

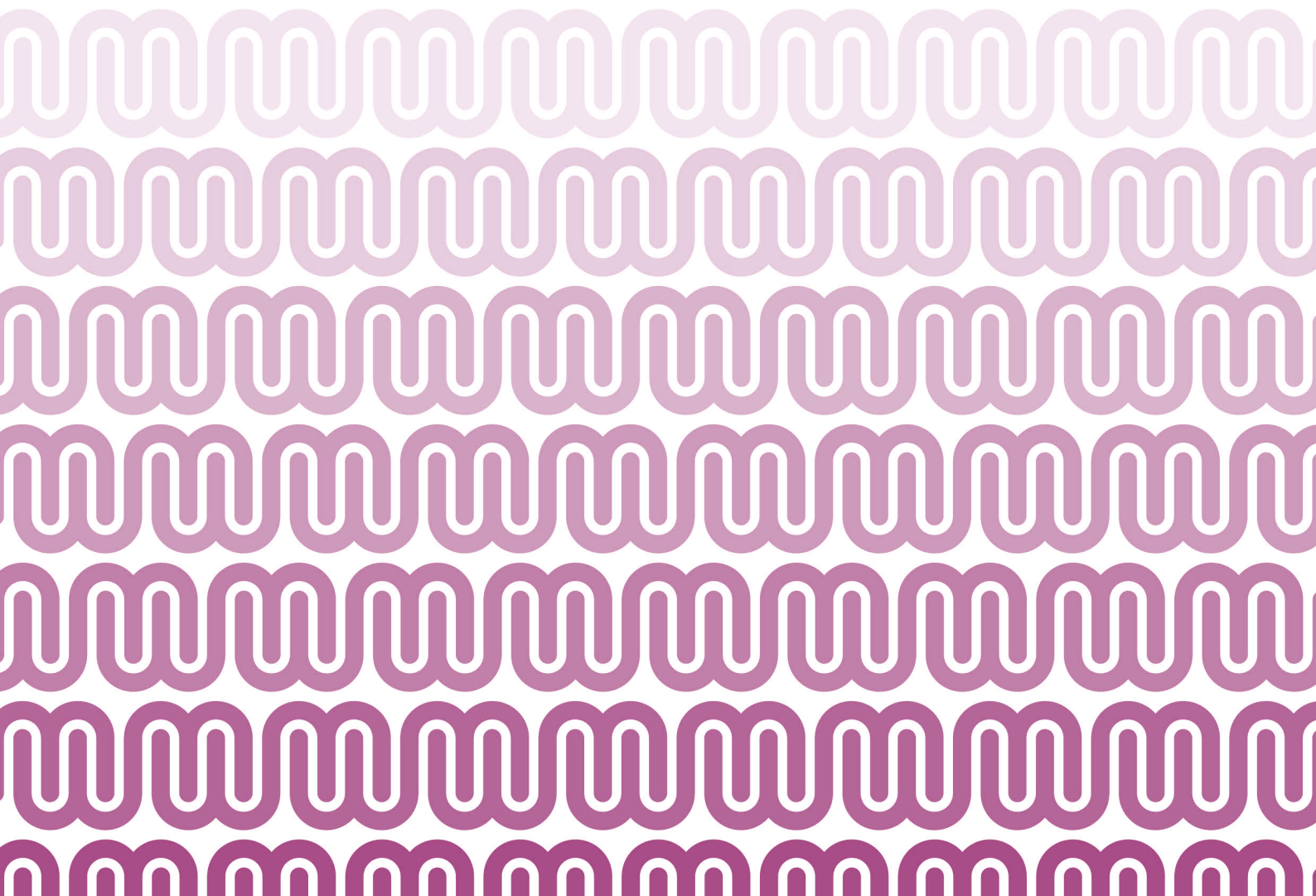


mental welfare
commission for scotland

Significantly impaired decision making ability (SIDMA) general guidance

Advice notes

July 2025



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

Significantly impaired decision-making ability (SIDMA)

How best to describe it: a view from the Mental Welfare Commission for Scotland

SIDMA is one of the considerations when deciding if an individual meets the criteria for civil compulsory treatment under the Mental Health (Care and Treatment) (Scotland) Act 2003. Research has shown that there is considerable inconsistency in the way SIDMA is described^{1 2}. While SIDMA is not defined in the Act, the code of practice gives some guidance³.

In 2009, we produced guidance on assessing and documenting SIDMA where the individual has an eating disorder. We stated that the guidance on documenting SIDMA might be helpful in other conditions. We have reviewed the eating disorder guidance. As a consequence, we think that our suggestions on how to document SIDMA might be helpful across all conditions where clinicians are considering compulsory care and treatment. They might also be useful to the Tribunal when making decisions on civil compulsory orders.

In our view, a good description of SIDMA should contain the following:

- A specific description as to why this particular individual has SIDMA without making generalised statements about the condition.
- An explanation as to which features of the condition are interfering with decision- making.
- A specific reference to which parts of the decision-making process (understanding, retaining, weighing and balancing information and coming to a decision) are impaired and why.
- A description, where relevant, of the extent to which the individual understands the condition and the need for treatment and how this is influenced by the condition. We advise against blanket terms such as “lack of insight”.
- Again where relevant, a description of inconsistency in decision-making as a result of the condition, especially where what the individual says and the way they behave are different.

¹ Shek, E., Lyons, D. & Taylor, M. (2010) Understanding ‘significant impaired decision-making ability’ with regard to treatment for mental disorder: an empirical analysis. *The Psychiatrist*, 34, 239-242

² Martin et al. SIDMA as a criterion for psychiatric compulsion: An analysis of compulsory treatment orders in Scotland (2021). *International Journal of Law and Psychiatry*. Volume 78. September–October 2021, 101736

³ See volume 2, chapter 1.22 [introduction to volume 2 - mental health \(care and treatment\) \(scotland\) act 2003 code of practice volume 2 ?civil compulsory powers \(parts 5, 6, 7 and 20\) - gov.scot](#)



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