



Preparations for full commencement of the Assisted Decision-Making (Capacity) Act (2015)



Caoimhe Gleeson,
General Manager,
HSE National Office for Human
Rights and Equality Policy

Efforts are still underway to prepare for the commencement of the Assisted Decision Making (Capacity) Act 2015 (the 2015 Act). In early September Mr Roderick O’Gorman, Minister for Children, Equality, Disability, Integration and Youth (DCEDIY) announced that the 2015 Act would commence on the 21st November 2022. As the amending bill is still being debated in the Seanad, commencement will now not happen in 2022. It is expected that commencement will now happen in early 2023.

While we await full commencement there is time now to support staff to access the extensive learning supports that have been developed over the last 18 months. In this newsletter, Elaine McCaughley, our Senior Project Manager, outlines all of the resources that are available to support staff to prepare for the commencement of the 2015 Act. This includes recorded webinars, elearning programmes, explainer videos, frequently asked questions and written information about the 2015 Act. It is important that time is set aside to enable staff to access the learning supports that are available in advance of commencement. We welcome feedback and questions which might arise from watching or reading any of the learning resources.

This newsletter also has articles from a broad range of services and agencies who have been putting plans and programmes in place to prepare their teams for commencement. Áine Flynn, Director of the Decision Support Service (DSS) provides an update of the on-going work to ensure the doors of the DSS will be ready to open on commencement. A number of hospitals including Mayo University Hospital, Mater Misericordia University Hospital, St. Vincent’s University Hospital, National Rehabilitation Hospital and Leopardstown Park Hospital identify key actions and collaborations to build the capacity of staff about the principles of the 2015 Act. Organisations such as Headway, Sage Advocacy, Inclusion Ireland, National Disability Authority, Banking and Payments Federation Ireland, Nursing Homes Ireland, HIQA and the IASW outline how they are trying to map existing work and practices to the principles of the 2015 Act. Services such as St Michael’s House, the National Federation of Voluntary Service Providers, CHO 1, CHO 6, CHO 9, NMPDU South East and Dublin South, Kildare, West Wicklow Community Healthcare all provide examples of how they are trying to build the capacity of services to support the principles of the 2015 Act.

Momentum is gathering as we edge closer to commencement as is reflected in the diversity of articles in this newsletter. More and more services and organisations are seeking to build their knowledge and skills so that services can address the principles and spirit of the 2015 Act. We will continue to provide support and guidance across all sectors where the 2015 Act applies. Our office is happy to collaborate with organisations and agencies who are just starting to understand the implications of the 2015 Act for their services. Please get in touch if you are seeking support at adm@hse.ie.



Update on the Assisted Decision-Making (Capacity) Act (2015)

Jacqueline Grogan
Project Manager

Amending legislation in the Houses of the Oireachtas

The Assisted Decision-Making (Capacity) (Amendment) Bill 2022 is currently working its way through the Houses of the Oireachtas with a number of changes to be made to the main Act prior its commencement. The bill has now passed committee stage in the Seanad and a number of Government amendments to the Bill were introduced and accepted.



Some of the accepted amendments include:

- An extension of the applicability of an Advance Healthcare Directive to people whose treatment is being regulated by Part 4 of the Mental Health Act 2001, except for when they are detained on the grounds that they have a mental disorder as defined in Section 3(1)(a) of the Mental Health Act 2001 (where there is a serious likelihood of the person causing immediate and serious harm to themselves or others)."
- The provision for a register for Advance Healthcare Directives and alignment of the specifics of that register with the register of other agreements.
- Allowing the Decision Support Service to conduct a review of a complaint received before launching a formal investigation.
- Providing that a single capacity assessment is required for a co-decision-making agreement.
- Regulation for additional parties to make court application under Part 5 without first having to make Ex Parte application
- Capping of fees that can be paid to panel and non-panel decision-making representatives.
- Applications for wardship which are in train when the Act commences will continue to be processed to completion if no decision supporter of an appropriate tier is appointed. The process for subsequently exiting wardship will then apply.
- Consultation by the Director with disabled persons and their representative organisations when codes of practice are being developed.
- Inclusion of transitional arrangements for care representatives under the Nursing Home Support Scheme Act 2009.

The bill will now progress to Report Stage in the Seanad before final passage through the Dáil for Oireachtas approval and then to the President for signing into law.

You can access further information on the Assisted Decision-Making (Capacity) (Amendment) Bill 2022 at <https://www.oireachtas.ie/en/bills/bill/2022/59/?tab=bill-text>.

Overview of resources from the National Office for Human Rights and Equality Policy

Elaine McCaughley
Senior Project Manager



Resources for implementation from the National Office for Human Rights and Equality Policy

The National Office for Human Rights and Equality Policy has produced a wealth of resources for staff in health and social care settings in preparation for commencement and implementation of the Assisted Decision-Making (Capacity) Act. Links to all our resources can be found on our website www.assisteddecisionmaking.ie and we hope they will be used widely for training and education purposes. E-learning resources on HSeLand are available to anyone working in health and social care in Ireland including staff from

Section 38 and 39 Agencies, students, GPs, practice nurses, temporary/agency staff and volunteers.

Introduction to the Act

We produced a 9-minute explainer video which is a great introduction to the Act and available to watch here <https://youtu.be/xOd72CVcBCA>

There is also a 20-minute presentation on the Act by Jacqueline available to watch here <https://youtu.be/4W0mSMIknkc>.

