

Diminished Capacity and Cognitive Impairment

 Engaging with children, adults, families and communities

STANDARD 3

PARTNERING WITH FAMILIES, CARERS AND COMMUNITIES

Criteria 3.1

Parents, carers and/or guardians participate in decisions affecting their child, or adults with diminished capacity.

Indicators

3.1.1 The entity encourages parents, carers and/or guardians to take an active role in monitoring the safety of those engaged in the ministry and/or service.

What is diminished capacity?

'Diminished capacity is a condition where you are no longer capable of making effective decisions about your life. It is also called a loss or lack of 'competency'. Capacity can refer to your ability to decide things (decisional capacity) or your ability to take effective action (executorial capacity).'

(Quist, Diminished Capacity in Psychology: Definition & Examples - <https://study.com/academy/lesson/diminished-capacity-in-psychology-definition-examples.html>)

There are three key components to addressing this indicator:

- understanding the barriers that prevent children from disclosing abuse;
- understanding the barriers for adults to be able to recognise and then respond to disclosures; and
- outlining strategies to address these barriers.

Decision-making and ability to provide consent

Everyone has the right to make their own decisions or if needed, the right to have support to make their own decisions. In some situations, this right must be balanced against the need to protect a

person who cannot make a particular decision to protect themselves from harm or from exploitation by others.

How can my organisation support adults with diminished capacity?

People can be assisted or supported to make their own decision. Carers and guardians should be involved in decisions affecting those adults with diminished capacity of whom they care for. Entities should engage openly and collaboratively with carers and guardians to assist in decision-making, so the best interests of the adult are supported, and they are able to live a fulfilling life.

How can we improve safeguarding for adults with diminished capacity?

Carers and guardians with responsibility for an adult with diminished capacity are often best placed to provide support and are knowledgeable sources for assisting in individualised decision-making.

Safeguarding is the responsibility of everyone in an organisation, so engaging with decision-makers is vital. They can provide information about safe practices and environments for adults with diminished capacity and assist in building a strong safeguarding culture.

Engaging in open communication about safeguarding with carers and guardians of adults with diminished capacity ensures that safety and wellbeing remains a priority. Entities will have to consider the most appropriate formats for communicating and collaborating with carers and guardians.

Often there are easy ways to assist or support people to make their own decisions. For example: getting an interpreter, using plain language and simple sentences when communicating, using pictures or photos, writing things down, using technology, or finding a quiet comfortable place.

Key factors to consider with approaches for adults (focus on adults at risk)

Diminished or impaired capacity:

- is a legal definition and refers to a person's ability to make a sound decision in a particular area of their life. This can include anyone who is incapable of giving informed consent or who lacks sufficient understanding to qualify as providing valid informed consent.

Cognitive Impairment:

- is not an illness, but a description of someone's condition.
- Some causes of long-term or permanent cognitive impairment include dementia, stroke or brain injury.

Transient Risk:

- short-term risk, experienced by people at different points of time e.g. when someone is vulnerable due to grief, bereavement or relationship breakdown.

Decision-making for adults at risk

State and territory legislation provides for the ability to make a judgment about the decision-making capacity for adults with diminished capacity, including financial decisions (administration) and personal and health decisions. This relates to guardianship orders which may be put in place for adults with diminished capacity. In these circumstances the focus is always on the wellbeing, needs and interests of the adult.

When does an adult need help making decisions?

There are three elements to making a decision:

- understanding the nature and effect of the decision;
- freely and voluntarily making a decision; and
- communicating the decision in some way.

If an adult needs to make a decision and is unable to carry out any part of this process, they have impaired decision-making capacity and may be considered an adult with diminished capacity.