



## Session 2 Easy Read Summary

Capacity Law and Rights **Information** to You



We had a Zoom meeting about supported decision-making. It was accessible for disabled people.



We talked about what the Mental Capacity Act 2005 and the UN Convention on the Rights of Persons with Disabilities (CRPD) say about support with making decisions.

**Wolferstans**  
SOLICITORS



Economic and Social  
Research Council



UNIVERSITY OF  
BIRMINGHAM

# Supported Decision-Making



People with learning disabilities have the right to get help with making decisions. This is sometimes called 'supported decision-making'.



The UN Convention on the Rights of Persons with Disabilities is usually called the CRPD. It says that disabled people have the same rights as everyone else.



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Follow this link for:  
[EasyRead information  
about the CRPD.](#)



The Mental Capacity  
Act is the law that says  
who can make decisions  
and how to make  
decisions.



Follow this link for  
[EasyRead information  
about the Mental  
Capacity Act.](#)



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We talked about different ways that people can be supported to make decisions.  
Things that help are:



- Easy Read information



- Finding different ways to explain things



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- Taking enough time, or making decisions at a time that is right for you.



- Advocacy and self-advocacy



- Peer support, from friends and community groups



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The Everyday Decisions project was research that some of the CLARiTY team did about how to support decisions. You can find out all about it on the [legalcapacity.org.uk](http://legalcapacity.org.uk) website.

## Best Interests



We talked about what happens when people with disabilities cannot make their own decisions even with support.



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When people cannot make their own decisions, the law lets others make these decisions in the person's **best interests**.



Best interests decisions must keep the person at the centre of all decisions about them.



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We talked about who should be asked what they think when a best interests decision is made. This includes:

- The person the decision is about



- Anyone that the person who the decision is about has named as someone who should be asked. This might be family or friends.



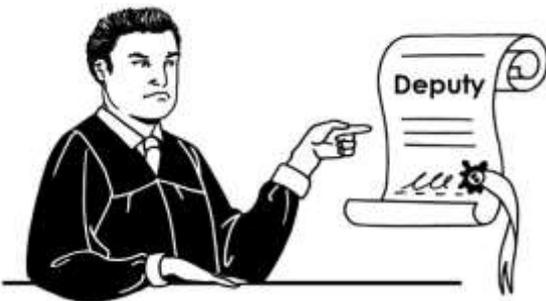
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- Anyone caring for the person.
- Anyone who has a Lasting Power of Attorney (LPA) for the person.



- Anyone who has been appointed as a Deputy for that person.



Sometimes all of these people will need to be asked because they know the disabled person best.

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Best interests decisions must not discriminate against people because of their disability.



Best interests decisions must always be **the least restrictive option**. This means that the choice which is best for supporting the disabled person to be independent should be made.

# Complaints and the Ombudsman



We talked about what to do if you are not happy about a best interests decision and how to complain.



We talked about the [Local Government and Social Care Ombudsman](#). You can speak to the Ombudsman when you are not happy about social care and services provided by your council.



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There is [easyread information from the Care Quality Commission](#) about what to do when you are not happy about the healthcare or social services you receive.



Follow this link for Easyread Information from [the Ombudsman who deals with complaints about health care](#).



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Follow this link for Information from [the Ombudsman who deals with complaints about local authorities and social care services](#)

## Do Not Attempt Resuscitation Notices



We talked about Do Not Attempt Resuscitation (DNAR) notices.

A DNAR notice means that if the person's heart stops or they stop breathing, doctors will not use invasive treatment to revive them.



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There is an [EasyRead guide to DNAR on the Learning Disability England website.](#)

## Supporting Relationships and Intimacy



We talked about support with having and developing relationships. Sometimes disabled people don't get enough support to help them develop their relationships.



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We talked about what it means to have mental capacity to consent to sex. This uses the capacity test in the Mental Capacity Act, but adds extra information.



To have capacity to consent to sex you need to be able to:

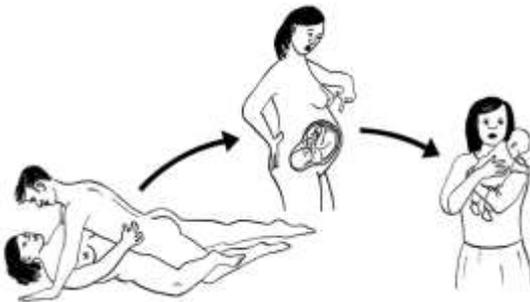
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- describe what sex involves



- show that you know about safe sex and the risks of sex, and contraception



- show that you know sex between a man and a woman can lead to pregnancy

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- know that sex is a choice and you can say no;
- know that the other person also needs to say yes.



There is lots of easyread information about sex and relationships online. There is free information from:

- [Mencap](#)
- [Supported Loving](#)

You can also buy books about sex and relationships from:

- [CHANGE](#)
- [Books Beyond Words](#)



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We will have another zoom call on 13 January 2021. [You can join in.](#)



It will be about Lasting Power of Attorney and Deputyship appointments.



If you want to know more about the CLARiTY Project you can email us:  
[clarity@legalcapacity.org.uk](mailto:clarity@legalcapacity.org.uk)



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You can also look at our  
website which is:

[legalcapacity.org.uk](http://legalcapacity.org.uk).

Or follow us on twitter:

[@legalcapacity](https://twitter.com/legalcapacity)