E-learning modules

We continue to develop e-learning resources to support staff to understand and apply the principles of supported decision-making, key communication skills, strategies and tools and to reflect on their practice and their responsibilities under the Act 2015.

Supporting Decision-Making in Health and Social Care e-learning programme.

We developed a suite of e-learning modules on *Supporting Decision-Making in Health and Social Care*, which is available to HSeLand by searching for 'supporting decision-making'.

Module 1: Supporting a person to make decisions demonstrates how to:

- Presume decision-making capacity and understand the importance of respecting a person's right to make their own decisions
- Use appropriate tools and strategies to support the person to make and communicate their own decision.
- Identify when individualised and adapted information needs to be provided to support the person to make their own decision.
- Support a person to make a decision even if they think it is unwise
- Learn how to involve someone in decision-making, and respect their will and preferences even if they lack decision-making capacity
- Document and communicate to the healthcare team if a person has made a plan

Overview of resources from the National Office for Human Rights and Equality Policy

Elaine McCaughley
Senior Project Manager

Module 2: Supporting a person to plan for the future demonstrates how to:

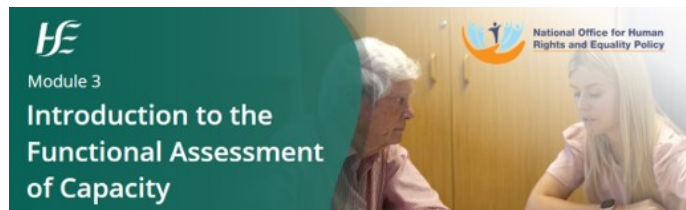
- Identify triggers for discussing plans for the future
- Support a person to plan for the future, and help them select an appropriate method of planning
- Advise a person on how to store and manage their plan
- Document and communicate to the healthcare team if a person has made a plan



Module 3: An Introduction to the Functional Assessment of Capacity helps learners to:

Understand how decision-making capacity can be maximized when a person is given information in a suitable format, extra time and any additional support required.

Identify if there is a valid trigger for an assessment of decision-making capacity. Consider the timing of an assessment, and whether this assessment/decision should be deferred. Understand the four components of the functional approach.



The Assisted Decision-Making (Capacity) Act e-learning programme.

We are currently developing a new e-learning programme on *The Assisted Decision-Making (Capacity) Act*. We aim to have this resource available on HSeLand in time for commencement.

Module 1 – Guidance for Healthcare Workers. This module will help to familiarise staff with their responsibilities under the Act and support them to:

- Use the guiding principles when supporting a person's decision-making
- Identify relevant situations to apply the guiding principles of the Act
- Begin to incorporate the guiding principles into practice.

Module 2 – Working with Decision Supporters appointed under the Act. This module will support staff to:

- Work effectively with decision supporters to support the person to make decisions in line with their will and preferences.
- Liaise with the Decision Support Service when appropriate.

Module 3 – Advance Healthcare Directives. This module will help staff to

- Identify the circumstances in which an Advance Healthcare Directive is valid and applicable.
- Respond appropriately to an Advance Healthcare Directive.
- Support a person to make an Advance Healthcare Directive.

Overview of resources from the National Office for Human Rights and Equality Policy

Elaine McCaughley

Senior Project Manager

Webinars 2022:

In 2022 we used feedback from a staff survey to develop a webinar series to:

- Stimulate discussion about practical implementation of the 2015 Act
- Provide guidance to services and practitioners
- Identify areas of uncertainty and learning needs
- Explore case studies with the framework of the 2015 Act

We convened panels of experts by experience, clinicians, advocates and collaborators from the Decision Support Service, St Michael's House, The Office of the Wards of Court, IHREC, HIQA, TILDA and others to explore some more complex case scenarios related to the following topics:

- Webinar 1: Decision-making support arrangements under the 2015 Act - How do I support someone to make a decision?
- Webinar 2: How and when to engage with the Decision Support Service
- Webinar 3: Positive risk taking and 'unwise' decisions
- Webinar 4: Functional Assessment of Capacity
- Webinar 5: Respecting the rights of the person and the role of families under 2015 Act.

Recordings of the webinars, along with the case scenarios under discussion and Q&A transcripts are

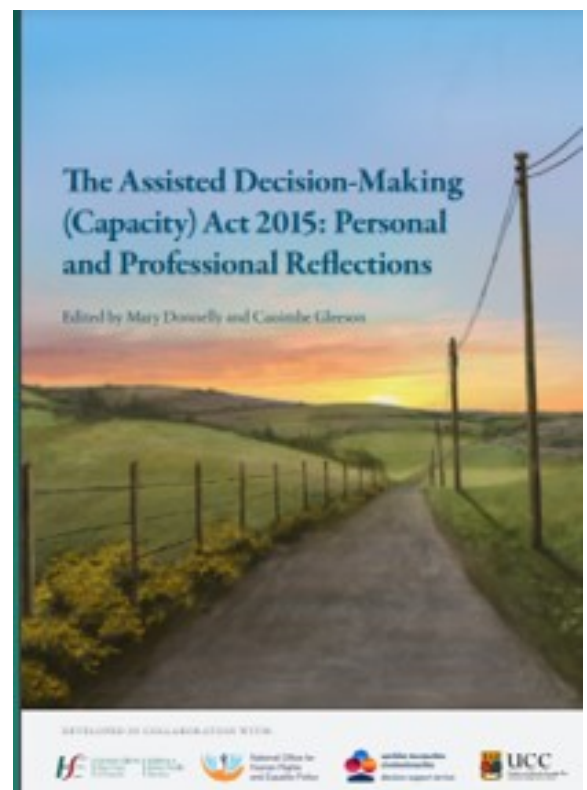
available to watch back here: <https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/assisted-decision-making-capacity-act/webinars/series-2022.html>

