



Supporting decision-making in
residential care with people intellectual
disabilities. Making space and time for
supported decision-making and
recording decision-making supports at
home and for external purposes.

SOCIAL CARE IRELAND CONFERENCE
WORKSHOP- THURSDAY 11TH APRIL
2024

Welcome All!

We would like to start by introducing your facilitators:

- *Moira Jenkins*
- *Fawciya Cali*
- *Musa Dube*
- *Sandra Conroy*
- *Aoife Johnson*

*We are a group of SCWs and lecturers from the Social Care Work Programme in MTU
Cork*

Layout of Workshop

1. Introductions and the 'why?'-Moira
2. 4 Topics for Discussion (running order introduced by Aoife)
3. Summary of issues which emerged
4. What now going forward?

4 Workshop Discussion Topics

1. Opportunities to make decisions- Fawziya and Musa
2. Challenges and what the social care work needs- Sandra
3. Recording decision making supports- Aoife
4. Evidencing decision making supports-Moira

Why support decision making?

Moira

This workshop is about the **right of the resident to make their own decisions and the duties of the residential SCW to support decision-making** = e.g. Social Care Workers Registration Board Code of Conduct and Ethics Bye- Law 2019. Regulation 12.1 (b) of S.I. No 52/2019: *'You must...*

- 12.1..b. take all practicable steps to maximise a service user's capacity and provide all practicable supports to enable the service user to make his or her own decision, including consulting with any persons appointed by the service user to provide support in decision-making.'

Social Care Workers must have skills and abilities in applying a human rights-based approach to their practice. See CORU Standards of Proficiency Domain 5.3 =

- 'Understand and apply a human rights approach (HRBA) to one's work including the promotion of the service user's participation in their own care; ensure clear accountability; apply principles of non-discrimination; support other staff members to empower service users to realise their rights; be aware of the legality of actions within a service including the need to comply with any relevant legislative requirements including adhering to human rights obligations.'

‘Why?’ cont.

Ireland ratified (promised to action) the **United Nations Convention on the Rights of Persons with Disabilities** in March 2018. The Convention is the shift to a human rights model of disability. Article 12 is the right to equal recognition before the law, to enjoy legal capacity on an equal basis with others, to own property and to control your financial affairs, with safeguards to prevent abuse. Reform of outdated laws was seen as necessary to implement the CRPD and hence the ***Assisted Decision-Making (Capacity) Act 2015*** enacted. The Act was fully commenced on 26 April 2023.

The **Decision Support Service** was set up by the 2015 Act and has an easy-to-read guide to the Act on its website. The DSS has produced Codes of Practice for decision-supporters, health and social care staff and independent advocates. www.decisionsupportservice.ie The **Code of Practice for Supporting Decision-Making and Assessing Capacity** is relevant (see <https://www.decisionsupportservice.ie/resources/codes-practice>).

“Why?’ cont.

- On 22 January 2024 the HSE published an updated **National Consent Policy** to encompass the changes brought about by the Act. The Appendices to the Policy give practical examples of how to support communication on decisions and record decision supports.
- An e-learning module on the Guiding Principles is available on **HSeLand** in the Assisted Decision-Making (Capacity) Act 2015 – Guidance for Healthcare Workers programme
- The Act sets out a functional test of capacity = Decision-making capacity is assessed in a way that is called a functional assessment. Decision-making capacity means being able to:
 - Understand the information about this decision AND
 - Remember the information long enough to make this decision AND
 - Use the information to make this decision AND
 - Tell others about the decision you made, in whatever way you communicate.

‘Why?’ contd.

The Act also sets out ‘Guiding Principles’ when interacting with a ‘relevant person’ in relation to making a decision. These principles are explained in the HSE Consent Policy in greater detail.

Three principles are core –

1. presume capacity;
2. support the relevant person; and
3. recognise that an unwise decision is not sufficient of itself to consider a person unable to make a decision.

