



Oifig an Cheannaire Oibríochtaí,
Na Seirbhísí Míchumais/An Rannán Cúram Sóisialta,
31-33 Sráid Chaitríona, Luimneach.

Office of the Head of Operations,
Disability Services/Social Care Division,
31-33 Catherine Street, Limerick.

T: 00353 (0) 61 483369

Suíomh Gréasáin/Website: <http://www.hse.ie>

15th February 2022

Deputy Róisín Shortall
Dail Eireann,
Leinster House,
Kildare Street,
Dublin 2.
E-mail: roisin.shortall@oireachtas.ie

Dear Deputy Shortall

The Health Service Executive has been requested to reply directly to you in the context of the following parliamentary question, which was submitted to this department for response.

PQ 5587/22

To ask the Minister for Health the legal mechanism or statutory power that will be used for future placements of persons in low, medium and or high secure residential placements outside the State when the Assisted Decision-Making (Capacity) Act 2015 is fully commenced and the adult wardship jurisdiction has been abolished; and if he will make a statement on the matter.

HSE Response

The Assisted Decision Making (Capacity) Act 2015 is reforming, human rights compliant law which relates to persons who require or may require assistance in exercising their decision-making capacity, whether immediately or in the future.

The HSE is undertaking a programme of work to enable compliance with this reforming Act and to ensure the rights of people enshrined by the new law will be protected and respected.

The existing wardship jurisdiction will be replaced by a system which moves away from a blanket approach to decision making capacity to one which recognises the fluctuating nature of capacity.

The HSE will work within the new mechanisms determined by the Decision Support Service, the new body established to oversee the Assisted Decision Making (Capacity) Act 2015 and the determinations of the Court with respect to Decision Making Representative Orders wherein they relate to future placements of persons in low, medium or high secured residential placements outside of the State.

Yours sincerely

Bernard O'Regan
Head of Operations - Disability Services,
Community Operations