FAQs

We have created some brief guidance in response to frequently asked questions which is available here: <https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/assisted-decision-making-capacity-act/faqs/>

Reflections

In partnership with the Decision Support Service and the School of Law, University College Cork, the HSE Office for Human Rights and Equality Policy published a book entitled: **'The Assisted Decision-Making (Capacity) Act 2015: Personal and Professional Reflections'** which is available to read or download here for free: <https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/assisted-decision-making-capacity-act/assisted-decision-making-resources/admca-personal-and-professional-reflections.pdf>



Overview of resources from the National Office for Human Rights and Equality Policy

Elaine McCaughley
Senior Project Manager

Broader Policy Work

HSE National Consent Policy 2022

In July 2022 the National Office for Human Rights and Equality Policy published the revised National Consent Policy 2022, which represents an extensive revision and rewriting of Parts One and Two of the 2013 Consent Policy. The language in this revision – in particular, an emphasis on the importance of the will and preference of a person who may lack capacity – has been changed to align in preparation for commencement of the Act. This policy will be updated following commencement of the Act.

The revised National Consent Policy 2022 applies to all actions conducted by or on behalf of the HSE with people in all locations. It is available to read or download here: <https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/consent/documents/hse-national-consent-policy.pdf>

National Consent Policy e-learning programme.

This e-learning programme was developed to support staff to apply the revised National Consent Policy in practice. It is available on HSeLand by searching for 'consent'.

Module 1: General Principles helps learners to:

- Ensure valid consent is sought from the person for every intervention
- Support the person to make choices by providing relevant, accessible information
- React appropriately when the person refuses consent

Module 2: Working with Children and young People helps learners to:

- Consult a child or young person and involve them in decision-making
- Seek valid, genuine consent from parents/legal guardians
- Resolve disagreements in the child's best interests

Short Explainer Video—What is Consent?

We worked with people who have used HSE services to produce a short video about their experiences of consent in health and social care services which is available to watch here: <https://www.youtube.com/watch?v=6vyE3cwbaUk>

[hse.ie/nationalconsentpolicy](https://www.hse.ie/nationalconsentpolicy) is a shortcut to all our resources to support the National Consent Policy. These include [FAQs](#), Guidance on Advance Care Planning & Do Not Attempt Resuscitation (DNAR), and a webinar series on Supporting the consent process for the vaccination programme against COVID-19.



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Áine Flynn, Director of the Decision Support Service

Establishment of the Decision Support Service

The 2015 Act establishes the office of the Decision Support Service within the Mental Health Commission.

The principal statutory functions of the DSS Director are:

- to promote public awareness and confidence in relation to the Act
- to establish and maintain registers of decision support arrangements
- to regulate and supervise the activities of 'decision supporters'
- to receive and investigate complaints
- to furnish reports to the Ministers and make recommendations on the operation of the Act

The Director may also publish a suite of codes of practice to provide guidance on assessing capacity and supporting decision-making and to provide guidance for certain categories of professionals.

In relation to healthcare, these include codes of practice about Advance Healthcare Directives and a general guidance code for health and social care professionals. A public consultation on the draft codes was conducted between November 2021 and February 2022 and over 300 responses were received. Following ministerial approval, the codes of practice will be published in time for commencement of the 2015 Act. The DSS will maintain a searchable register that will include the details of decision support arrangements. This will allow professionals and organisations, such as banks, healthcare and lawyers to verify that a decision supporter is acting with legal authority. The DSS is also required to establish panels of suitable persons to carry out certain functions under the Act. An extensive recruitment campaign was conducted earlier this year and successful candidates have completed training.

Update on the DSS Establishment Project and Dependencies

The project to establish the DSS is nearing completion in line with an approved time bound, costed plan. Our vision is for a person-centred, accessible service with a digital first approach. We have engaged representative focus groups of potential future service users to provide comment on our digital system. We have also established a stakeholder forum whose members are experts by experience, and who will provide essential feedback on an ongoing basis.

Key milestones to date within the establishment project have included:

- Extensive engagement with stakeholders across multiple sectors (approximately 80 organisations in the last 12 months)
- Design and development of an ICT system
- Review and public consultation on draft codes of practice
- Demand forecasting report
- Development of a public awareness campaign

For further updates on the Decision Support Service (DSS) please click here www.decisionsupportservice.ie



Preparations for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

St Michael's House (page 1 of 2)

Caroline Howorth - Director of Adult Clinical Services, Speech & Language Therapy Manager



The Assisted Decision-Making (ADM) Steering Group was established in 2019 to support the understanding and implementation of the Act across St Michael's House (SMH). Across the organisation the progress of the Act has been very closely watched and generated discussion within many staff teams wondering how will this impact on the job I do and the service I provide. Some highlights from the past 3 years:

