

# What is decision making capacity?

This fact sheet for workers and professionals provides information to support older people and their right to make informed decisions and live independently. Impaired decision making capacity is a known risk factor for elder abuse.

## Decision making capacity principles

- > Always presume a person has capacity.
- > Capacity is decision specific.
- > Don't assume a person lacks capacity based on appearances or diagnosis.
- > Don't assume a person lacks capacity based on what you may consider to be a bad decision.
- > Assess the person's decision-making ability not the decision they make.
- > Respect a person's privacy.
- > Substitute decision-making is a last resort.

**Decision making capacity** refers to a person's ability to make day to day decisions about legal, medical/health care, financial and personal matters, including:

- > where to live
- > what to buy
- > what support or services they need
- > when to go to the doctor
- > matters that have legal consequences, including: drawing up an Advance Care Directive; making a Will; entering into a contract; getting married; having medical treatment.

## People who have decision-making capacity can:

- > make decisions about their lives independently
- > make a range of decisions such as what to eat or what clothes to wear, but may need support to make decisions about whether to have surgery or how to manage their finances
- > understand the facts involved
- > weigh up choices and consequences
- > communicate their decision in some way.

**Impaired decision-making capacity** refers to when a person is unable to:

- > understand the information provided and the choices available to them, even after it is provided in a way they can understand, or in their language
- > understand the consequences of decisions
- > make a decision based on this information (or their own social, religious or moral grounds)
- > retain the information, even if for a short time
- > communicate the decision in some way e.g. verbally or with assistance.



## Decision-making capacity will vary and depend on:

Type of decision being made	> Is it a financial decision, a health decision, or some other kind of decision?
Timing of the decision	> Is the person more tired at some times of the day than others? > Is the person more able to make decisions at some times of the day than others?
Complexity	> Is the decision simple or complicated?
Information provided	> How much information has the person been given, and what is their level of understanding about the information? > Has it been given in a way to maximise their understanding?
Physical environment in which the decision is being made	> Is the environment noisy or overwhelming > Is the situation stressful?
Prior experience	> How much knowledge of, or familiarity with, the topic does the person have?
Culture, language and education	> How does a person's background interact with their capacity to make decisions related to different situations?
Health	> Does the person have an illness or condition that worsens from time to time and affects their decision-making capacity (e.g. mental illness; drugs or alcohol; prescribed medication or anaesthetic)?
Personal stress	> Is the person dealing with any social issues which may cause them stress at the time of decision-making?

## For more information

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