



Assisted Decision-Making (Capacity) Act 2015

Caoimhe Gleeson

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



**National Office for Human
Rights and Equality Policy**

About the HSE National Office for Human Rights and Equality Policy

Our mission is to:

- Build skills, knowledge and confidence of staff
- Achieve HSE compliance with Human Rights legislation
- Develop and promote HSE Human Rights and Equality Policy
- Influence legislative and organisational change to ensure that the human rights and dignity of each person using HSE services are respected.



**National Office for Human
Rights and Equality Policy**

About the HSE National Office for Human Rights and Equality Policy

Programmes of work:

- HSE National Consent Policy
- Universal Access for People with Disabilities
- Public Sector Duty
- Assisted Decision-Making (Capacity) Act 2015



Number 64 of 2015

Assisted Decision-Making (Capacity) Act 2015



National Office for Human Rights and Equality Policy



Assisted Decision-Making (Capacity) Act 2015 resources



www.assisteddecisionmaking.ie

Explainer video



[Assisted Decision Making Capacity Act 2015 A Short Guide - Explainer video - YouTube](#)



**National Office for Human
Rights and Equality Policy**

Presentations on the Act

Picture in picture 



Assisted Decision-Making (Capacity) Act 2015

- “An Act to provide for the reform of the law relating to persons who require or may require assistance in exercising their decision-making, whether immediately or in the future...”
- Signed by President – 30th December 2015
- Not yet fully commenced
- Anticipated commencement – June 2022



Number 64 of 2015

Assisted Decision-Making (Capacity) Act 2015

[Presentation on the Assisted Decision-Making \(Capacity\) Act 2015 - YouTube](#)



**National Office for Human
Rights and Equality Policy**

Frequently Asked Questions - Assisted Decision-Making (Capacity) Act

These FAQ's should not be relied upon as legal advice or opinion and are subject to regular review.

The Act

What is the Assisted Decision-Making (Capacity) Act 2015? +

When does the Assisted Decision-Making (Capacity) Act 2015 mean when it refers to a 'relevant person'? +

What does the Act mean for healthcare workers?

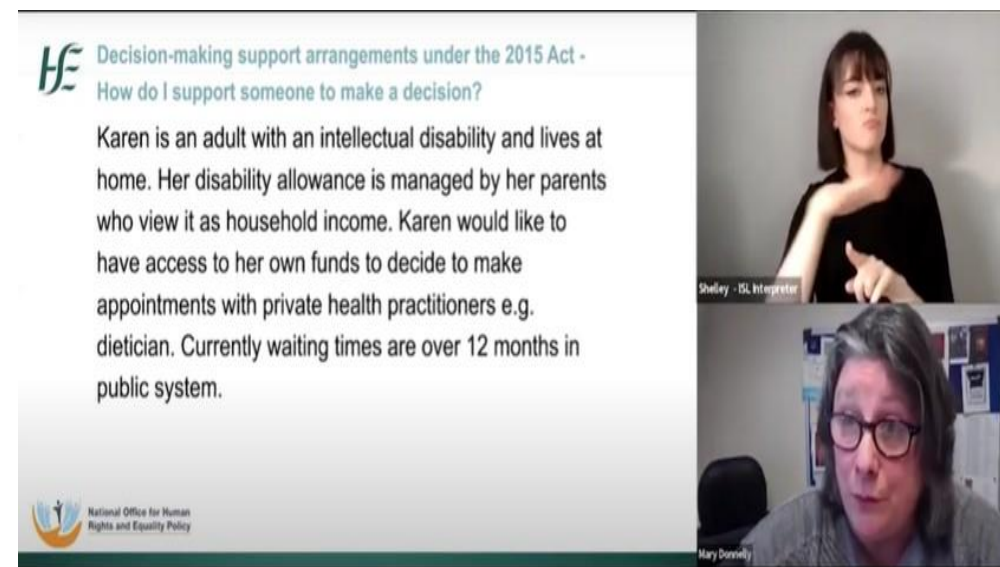
[FAQ's on the Act - HSE.ie](https://www.hse.ie/eng/faq/act)



National Office for Human Rights and Equality Policy

Webinars in 2022 - Preparing for commencement

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



The screenshot shows a webinar slide on the left and a video feed on the right. The slide features the HSE logo and the following text:

Decision-making support arrangements under the 2015 Act - How do I support someone to make a decision?