Policy

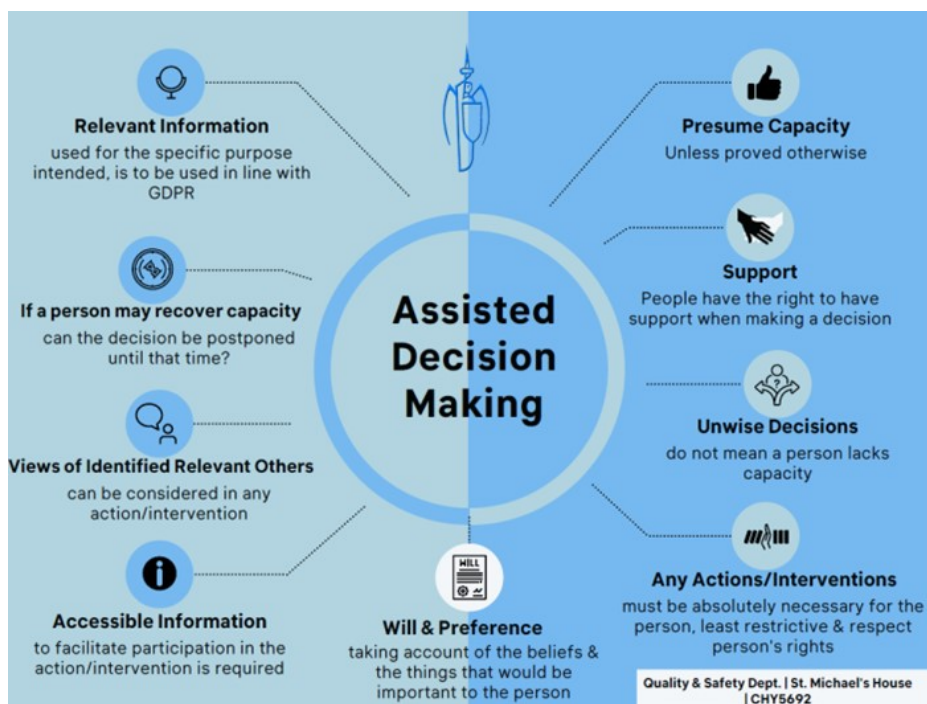
We took a two-fold approach to embracing ADM within our organisational policies:

- We have developed an overarching policy which outlines the ADM principles and what this means for St. Michael's House in terms of the services and supports we provide.
- We have undertaken a commitment to ensure that principles of ADM Act are incorporated in all organisational policies at time of development and/or renewal.

For example, a particular focus was placed on updating the Service User Money Policy to provide service users with increased choice and control relating to their personal finance. This review was completed in consultation with the people supported by St Michael's House who were instrumental in ensuring that the policy focused on individualised supports rather than blanket protections.

Information-sharing

We have hosted a series of webinars for staff across 2022, with the goal of increasing the organisation's capacity to implement the Act and its principles. In April we hosted a session on "What do the Principles of ADM mean for me as a staff member?". In May we focussed on "How does the PCP process support Will and Preference?". The focus of this presentation was on how we already seek to determine a person's will and preferences and how to encourage/promote and support staff to build upon this. Service user involvement was key to this webinar as one gentleman presented highlights of his person-centred plan and how staff support him to achieve his goals based on what is important to him. In June, our webinar was on "Building Decision-Making Capacity- What does this mean?" We also hosted an information session with Aine Flynn (Director of Support Services) with attendance from our various management teams. Members of the Service User Person-Centred Planning Consultation Group completed the NUIG training "Getting to Grips with the Assisted Decision Making Act" – the plan is for them to put this learning into practice in real life situations over the coming months.



Preparations for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

St Michael's House (page 2 of 2)

**Caroline Howorth - Director of Adult Clinical Services,
Speech & Language Therapy Manager**

Resources

Our focus is to develop resources that are helpful to both staff and service users, while also being mindful of the wealth of information being made available via the national office. Some of our steps have included:

- Developing an online training programme on An Introduction to ADM for staff members via the Open Training College.
- Working alongside service users to develop a range of easy read resources
- Developing case examples and case studies relating to ADM and supporting service users will and preference
- Creating an ADM resource section on our intranet
- Producing a poster highlighting the 9 principles of ADM (please see on previous page)

SMH service users and staff contributed to the HSE eLearning programme on *Supporting Decision-Making in Health and Social Care* which is in use nationally in intellectual disability services and across the wider health service.



Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

St. Vincent's University Hospital & Mayo University Hospital



HSE CH East/CHO 6, Carew House & St. Vincent's University Hospital

Jennifer Allen, Senior Social Worker, Sarah McNulty, Senior Occupational Therapist

The Older Adult Mental Health Team in Carew House are utilising a Clinical Practice Circle Model as part of our preparations for the commencement of the Assisted Decision-Making (Capacity) Act (2015).

The four-stage model is being facilitated by Jennifer Allen, Senior Social Worker and Sarah McNulty, Senior Occupational Therapist between September to December 2022. The goal is to provide a forum for our inter-disciplinary team to reflect upon practice in light of the commencement of the Act and to provide any additional training identified as necessary.

The areas for focus identified thus far are the functional assessment of capacity, the role of Prescribed Classes of Professionals in assessing capacity and Advance Healthcare Directives.

