

# Communication, choice and decision making

## Introduction

Any interpretation of a person's mental capacity and ability to make decisions needs to include consideration of their communication skills. Some people with social or communication difficulties may appear to be incapable of making choices. They may, however, be fully able to make decisions, if given the means to express themselves. Conversely, others may mask their impaired decision making capacity through apparently sophisticated communication skills.

However, difficulties in communicating with an individual should not be used as an excuse to limit their autonomy in decision making. It is perfectly possible to overcome many of these difficulties – by building trusting relationships which are sensitive to an individual's needs and circumstances, and by using communications systems and equipment, tailored to an individual's needs. With the support of independent and informed advocacy, circles of support and appropriate communication equipment, most people with communication impairments can understand their choices and express their decisions effectively. Communicating decisions is a way that individuals demonstrate control over their

lives (including people with mental health problems) and therefore, can be therapeutic and promote an individual's self esteem.

## How can communication be supported?

Supporting people will vary according to the skills and impairments of the person. People unable to speak, for example, can use pictures or photographs to communicate; while someone who is confused by open questions like 'what would you like to eat?', may be able to make a decision if responding instead to closed questions, like 'would you like pizza or pasta?'. And some people with profound and multiple impairments can communicate choices and preferences through subtle signals, such as eye movements.

It is vital to use a person-centred approach when assessing someone's mental capacity. This approach recognises not only that people's communication needs and skills vary greatly, but also that the capacity of an individual can alter due to many factors such as environment, mood and the type of decision being made. Some people may be capable of making decisions about what to wear or which television programme to watch, but need

**The Making Decisions Alliance believes that new legislation on mental capacity is urgently needed**

For more information and other formats of this pack visit [www.makingdecisions.org.uk](http://www.makingdecisions.org.uk)

support with choices about other things, like their finances. Some people may need a more concrete understanding about the decision they are facing. For example, they need to have the potential choices of clothing laid out in front of them. Others may be able to make choices only when they are feeling calm and secure and in a familiar setting. Any test of mental capacity must take account of the different situations and circumstances in which decisions are made.

An appropriate communication programme can improve decision making over the long term. For example, The Picture Exchange Communication System (PECS) enables people with a learning disability – and others who have difficulties communicating – to initiate communication and express preferences through the use of picture cards. The system starts with the use of a small number of pictures and gradually builds up vocabulary and sophistication of language over time. Long term communication systems like this can significantly help develop communication and decision making skills. This gives people more choice and independence.

### **A test of capacity?**

Any test of capacity should take all the above points into consideration. It should explicitly state that the test must examine

whether that person is capable at that given time. It requires an in-depth understanding of the medium with which the individual wishes to communicate and how to use it. Specialists or experienced advocates will be able to advise on these issues. There should be a greater emphasis on giving the person concerned sufficient time to communicate their wishes.

### **Conclusions**

Helping people with communication impairments to understand their choices and make decisions requires an investment of time, money and skills – from Government and carers alike. However, it is a fundamental human right that people should be enabled to communicate and make decisions to the best of their abilities.

For example the Government has itself highlighted what services should deliver to every person with a learning disability – choice, rights, independence and inclusion (*Valuing People*, Government white paper, March 2001).

If these four vital principles – for people with a learning disability and for those with other disabilities or impairments – are indeed to be delivered, work in this key area of skills in communication and decision making must be made a priority.

**The Making Decisions Alliance believes that new legislation on mental capacity is urgently needed**

For more information and other formats of this pack visit [www.makingdecisions.org.uk](http://www.makingdecisions.org.uk)