Karen is an adult with an intellectual disability and lives at home. Her disability allowance is managed by her parents who view it as household income. Karen would like to have access to her own funds to decide to make appointments with private health practitioners e.g. dietician. Currently waiting times are over 12 months in public system.

At the bottom of the slide is the logo and name of the National Office for Human Rights and Equality Policy.

The video feed on the right shows two participants. The top participant is a woman with dark hair, identified as 'Shelley - SL Interpreter'. The bottom participant is a woman with glasses and grey hair, identified as 'Mary Dooney'.

[Webinar Series - Assisted Decision-Making Capacity Act 2015 - HSE.ie](https://www.hse.ie/webinar-series-assisted-decision-making-capacity-act-2015)



National Office for Human Rights and Equality Policy

Webinar – Preparations for the Commencement of the Assisted Decision-Making (Capacity) Act 2015 – Considerations for HSE Mental Health Services

The screenshot shows a slide with the following content:

- No Circuit Court** (indicated by a blue bracket on the left):
 1. Decision-making assistant
 2. Co-decision-maker
- Circuit Court** (indicated by a red bracket on the right):
 3. Decision-making representative

The slide is part of a video player interface. The video title is "Preparations for the Commencement of the Assisted Decision-Making (Capacity) Act ...". The video player shows a man in a suit and glasses speaking. The video progress bar indicates 22:09 / 1:19:24. The YouTube logo and "CC" icon are visible in the bottom right corner of the player.

[Preparations for Commencement in Mental Health - Webinar](#)



National Office for Human Rights and Equality Policy

Webinar - Transition from Wardship to the Assisted Decision-Making (Capacity) Act 2015: Guidance for Staff



[Assisted Decision-Making \(Capacity\) Act 2015 Webinars - HSE.ie](https://www.hse.ie/webinars/assisted-decision-making-act-2015)



National Office for Human Rights and Equality Policy

Assisted Decision-Making e-learning programme

The Assisted Decision-Making (Capacity) Act 2015: Guidance for healthcare workers:

- Module 1 – Guiding Principles of the Assisted Decision-Making (Capacity) Act 2015
- Module 2 – Working with Decision Supporters under the 2015 Act
- Module 3 – Advance Healthcare Directives



Presumption of capacity

Sally is 28 and has an intellectual disability and mental health condition.

She lives in a community home supported by a disability service.

Sally wants to get the bus into town on her own to meet her friends on Saturday nights and go to the cinema.

Sally

Shauna is Sally's social care worker.

Select NEXT to continue.

[HSeLanD | The Irish Health Service's portal for online learning](#)



National Office for Human Rights and Equality Policy

Supporting Decision-Making e-learning Programme

Supporting Decision-Making in Health and Social Care services

- Module 1 – Supporting a person to make decisions
- Module 2 – Supporting a person to plan for the future
- Module 3 – Introduction to the functional assessment of capacity

Kerry talks to Alan

Alan and Kerry talk about what supports Alan might need. Kerry outlines some of the important information for Alan's decision about living independently. She discusses the social housing application and independent living skills, such as budgeting and managing medications.

However, Alan has difficulty understanding the information when it is presented to him all at once.

