

The Assisted Decision Making (Capacity) Act, 2015

What it means for Irish Home Care
providers and staff



Speakers



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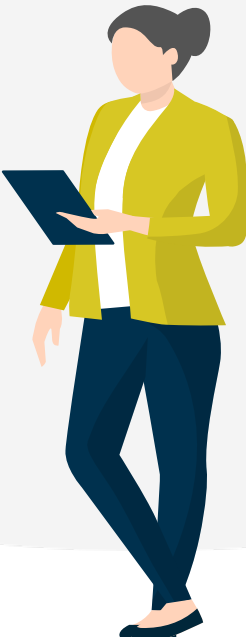
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The new Assisted Decision Making (Capacity) Act replaces the Lunacy Regulation (Ireland) Act 1871

The new Act introduced to comply with the UN Convention on the Rights of Persons with Disabilities (UNCPRD), 2006

Guiding Principles

- The new Act recognises that everyone has the right to make decisions about their lives, property, affairs and health and social care
- The Act recognises that some people need support to make decisions now/in future & provides supports that seek to respect the will and preference of the individual



Changes

- Move away from 'best interest' decisions
- Must support decision making in accordance with the guiding principles
- Must presume capacity in the first instance
- Information relevant to the decision must be given in ways the person can understand
- If the person does have capacity issues, supports must be put in place to help them exercise their decision-making capacity

Capacity means...

Being able to:

- Understand information relevant to a decision
- Retain that information long enough to make a voluntary choice
- Use or weigh that information as part of the decision-making process
- Communicate the decision in whatever way the person ordinarily communicates e.g. verbally, in writing, sign language, assistive technology or any other means

Decision Supports under the new Act

1. Decision Making Assistant

Appointed by the person to help obtain and explain information and communicate a decision

2. Co-Decision Maker

Appointed by the person to make specified decisions jointly

3. Decision-Making Representative

Appointed by Circuit Court & sets out decisions the Representative can make on behalf of the person

Future Decision Making

- The Act sets out the legal framework for **Advance Healthcare Directives** (sometimes called “living wills”)
 - Where someone appoints a **Designated Healthcare Representative** to ensure their directive is followed
- **Enduring Power of Attorney (EPOA)**
 - Where a person appoints someone they trust to make future decisions

Impact on Service Users

The Act replaces the Wards of Court system, which was paternalistic and restrictive, with a more supportive and enabling framework

Home Care recipients will have greater autonomy and control over their personal affairs, as the Act emphasises supporting individuals in making their own decisions to the greatest extent possible



Legal Clarity

- **The Act provides clear guidelines and structures for assessing capacity**
- **This will ensure that home care service users' abilities and support needs are understood and respected**
- **The Act provides mechanisms for challenging decisions if the service user or their supporters believe that their rights are not being upheld**

Quality of Care

To comply with the Act, Home Care services must support the decision-making capacity of their service users

This should lead to:

- More person-centred care plans
- Respectful, compassionate care
- Confidence and choice for service users –with the understanding that it's ok to say NO & to express any dissatisfaction



Safeguarding

The Act includes safeguards to protect Home Care recipients from abuse, coercion, and undue influence

Som key challenges for providers

Need for additional resources in terms of:

Training & staff awareness

Potential delays in accessing decision support services where these are needed

Service users, their families & staff will all need time to understand the new system and avail of its benefits fully

Conclusions

Overall, the Assisted Decision-Making (Capacity) Act 2015 will have a positive impact on Home Care service users in Ireland by:

Promoting their
autonomy

Upholding their rights

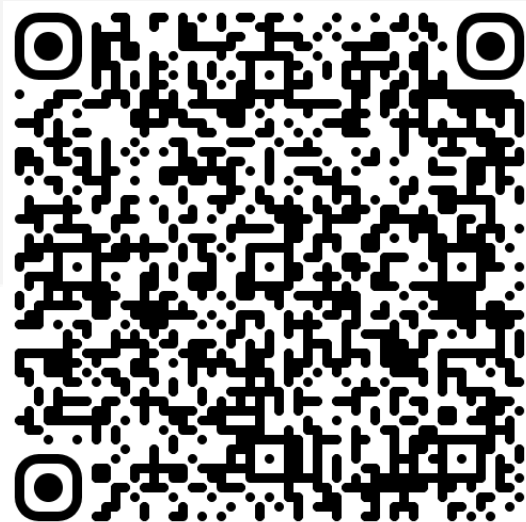
Enhancing the quality of
care

Providing robust legal frameworks to support decision-making processes

Q&A

Put your questions in the chat

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Thank you.