Mayo University Hospital,

Catherine Walsh, Principal Social Worker & Niamh Kelly Senior Occupational Therapist,
Mayo University Hospital

Mayo University Hospital (MUH) established a multi-disciplinary implementation committee in May 2022 in preparation for commencement of the Act. The Committee will oversee the safe delivery of the HSE Implementation Plan for the Assisted Decision-Making (Capacity) Act 2015 across the hospital. Formal Terms of Reference are based on the national implementation plan and the committee reports to the Hospital Management team.

Mayo University Hospital's primary focus has been on staff awareness with promotion of HSE Land training on the HSE Consent Policy and Supporting Decision-Making in Health and Social Care.

A communication process has been developed for the timely communication of updates and guidance to heads of discipline.



Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

National Rehabilitation Hospital & Primary Care CHO 1

National Rehabilitation Hospital



Dr Sarah Casey, Senior Clinical Neuropsychologist & Philomena Butler, Senior Medical Social Worker

At the National Rehabilitation University Hospital (NRH) we have a long tradition of supporting autonomy, agency, and choice for our patients, assisting them to participate in decision-making about all aspects of their rehabilitation and discharge planning. There is a flurry of activity to prepare for the ADMCA commencement.

At a governance level, we now have an ADMA representative on our Safeguarding and Patient Rights Committee. We have established an interdisciplinary ADMA Implementation Group, focusing on raising staff and patient awareness through developing accessible information about the legislation, developing NRH-specific training to promote supported decision-making and capacity assessment for patients following brain injury and stroke, and an engagement initiative supporting staff to become 'ADMA Champions' within their Units.

Future awareness initiatives will be informed by a recent staff survey designed to inspire reflection and to assess the current level of awareness of the ADMA. We are keen to show staff that they already have fantastic competencies in supporting decision-making, for example, in how they apply the National Consent Policy in their everyday interactions with patients. HSEland staff training modules on consent and supported decision-making, as well as webinars and resources on the HSE website, are regularly promoted through our interdisciplinary Unit Huddles. A particular highlight, in May we welcomed Aine Flynn, Director of the Decision Support Service (DSS), to deliver a timely presentation on the legislation and the functions of the DSS as part of our NRH Grand Rounds series. As commencement draws near, our attention turns to policy review and the development of operational processes to support effective implementation of the ADMA at the NRH, ensuring our position in the vanguard of rights-based, patient-centred care.

Primary Care, Disability & Acute Services CHO 1 Donegal/Sligo/Leitrim/Cavan/Monaghan

Lorraine Dunne, Occupational Therapist Manager in Charge

There has been a lot of work completed by the Primary Care Occupational Therapists and Social Work services in Cavan Monaghan updating the SOP that was developed in 2019 by cross-divisional coordination and agreement, in preparation of the full commencement of the Act. This SOP was submitted in early 2020, to the General Manager's office.

- We have updated the SOP and the Decision-Making Capacity Tool in line with the Act.
- We have worked closely with the acute services team, and have proposed to pilot this tool in Lisdarn Unit and Medical 2, prior to its introduction to Primary Care Services. I have also been in contact with the SAGE advocate for Cavan Monaghan in relation to training for staff on the Act.

Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

Mater Misericordiae University Hospital & Dublin North City Psychology Service

Mater Misericordiae University Hospital,

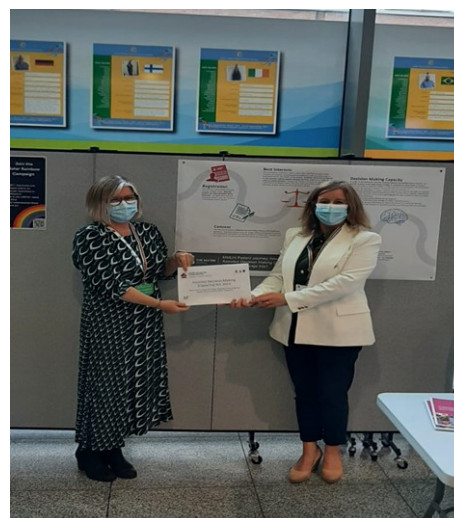
Amanda Casey, Head Medical Social Worker.



We have a very committed and active local implementation group with representatives from across the organisation who are working through the many aspects of the Act that will impact on how we provide care for our patients and their families/carers.

We chose to start at the beginning, to try to approach this in a patient-centred way and developed a patient journey map highlighting some of the both practical and cultural aspects of our practice that will change in the coming months. This is to help staff to understand the basic principles of the Act so that we can support patients to make decisions about their care.

Our HSCP directorate developed an information page on our internal Maternet, which contains lots of relevant information and links to external training opportunities on the HSE and DSS websites.



Amanda Casey pictured above with Chief Operations Officer, Josephine Ryan at the first of our Staff Awareness sessions as part of Mater Mission Awareness Week.

Dublin North City Psychology Service, CHO 9 Dublin North City & County

Dr. Niamh Joyce, Sr. Clinical Psychologist, Dr. Jennifer Gibson, Sr. Clinical Psychologist.

On 12th September as part of the monthly Psychology Department meeting, two members of the team made a presentation on the Assisted Decision-Making (Capacity) Act 2015. The presentation included:

- An overview of the different education resources currently available
- A review of some key aspects of the Act, including the 9 guiding Principles, the tiered decision making supports, advance planning process, and the preparations and steps involved in functional assessments.
- The important role of the HSE National Consent Policy 2022 in the practical application of the Act.
- Discussion of some issues to be addressed or clarified, including the absence of Protection of Liberty Safeguards and the resources needed to ensure every reasonable support to enable decision making is provided.