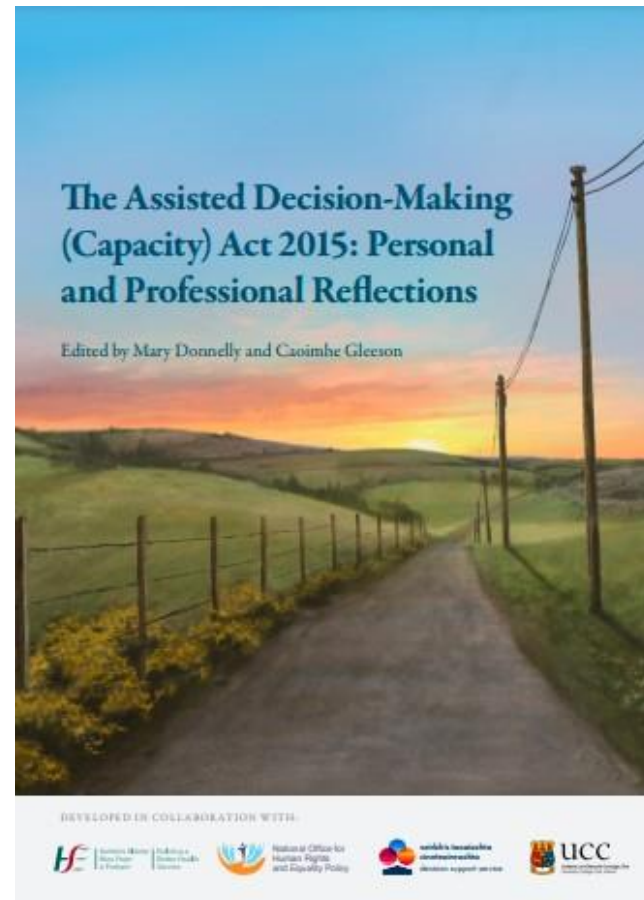


[HSeLanD | The Irish Health Service's portal for online learning](#)



**National Office for Human
Rights and Equality Policy**

Personal and professional reflections on the Act



[admca-personal-and-professional-reflections.pdf \(hse.ie\)](#)



National Office for Human Rights and Equality Policy

Wardship Guidance Document

Wardship Applications - A Guide for Health Care Workers



[Wardship - A Guide for Health Care Workers \(hse.ie\)](https://www.hse.ie)



**National Office for Human
Rights and Equality Policy**

HSE National Consent Policy

- Revised 2022
- Launched 28th March 2022
- Webinars
- Short video - What is consent?
- Many guiding principles in the policy
- Emphasis on the importance of the will and preference of a person who may lack capacity to align with guiding principles of the 2015 Act
- www.hse.ie/nationalconsentpolicy



**National Office for Human
Rights and Equality Policy**

HSE National Consent Policy e-learning programme

HSE National Consent Policy e-learning programme

- Module 1: General Principles
- Module 2: Working with Children and Young People

Meet Lucy

Lucy is a consultant obstetrician gynaecologist.

Paula, who is 37 weeks pregnant with her first child, is referred to Lucy by her midwife for antenatal care.



Select the arrow to view more.



[HSeLanD | The Irish Health Service's portal for online learning](#)



