloaded free of charge from: www.sunderlandactionforhealth.co.uk