The team reflected on the impacts on certain clinical groups and how broadly this new Act is likely to affect our work with these clients going forward.

Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

Leopardstown Park Hospital & Health Information and Quality Authority

Leopardstown Park Hospital

Florence Horsman Hogan,

Quality and Patient Safety Manager.

We are 128 bed Care of the Older Person facility. Approximately 70% of residential care residents have suspected/confirmed diagnosis of dementia. One member of our inter-disciplinary team has an MSc. in Healthcare Ethics and Law. All other members have been attending conferences and educational webinars since 2017.



We introduced practices that included the principles of the Act; development of a Do Not Attempt Resuscitation (DNAR) discussion form that reflected the primacy of the resident's right to consent, implementation of a Healthcare Decision-Making Plan outlining the residents wishes and named decision support person, if they wished. All hospital staff were mandated to complete the HSE Land National Consent policy 2022 module by end of September 2022. We will then commence working on local case scenarios pending HSE Guidance on progression. The HSE Office of Human Rights and Equality Policy website has been an invaluable resource for us.

Health Information and Quality Authority

Cathy Duggan, Standards Development Lead.

Health Information and Quality Authority (HIQA) develops national standards describing how health and social care services can achieve safe, quality, person-centred care and support. Respect for human rights is a key theme throughout. HIQA is committed to supporting health and social care staff to understand and uphold the human rights of people using services.

Resources we have developed to support staff in this area include:

[Guidance on a Human Rights-based Approach in Health and Social Care Services](#)

[Supporting people's autonomy, and](#)

[National Standards for Adult Safeguarding](#)

[Online learning courses](#) on Adult Safeguarding and on a Human Rights-based Approach in Health and Social Care are available on [HSE Land](#).

These resources can support staff to work in line with the Assisted Decision-Making (Capacity) Act.

HIQA is also developing an online learning course on advocacy which will be available in early 2023. This will help staff to support people to advocate for themselves and to access advocacy services.



Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

National Disability Authority & National Federation of Voluntary Service Providers

National Disability Authority -

Susan Kennefick, Senior Policy & Public Affairs Advisor

The National Disability Authority is the independent statutory advisory body to the Government on disability matters and Universal Design. Some of our functions are to deliver independent, evidence-informed advice and guidance and support policy coordination, to advance implementation of national strategies and policies, as well as realisation of the goals of UNCRPD.



One of the key tools we have been utilising in advance of the commencement of the ADM Act is that of awareness-raising amongst public officials. In our submissions and publications, our appearances at Oireachtas committees, our presence on advisory groups, and our engagement with a wide range of stakeholders across Departments and public bodies, we take every opportunity to highlight the forthcoming commencement of the legislation, and the provisions contained therein. We use expertise learned during our preparation of 11 draft ADM Codes of Practice to tailor our advice to the stakeholder in question, ensuring that practical, targeted information is shared.

In 2021, our annual conference was entitled “Opportunities and Aspirations for the Assisted Decision-Making (Capacity) Act 2015”. The event took a holistic view of the implications of the legislation, by bringing together all relevant stakeholders, including professionals who are preparing to implement the legislation and individuals whose lives will be impacted by it. The conference also featured international speakers, sharing learning and good practice from their countries’ attempts to bring about supported decision-making. All conference materials can be found on www.nda.ie.



National Federation of Voluntary Service Providers

Teresa Mallon, Chair of National, Assisted Decision-Making Reference Group.

As the Chair of the National Federation of Voluntary Service Provider’s ADM Reference Group, I warmly welcome the announcement that the Assisted Decision-Making (Capacity) Act 2015 is expected to be finally fully commenced . This is an important step towards Ireland meeting its obligations under the United Nations

Convention on the Rights of Persons with Disability and upholding the rights of people with intellectual disabilities. Members of this Group are represented on the HSE’s ADMA Disability Reference Group and other working groups. While our primary purpose as a group is to support our member organisations prepare for commencement, we believe this is best achieved through taking a collaborative approach and working with other disability groups and other sectors of society to address any roadblocks and ensure a smooth commencement process. This collaborative work has intensified over recent times as we engage with the Decision Support Service, the HSE’s Office for Human Rights and Equality Policy, Financial Services, etc. We are working to provide our member organisations with guidance and shared resources to support implementation of the Assisted Decision-Making (Capacity) Act 2015.

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Banking & Payments Federation Ireland & SAGE Advocacy

Banking & Payments Federation Ireland

Bernice Evoy, Solicitor, Head of Legal & Regulation



The Banking & Payments Federation Ireland (BPF) represents banks and regulated financial service providers. BPF has been working with its members to prepare for the full commencement of the Assisted Decision-Making (Capacity) Act. BPF continues to arrange workshops and seminars, engaged with the Director of the Decision-Support Service (DSS) and other experts on topics such as the presumption of capacity, Enduring Powers of Attorney, identification of financial abuse and the implications of changes to the Wards of Court system.

BPF was a member of the group which produced the draft code for financial professionals and has engaged with the Decision Support Service consultation process.

BPF members have developed policies and procedures to support customers who require additional supports; this includes expert training for frontline staff, dedicated vulnerable customer units and clear escalation processes to support customers, when this is the appropriate response. This proactive approach has been informed by BPF's interaction with stakeholders including the HSE, MABS and the Decision Support Service.