National Office for Human Rights and Equality Policy

Quarterly newsletter

<https://www.hse.ie/eng/about/who/national-office-human-rights-equality-policy/>



National Office for Human Rights and Equality Policy

End of Year Round up-2022

HSE Strategy and Research **Winter 2022**



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

2022 has been a very busy year for the National Office for Human Rights and Equality Policy as we prepare for the commencement of the Assisted Decision Making (Capacity) Act 2015. The year began with coordinating submissions on behalf of the HSE to the Decision Support Service's Code of Practice consultation. There are 15 codes of practice, 13 of which have relevance to health care workers. We then coordinated submissions for the pre-legislative scrutiny of the amending Assisted Decision Making (Capacity) Bill in February 2022. We commenced our webinar series on preparing for commencement and implementation of the 2015 Act in February and concluded it in June. This series was developed using case studies from front line healthcare practitioners and panel members included healthcare workers, advocates, experts by experience and subject matter experts. The average number attendance was 1,500 which is a testament to the interest of front line staff in the 2015 Act. In March we launched the revised National Consent Policy 2022 which included significant updates since the 2013 was published. We also launched the National Consent Policy E-learning programme which includes two modules- one on the general principles of consent and one on consent involving children and young people. In April we launched the E-learning suite of training on supporting decision-making in health and social care. This suite includes three modules- supporting a person to make decisions, supporting a person to plan for the future and introducing the functional assessment of capacity. In April we undertook extensive consultations with CHOs, Hospitals and HSE national services on the development of a HSE ADM National Implementation plan. This plan was disseminated in August 2022. In May we undertook consultations in relation to role of assessor of capacity for Co-decision making agreements and Enduring Powers of Attorney under the 2015 Act. A training programme is now under development by the Decision Support Service and the HSE to support these assessments. In June 2022 we commenced work on the E-learning suite of training on the 2015 Act. This suite will include three modules- the first will give an overview of the 2015, the second will focus on the interveners under the 2015 and the third will deal with advance healthcare directives.

Throughout the Summer and Autumn months we continued to co-ordinate a number of HSE submissions on the amending legislation. In November we collaborated with HSE Mental health operations to deliver a webinar which explored the inter-relation between the Mental Health Act and the 2015 Act. In December we hosted a webinar on the transition from wardship to the provisions of the 2015 Act. Throughout the year we have also collaborated with a number of front line services in learning events including Limerick University Hospitals, St. John Of Gods Disability Services, CHO 6, CHO 9, Disability Federation of Ireland, CHO 7 and Co-Action West Cork.

At the time of writing the amending bill will conclude its legislative process in the Houses of the Oireachtas and we await an announcement by Roderic O'Gorman, Minister for Children, Equality, Disability, Integration and Youth as to a commencement date in early 2023. We look forward to the efforts from all of our work in 2022 coming into fruition in 2023. We also look forward to continued collaborations and partnerships with front line services, experts by experience, families and advocates to ensure that the rights of people who need decision-making supports are realised.

Thank you all sincerely for your support throughout 2022. Best wishes for a peaceful Christmas and a fulfilling 2023.

