

## It's Your Decision

The Adults with Incapacity (Scotland) Act can help you when you are unable to decide things for yourself



## Who can the Act help?



When you are 16 years old the law says you can make your own decisions about how you live your life.



But sometimes making decisions about important things can be difficult.



The Adults with Incapacity Act can help if you

- need help to make important decisions



- need other people to help you manage things



2010  
2011  
2012

- think you might need this kind of help in future



Yes, that's what I mean

- find it difficult to make your own decisions – someone else can get permission to make decisions for you and help you make your own decisions

## Who can get permission to make decisions for you?



- Someone in your family.



- A good friend.



- Your social worker.



- Your doctor.

# What decisions can they help you with?

They can help with important things like



- money



- where you live



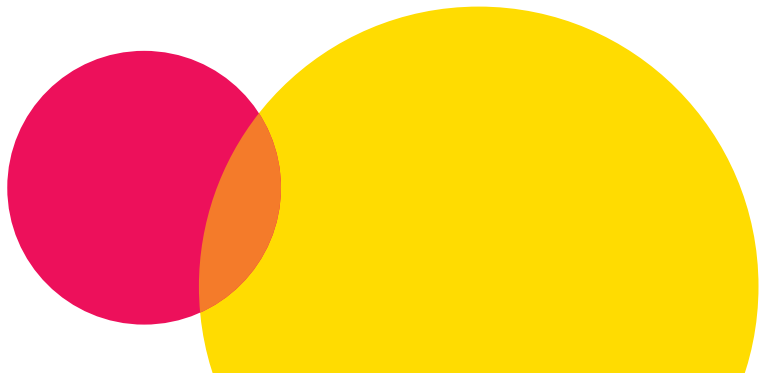
- work and training

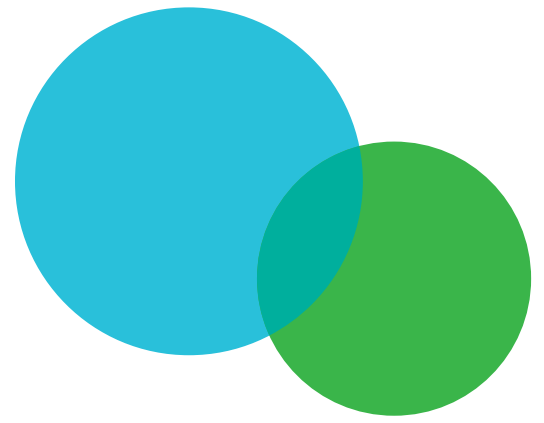


- medical treatment



- what you do during the day





## Rules

No one is allowed to make decisions that you can make yourself. People who make decisions for you must follow some important rules.



- The decision must make your life better.



- The decision must be really needed.



- They must listen to your views.



- They must listen to your family and supporters.



- They must help you to make decisions.



## Help with decisions about... your money



- The person that helps with your money must have permission.



- If you find managing your money difficult, or think you might in the future, you can ask someone you trust to help you. This person would be your **continuing attorney**. You will need a lawyer to help you do this.



- If you need help with managing your money, someone can ask the **Public Guardian** for permission to use your money to pay for things for you.



- If you have a lot of money and valuable things you may need someone to be your **financial guardian**. This person needs permission from the sheriff.



- If you need help with just one big decision, like selling your house, then the law can give someone the right to make that one decision but no others. This is called an **Intervention Order**.



- If you have any questions the **Public Guardian** will help and advise you. They help to protect your money and things you own.



## Help with decisions about... your life



- It can be difficult to make choices about important things in your life like where to live, medical treatment or training.



- You can get someone to help you make decisions and make decisions for you.



- This person must get permission to make decisions for you.



- You can ask someone you trust to make decisions for you in future, if one day, you are no longer able to do so yourself. This person would be your **welfare attorney**. The same person can be your continuing and welfare attorney – or you can have more than one person.



- If making important decisions about your life is too hard for you then someone can ask the sheriff for a **Welfare Guardianship Order**. This allows the person to be your guardian and help you with decisions all the time. If you need help with making decisions about your life and your money you can have the same person to do this, or more than one person.



- If you have any questions the Mental Welfare Commission or your local social work department will help and advise you. They ensure you are properly treated.



## Help with decisions about... your health



- If you are ill, you may need to see a doctor.



- A doctor or other health care workers like dentists, opticians and nurses need your consent before they can treat you.



- If you are not able to make that kind of decision then they must ask for permission from your welfare attorney or guardian – if you have one.



- If you don't have a welfare attorney or guardian the law allows doctors and other health care professionals to give you treatment.



- The doctor or other health care worker has to sign a paper saying you cannot make this decision for yourself and the treatment is needed to keep you well.



- If you have an emergency, and your life is in danger, doctors can treat you right away.



## How to find out more



A free Scottish Government DVD - Making Decisions - Your Rights (for people with learning disabilities), gives simple information about the Act. You can get it from The Scottish Government, telephone: 0131 244 3581

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### The Office of the Public Guardian

- will help you with matters about your money
- you can talk to them if you have a concern



[www.publicguardianscotland.gov.uk](http://www.publicguardianscotland.gov.uk)



01324 678 300

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### The Mental Welfare Commission

- ensures people with learning disabilities and mental health problems are properly treated
- you can talk to them if you have a concern



[www.mwscot.org.uk](http://www.mwscot.org.uk)



Freephone 0800 389 6809

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### The Law Society of Scotland

- can tell you where to find a solicitor



[www.lawscot.org.uk](http://www.lawscot.org.uk)



0845 113 0018

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### The Scottish Legal Aid Board

- can tell you if you may qualify for legal aid and where to find a legal aid solicitor



[www.slabb.org.uk](http://www.slabb.org.uk)



Legal Aid Helpline 0845 122 8686  
Open 7 days a week, 7am-11pm



## Social Work Department

- provides support and services



Your local telephone book will have contact details

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## Citizens Advice Bureau

- gives free advice including your rights under community care law



[www.cas.org.uk](http://www.cas.org.uk)



Your local telephone book will have contact details

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## ENABLE

- supports people with learning disabilities and their carers, provides legal advice and information



[www.enable.org.uk](http://www.enable.org.uk)



0141 226 4541

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## CAPABILITY Scotland Advice Service

- provides information and training for people with disabilities



[www.capability-scotland.org.uk](http://www.capability-scotland.org.uk)



0131 313 5510





## Care Commission

- inspects care services and investigates complaints



[www.carecommission.com](http://www.carecommission.com)



0845 603 0890

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## PAMIS

- helps people with learning disabilities and their carers



[www.dundee.ac.uk/pamis](http://www.dundee.ac.uk/pamis)



01382 385 154

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## Scottish Consortium on Learning Disability

- supports people through training, consultation and public education



[www.sclld.org.uk](http://www.sclld.org.uk)



0141 418 5420

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## Scottish Independent Advocacy Alliance

- helps people express their needs and make their own decisions



[www.siaa.org.uk](http://www.siaa.org.uk)



0131 260 5380

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## People First

- are an independent self-advocacy organisation



[www.peoplefirstscotland.com](http://www.peoplefirstscotland.com)



0131 478 7707



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