SAGE Advocacy

Mary Condell, Legal Advisor



Sage Advocacy, as a support and advocacy service for vulnerable adults, older people, and healthcare patients, has already put the human rights principles of the Assisted Decision-Making (Capacity) Act 2015 into effect in our work in line with our motto 'Nothing about you without you'.

We know from our casework, therefore, that there is a world of difference between knowing this law and actually putting it into effect in personal circumstances which are unique to each individual.

We, therefore, divided our four-day in-house staff training equally between re-learning the law itself and team discussions on how the legislation would work in various case scenarios.

We then spent time, in smaller groups, doing experiential learning through imagined role-plays informed by our present casework.

In our public talks and presentations, we highlight the necessary cultural change and direct people to our online information resources. We are also in regular contact with the Decision Support Service and Legal Aid Board about how our respective organisations can collaborate in implementing this ground breaking legislation.

See <https://www.sageadvocacy.ie/resources/legal-rights/decision-making-capacity> for further material and a video explaining the functional approach to capacity.

Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

Headway & Inclusion Ireland

Headway



Louise Hartigan, Rehabilitation Officer.

The Assisted Decision-Making (Capacity) Act 2015 is about supporting decision-making and maximising a person's capacity to make decisions. The Act recognises that, as far as possible, all adults have the right to play an active role in decisions that affect them. These decisions can be about a person's personal welfare, including health and social care, and property and affairs. The 2015 Act brings about important changes for people who require support to make decisions and for anyone interacting with them, including Health care workers. By now most clients of Headway are aware of the Act and what it may mean for them through information provided by us and many vibrant discussions in groups.

Over the coming months our plan is to roll out Assisted Decision-Making (Capacity) Act workshops. What you can expect from these workshops is the most up to date information regarding the Act, in addition to taking part in a series of case studies that will hopefully enhance your learning and understanding of the Act and what it may mean for you. We will also have a member of an external Advocacy Service in attendance for some workshops and we encourage you to make the most of this by asking the important questions that you may have about the Act.

At our next Family Support evening in November, we hope to be able to offer information and guidance in relation to the Act to families who support our clients on a daily basis.

Inclusion Ireland



Ms. Julie Helen, Communications and Information Manager.

Inclusion Ireland is a National Advocacy Organisation for people with intellectual disabilities. For many people with intellectual disabilities, support with decisions is something they may need often throughout their lives and so it is important that supported decision-making works very well. Inclusion Ireland supports the Decision Support Service (DSS), recently having reviewed an easy to read document on the Assisted Decision-Making (Capacity) Act 2015 which was shared at the National Sharing Day. Our communications team also provided accessible information training to new staff of the DSS and facilitated focus groups on the new DSS online portal too. We are members of the Assisted Decision-Making Steering Committee and two advocates are members of the DSS Stakeholder forum.

Inclusion Ireland advocates shared their experience about decision-making at training led by the Housing Agency for Local Authority Staff all over the country.

Preparing for Full Commencement of the Assisted Decision-Making (Capacity) Act (2015)

Dublin South, Kildare & West Wicklow Community Healthcare
& Irish Association of Social Workers (IASW)

Dublin South, Kildare & West Wicklow Community Healthcare –

Integrated Care Team for Older Persons

Caitriona Whelan, Social Work Team Leader, Gerontological Emergency Department Intervention (GEDI) ; Deirdre McNally, Senior Social Work Practitioner, Integrated Care Team Older Persons (ICPOP) ; Holly Canavan, Social Work Team Leader, Tallaght University Hospital ; Maura Lagan, Social Work Team Leader, Charlie O'Toole Day Hospital, Tallaght University Hospital

A quarterly Forum of the Nursing and Health and Social Care Professionals working within three of the Age-Related Healthcare Services in Tallaght University Hospital provides an opportunity for shared interdisciplinary learning. The Integrated Care Team, Gerontological Emergency Department Intervention team and Charlie O'Toole Day Hospital are multidisciplinary teams delivering specialist care to older people.

In June 2022, a Social Worker from each of the services presented to the Forum on the Assisted Decision-Making (Capacity) Act 2015 and facilitated a discussion afterwards. The purpose of the session was to create awareness of the Act and provide an opportunity to reflect upon how it will likely impact upon our practice in working with older people. There was great engagement with the discussion and feedback from colleagues after the session was very positive.



Irish Association of Social Workers (IASW)

Head Medical Social Workers (HMSW) Group

Medical Social Workers are in many ways already equipped with some of the tools to support implementation of the Assisted Decision-Making (Capacity) Act. Our core **values and ethics**, embedded in a **human rights based approach** are closely aligned with the fundamental principles of the Act. We have always worked from a **strengths-based perspective**, often with some of the most marginalised and voiceless groups in society.

These basic tools are supported by our training in **Active Listening** and by assessing the person in a holistic way using the **Ecological Systems Theory**. At the core of Social Work relationship based practice is a psychosocial assessment, exploring a person's family and social environment, their expressed will and preference and advocating for their voice to be heard. Implementation of the Act and the development of formal structures to support patients will complement medical social work practice in Ireland.



Preparing for full commencement of the Assisted Decision-Making (Capacity) Act (2015)

Nursing and Midwifery Planning and Development South East &
Nursing Homes Ireland

Nursing and Midwifery Planning and Development South East (NMPDU South East)



Judy Ryan, Director.

