



UNIVERSITY OF
BIRMINGHAM

COLLEGE OF
ARTS AND LAW

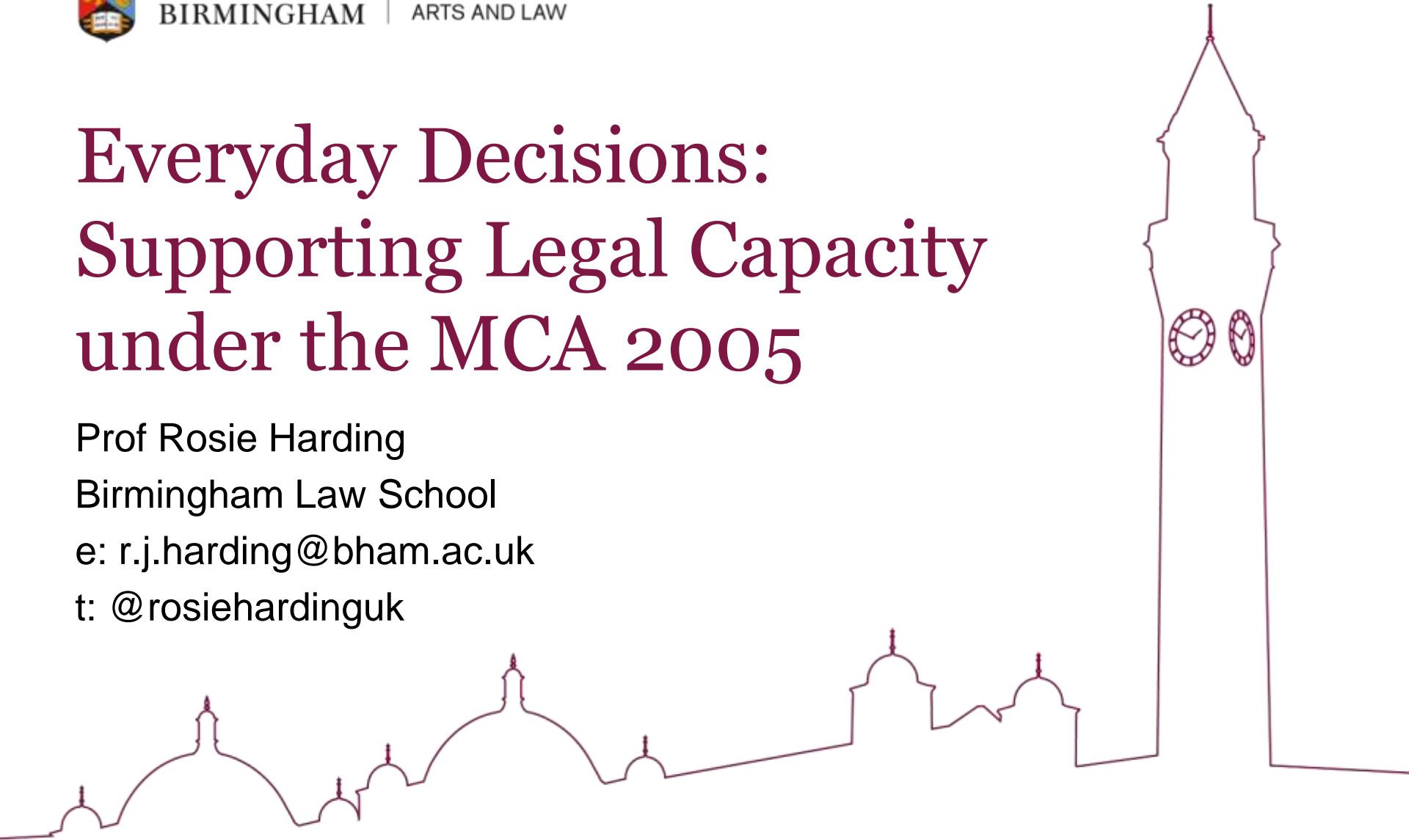
Everyday Decisions: Supporting Legal Capacity under the MCA 2005

Prof Rosie Harding

Birmingham Law School

e: r.j.harding@bham.ac.uk

t: @rosiehardinguk



www.legalcapacity.org.uk

Everyday Decisions Researching legal capacity in everyday life

Home · About Us · Research Project · Research Findings · Take Part · Contact Us

Everyday Decisions Project Reports

Everyday Decisions Project Reports: Now Published!
Published **December 18, 2017** by **Rosie Harding**

We are delighted to announce the publication of our Everyday Decisions project reports, detailing the Research Findings from the Everyday Decisions Project. On our research findings...

[Continue reading](#) [Leave a Comment](#)

UN Committee Concluding Observations: Emerging findings from the Everyday Decisions Project (II)
Published **November 19, 2017** by **Ezgi Tasdoglu**


As the Everyday Decisions project was under way, the UN Committee on the Rights of Persons with Disabilities completed its first review of the United Kingdom...


[Continue reading](#) [Leave a Comment](#)

Search for: [Search](#)

Everyday Decisions

This research is funded by the British Academy, and being carried out by researchers from Birmingham Law School, at the University of Birmingham.

 **BRITISH ACADEMY**
THE EDUCATIONAL ACADemy FOR THE HUMANITIES AND SOCIAL SCIENCES

 **UNIVERSITY OF BIRMINGHAM**

BIRMINGHAM LAW SCHOOL



UNIVERSITY OF
BIRMINGHAM

COLLEGE OF
ARTS AND LAW



- **Mental Capacity:** the decision-making skills and competencies of a person. Mental capacity varies from person to person.
- **Legal Capacity:** the formal ability to hold and to exercise rights and duties. Everyone has a right to legal capacity. Some people need support to enjoy their legal capacity.



The Everyday Decisions Research



Supported
Decision-
Making



Everyday
Choices
and
Decisions



Good
Practice



UNIVERSITY OF
BIRMINGHAM

COLLEGE OF
ARTS AND LAW

Everyday and life choices are often well supported



Clothes
and
Food



Activities
and
Holidays



Working
and
Learning



Some choices were harder and less well supported



State Benefits, Working, Avoiding Sanctions



Housing Choices and the 'Bedroom Tax'



Talking about Relationships and Friendships



Disabled participants wanted extra support for some decisions



Medical:
Take a
supporter

Financial:
Easyread
helps

Legal:
Where to
get help?



Care professionals preferred best interests for 'important' decisions



Medical:
Clinical
best
interests



Financial:
Managers,
Deputies



Legal:
Don't
know how
to help!



Capacity assessments didn't always work the way they should



Capacity Assessment
Not always decision-specific



Some people excluded from decisions they could make with support



Some people considered to have mental capacity when they needed more support



What does this research tell us?

- To better support legal capacity through mental capacity practice we need to:
 - Build on positive strategies and good practice for making everyday and life choices;
 - Get better at supporting more complex decisions;
 - Make sure that the MCA and capacity assessments are used to support legal capacity, not to deny it.