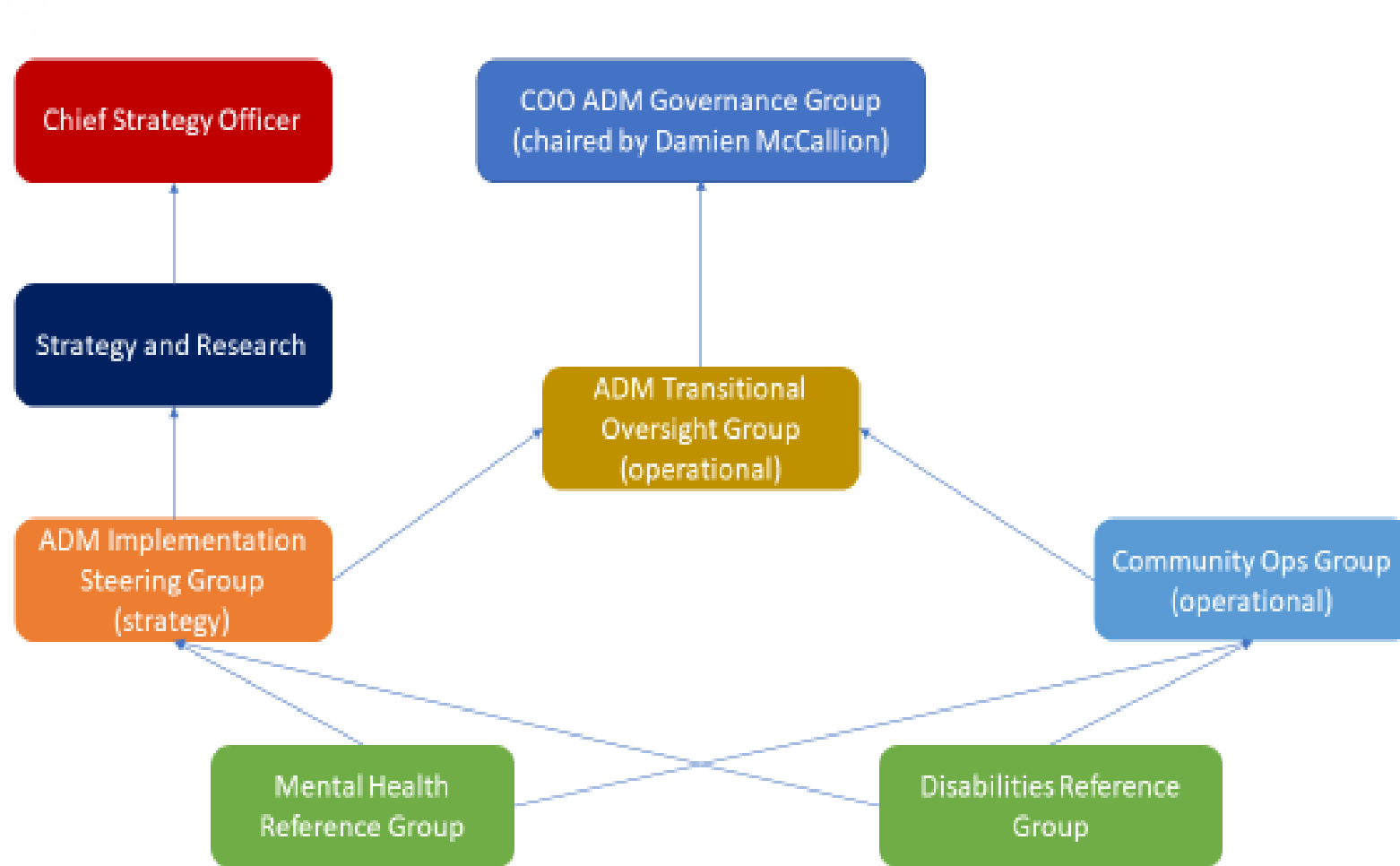
Caoimhe Gleeson

National Office for Human Rights and Equality Policy



National Office for Human Rights and Equality Policy

Internal ADM structures



HSE ADM Transitional Oversight Group

- To provide advice and guidance on operational issues arising from implementation of the Act
- To consider potential areas of risk which are notified to the group, which may be escalated
- To develop a streamlined and unitary process to escalate any matters of significance to the COO, the CCO, the Decision Support Service, DCEDIY, DOH and DOJ.
- To raise operational matters of relevance on ADM implementation and ensure agreed actions and decisions are disseminated to the relevant sectors of the HSE where appropriate.
- To provide guidance that supports and enables compliance with the wardship transition



Assisted Decision-Making Leads Group

- Fortnightly meeting of local ADM leads – CHO areas / Hospital Groups / Section 38 organisations/ National Ambulance Service
- Update on work to date
- Highlighting local issues and concerns





Upcoming resources and events

Upcoming webinars and events

- 29th March 2023 5:30-7pm - *Getting ready for Advance Healthcare Directives under the Assisted Decision-Making (Capacity) Act 2015*
- *Lots of local on-line and in-person events in CHO's and Hospital groups/Hospitals*

Links to register are available on www.assisteddecisionmaking.ie



**National Office for Human
Rights and Equality Policy**

Future resources

- Survey of staff learning needs- **March 2023**
- Training for undertaking assessments of capacity and providing statements of capacity for co-decision-making agreements and enduring powers of attorney- **April 2023**
- ADM Mentorship programme- **April 2023**
- Information on accessing the Decision Support Service register- **April 2023**
- Guidance to support the Decision Support Service Codes of Practice- **3rd quarter 2023**





Further information

Website – www.assisteddecisionmaking.ie

Email – Caoimhe.gleeson@hse.ie or adm@hse.ie

Thank you for listening.



**National Office for Human
Rights and Equality Policy**