In preparation for full implementation of the amended Assisted Decision-Making (Capacity) Act 2015, the Nursing and Midwifery Planning and Development Unit (NMPDU) South East hosted a Webinar in June on **Preparation for commencement of the Assisted Decision Making (Capacity) Act; Implications for Nursing and Midwifery Practice Webinar** for Nurses and Midwives working across the South East.

130 nurses and midwives from across the region attended the Webinar. Participants worked across Acute Community and Residential Care settings and represented a diverse range of roles and grades from within nursing and midwifery. Participants had the opportunity to engage in a question and answer session with the panel of experts. The Webinar was chaired by Ms Judy Ryan Director NMPDU and speakers included; Professor Mary Donnelly School of Law UCC, Ms Marie Tighe Project Manager HSE National office for Human Rights and Equality Policy, Ms Lyn McCarthy and Anita Puri Solicitors on behalf of the States Claims Agency and Ms Theresa Dowling Researcher South East Technical University.

The closing address was provide by Ms Helen Butler Director of Nursing St Luke's General Hospital Carlow/ Kilkenny

The Webinar was granted NMBI Category 1 approval



Nursing homes Ireland

Deirdre Shanagher, Strategic Clinical Nurse Expert with Regulatory Compliance

The Assisted Decision-Making (Capacity) Act will have a significant impact on nursing home residents and those supporting them. As the National Representative Organisation for the private and voluntary nursing home sector, Nursing Homes Ireland (NHI) has been raising awareness of the legislation among members and has encouraged members to ask questions about the implications of the legislation on practice. As well as sharing information created by the HSE and via the Decision Support Service consultations that have taken place to date. Two FAQs about the legislation have been prepared for members (FAQ 1 is available [here](#) and FAQ 2 is available [here](#)).

In addition to the FAQs, two webinars have been arranged for NHI members. The webinars have provided members with the opportunity to engage with the Decision Support Service and ask questions about the legislation and its implications within nursing homes.

New eLearning module Equality and Human Rights in the Public Service

Ms. Bernie Bradley, Irish Human Rights and Equality Commission

All public bodies in Ireland have responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. This is a legal obligation called the Public Sector Equality and Human Rights Duty (the Duty) and it is set out in Section 42 of the Irish Human Rights and Equality Commission Act 2014.

To support public bodies to understand and meet their obligations under this statutory duty, the Irish Human Rights and Equality Commission (IHREC) have developed a new eLearning module called **Equality and Human Rights in the Public Service** which is now available on HSEland. The purpose of the eLearning is to build understanding of equality and human rights concepts, legislation and approaches to implementing the Duty. It also seeks to promote a shared understanding of equality and human rights across the public service, supporting better quality of services and better work environment. The eLearning is free for all public service staff and is accessible on a range of devices. There are three units in the eLearning module.

Unit 1: Equality in the Public Service – Introduces you to equality and the equality obligations of public bodies and explores issues facing staff and service users.

Unit 2: Human Rights in the Public Service – Introduces you to human rights concepts and human rights obligations of public bodies and explores issues facing staff and service users.

Unit 3: The Public Sector Equality and Human Rights Duty introduces you to the Public Sector Duty and the steps involved in its implementation.

The module provides an interactive blend of information, videos and scenarios to support your understanding of equality and human rights. Regular knowledge checks, assessments and reflective worksheets will help your understanding and to reflect on how your organisation is meeting its Public Sector Duty. You will have access to a Personal Action Plan to support you in identifying what you can do to promote and protect equality and human rights in your daily work. At the end of each unit there is an Extend my Learning section, signposting further learning and development.



It will take approximately three hours to complete, however the module is self-paced, so you do not have to do it in one sitting. There is an assessment at the end of each unit, which you must pass to proceed. You will receive a personalised certificate of completion once you complete all units and assessments.

IHREC would encourage public bodies to incorporate the eLearning module into their annual training calendars so that the eLearning is considered a public service essential in the learning and development of all staff at all levels. This module is introductory only so we would encourage public sector staff to undertake further training on equality and human rights to build on the knowledge gained. You need to register your name and public sector organisation to be granted access.

You can access the eLearning at [HSEland.ie](https://www.hse.ie) or <https://www.ihrec.ie/elearning>

Further updates and resources

A number of organisations have a number of useful resources available on the Assisted Decision-Making (Capacity) Act 2015.

- Mental health operations are organising a webinar for staff on the interaction of the Assisted Decision Making Capacity Act 2015 with the Mental Health Act 2001 on the 9th November by zoom.
Further details are available from Tony McCusker : Tony.McCusker@hse.ie
- [HSE Assisted Decision-Making website](#)
- [HSE Explainer video on the Act](#)
- [Decision Support Service](#)
- [Courts Service - Office of Wards of Court](#)
- [Aine Flynn, Director of the Decision Support Service: Statement to the Joint Oireachtas Committee on Disability Matters May 2021](#)
- [NDA Annual Conference 2021 - Opportunities and Aspirations for the Assisted Decision-Making \(Capacity\) Act 2015](#)
- [Decision Support Service Explainer Video](#)
- [Sage Advocacy Decision-Making and Capacity](#)
- [Inclusion Ireland Assisted Decision-Making](#)
- [Inclusion Ireland Easy to Read Assisted Decision-Making \(Capacity\) Act 2015](#)
- [Decision Support Services guides and video presentations](#)



For further updates join our mailing list email:
adm@hse.ie