Topic One Preamble-

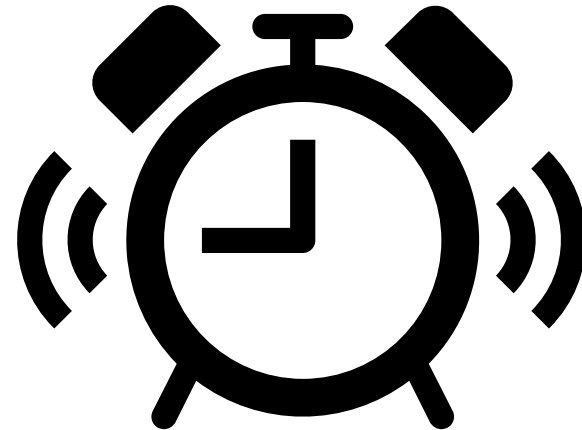
Research on Decision Making- Fawziya

1. **Resources** – Time is needed for supporting decision-making. This research found that SCW are stretched for time and this may undermine the trust and capacity-building of the person supported and the role of the SCW in empowering self-determination and involvement in care of the person supported.
2. SCWs are aware of their obligations re-supporting decision-making but not everyone has completed HseLand training on the Act and or had **time allocated for upskilling** on consent. How do you support if you are not equipped with the right skills and knowledge to support? With the HSE National Consent Policy for example, there are questions of adequate time allocation to staff to upskill.
3. **Families** do not realise that the PS have a right to make their own decision and often the family disagree with the person supported decisions. A need for the ADMCA education and information to be rolled out to families emerged

Workshop Topic One-*Opportunities to practice decision making- what exists now for people with disabilities in residential care?*

INTRODUCED BY FAWZIYA & MUSA

10 MINUTES FOR GROUP DISCUSSION



Workshop Topic Two What do Social Care Workers need to support decision making-current challenges and gaps?

INTRODUCED BY SANDRA CONROY

10 MINUTES FOR GROUP DISCUSSION



Workshop Topic Three-Where is the space to record decision supports, will and preferences, and values in residential care?

INTRODUCED BY AOIFE JOHNSON

10 MINUTES FOR GROUP DISCUSSION



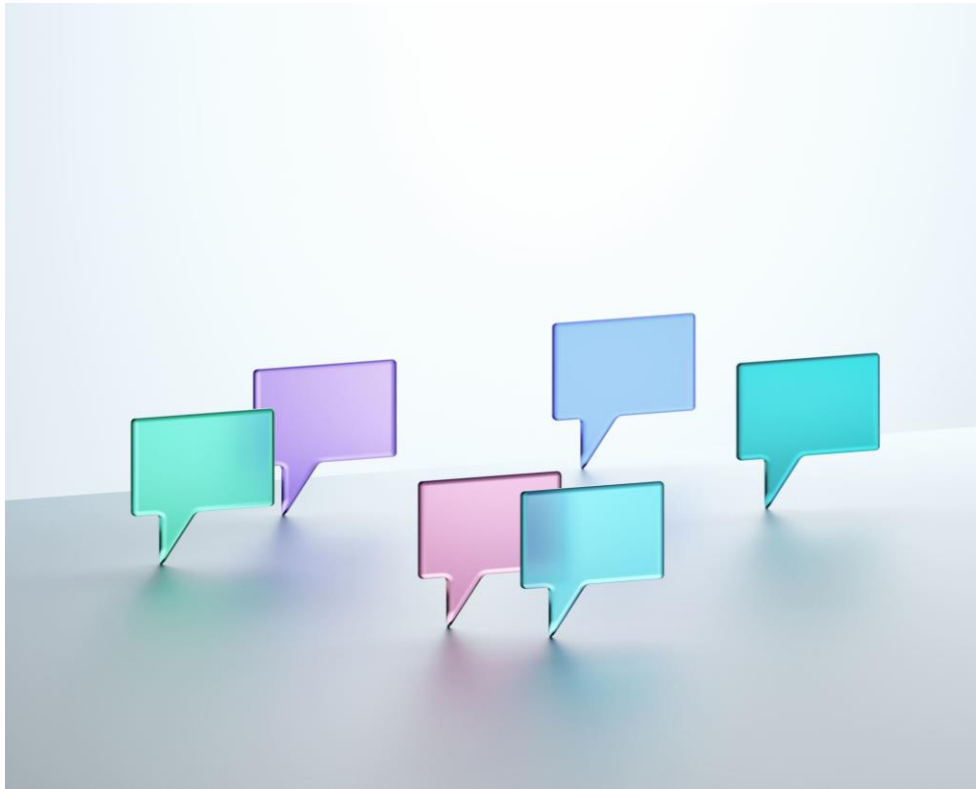
Workshop Topic Four- How to evidence decision making supports for external agencies- based on persons will and preferences?

INTRODUCED BY MOIRA JENKINS

10 MINUTES FOR GROUP DISCUSSION



Main Message from 4 Topics



Conclusions on what we
discovered and discussed
today

Moving Forward

What now- how do we support people who live in residential care with decision making and will and preferences?

Why does this matter?

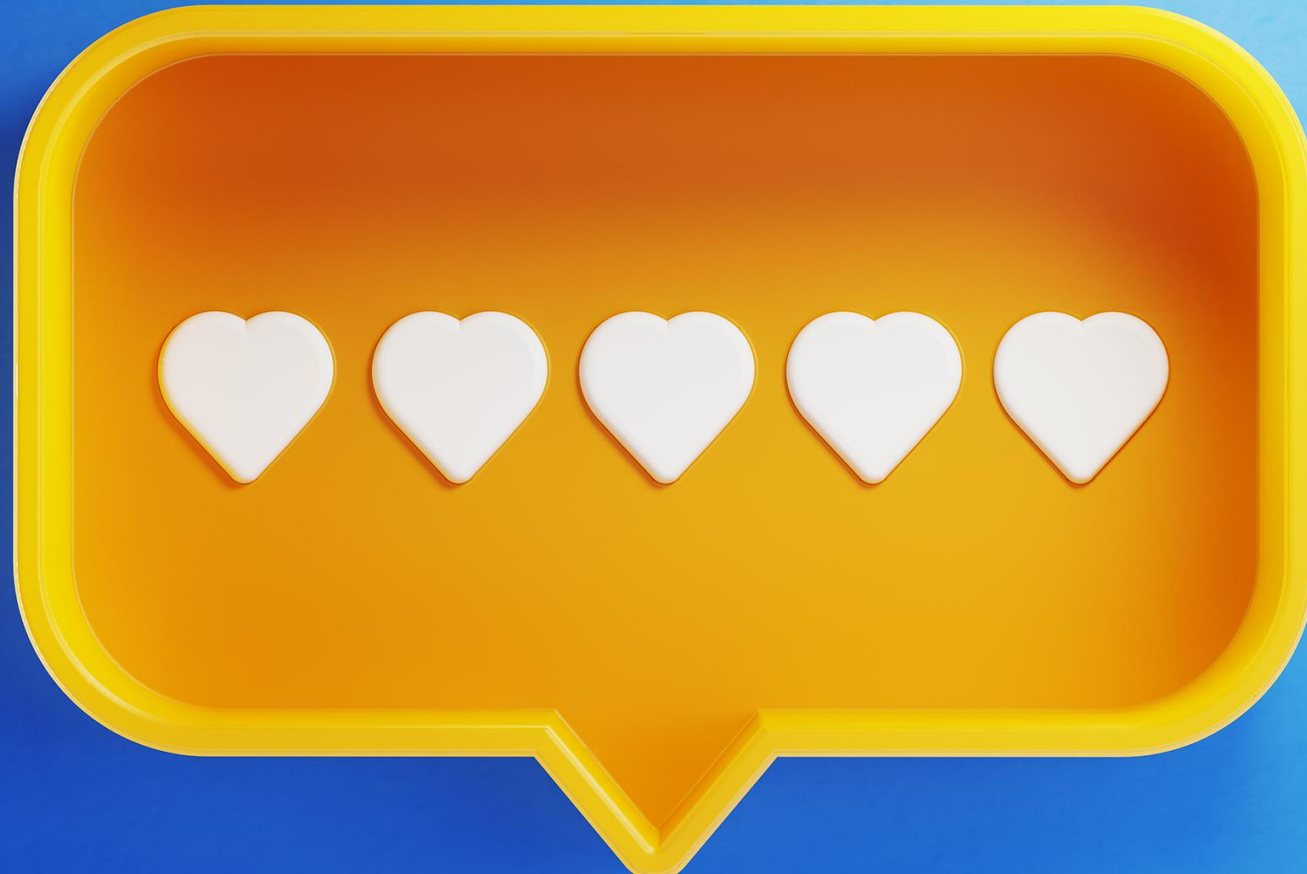
Contact Us!



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Thank You

Resources-General

- CORU *Social Care Workers Registration Board Code of Conduct and Ethics* 2019
- CORU *Standards of Proficiency for Social Care Workers* 2017
- [National Standards for Residential Services for Children and Adults with Disabilities](#) 2013
- The United Nations Convention on the Rights of Persons with Disabilities 2006
- **National Guidelines on Accessible Health and Social Care Services: Part One-**
<https://www.hse.ie/eng/services/yourhealthservice/access/natguideaccessibleservices/part1.html>
- **HSE National Consent Policy**-See Appendix 3 on facilitating communication and Appendices 5&6 for templates re recording capacity and decision related interventions.
Access on: https://assets.hse.ie/media/documents/ncr/HSE_Consent_Policy_2022_v1.2_-_Jan_2024.pdf
- Assisted Decision-Making (Capacity) Act 2015
- Decision Support Service (2023) **Code of Practice for Supporting Decision-Making and Assessing Capacity** www.decisionsupportservice.ie See also www.assisteddecisionmaking.ie
- HSeLand in the [Assisted Decision-Making \(Capacity\) Act 2015](#) – Guidance for Healthcare Workers programme
- **HIQA-Rights Based Care and the Fundamentals of Advocacy in Health and Social Care**- resources may be found at the HIQA [Learning Hub](#)
- HSE- National Office for Human Rights and Equality Policy see <https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/>