



## **Case Scenarios for Webinar 1:**

### **Decision-Making Support arrangements under the 2015 Act - How do I support Someone to make a decision?**

*This webinar is structured around a panel discussion of case scenarios relevant to supporting a person to make a decision, and decision support arrangement under the Assisted Decision-Making (Capacity) Act 2015. These scenarios were written by staff and received by the HSE National Office for Human Rights and Equality Policy in response to a survey of learning needs in November/December 2021.*

#### **Scenario 1**

June has a mild dementia and lives at home with a home care package. June doesn't have support from family but has a good friend Myra who supports her. Myra currently makes all of June's decisions, including financial decisions on a day to day basis.

- a. Is this support arrangement okay? What will happen once this Act is commenced?
- b. Does the Act offer any support arrangements that could help plan for the future when June no longer has capacity to make decisions?
- c. How can the home care service protect June's safety and respect her wishes? Is there anything they can do right now to plan for commencement of ADM?
- d. What if June's only relatives are nephews and nieces who she does not want to be involved in her care? Do her nephews and nieces have a role in supporting her?
- e. Would it make any difference if Myra was June's daughter, instead of her friend?

#### **Scenario 2**

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 12mths in public system.

- i. How can Karen be supported to make her own financial decisions?
- ii. Would Karen benefit from a decision-supporter under the Act?
- iii. What if Karen were 17-years old at the moment, how could she be supported to gain more financial independence when she turns 18?
- iv. What supports will the Act offer to a young person with ID as they turn 18?
- v. How do we support these families and what supports are available already to educate them on what to expect under the Act?

### **Scenario 3 & 4 to compare and contrast**

Angela is in her 40's. She is a non-verbal communicator and lives in a residential home following an acquired brain injury. She has two children and is therefore at risk of cervical cancer due to sexual contact. Angela is within the recommended age group for regular screening (25-65). Prior to her injury Angela attended for cervical screening on schedule, and this is understood to be her will and preference. She is now overdue for cervical screening as she last attended 10 years ago. Without support, Angela would be unable to respond to the screening letter and she does not have capacity to make medical decisions. Staff of the care home are concerned; will Angela be able to consent?

- I. How can ADM support Angela?
- II. What should the staff in the residential home consider?
- III. How should Angela's will and preferences be considered?
- IV. Who should 'sign the consent' if Angela cannot?
- V. What should the doctor or nurse taking the sample consider? Might this be construed as 'assault' given the nature of the test?

Mary is 56 years old. She has Down syndrome and lives with her sister Ann who attends appointments with her. Mary has attended for breast screening twice before and consented to have her mammogram. On arrival at the BreastCheck Unit Mary is very agitated and reluctant to enter. Eventually they enter the unit and the radiographer asks Mary some questions. Mary does not want to answer the questions and becomes very upset. She does not appear to understand where she is or why she is there. The radiographer shows Mary and Ann to the screening room to speak to them in private. Mary is very upset. Ann wants the radiographer to do the mammogram as she has taken the morning off work to bring Mary and she reassures the radiographer that Mary has had a mammogram twice before and understands the process. Ann asks the radiographer to proceed.

How should Mary's will and preference be considered here?

Ann expects to consent on behalf of Mary as her 'next of kin'- Is this correct?

Does ADM change this?

Should the radiographer check with the DSS if Mary has a decision supporter under the Act?

If Ann is not a decision supporter under the Act what should the radiographer do?

How should the radiographer proceed?

Mary is linked with an ID service where there is a key worker involved in supporting her to make choices and decisions. How will the role of the key worker be impacted with introduction of ADMA in the context of this example?

### **Scenario 5**

James has a mental health condition and has become unwell. James is unable to make medical decisions for himself. His family have supported him up to now and make medical decisions for him. However, they do not agree with the medical treatment prescribed and discontinue his medication. The service James attends has concerns about this and are unsure how to support him. James is on a waiting list for an independent advocate.

- a. How best to approach this scenario?
- b. Can the assisted decision-making process be used in this instance?

**Scenario 6**

Sinead is a 64-year-old woman in residential care with no family members or friends outside the service provider. In the past Sinead was found to lack capacity to make decisions about large purchases. Sinead wants to buy an electric scooter for mobility purposes.

- 1) How can Sinead be supported to make financial decisions now?
- 2) Would Sinead benefit from a decision-supporter under the Act following commencement? How might this help?
- 3) Will there be an extensive waiting list for a court appointed decision supporter if there are no natural supports available?

**Scenario 7**

Rory lives in full time residential care, he has an intellectual disability, he is a non-verbal communicator and has very limited understanding of personal finances. His sister Iseult tried to renew his health insurance recently and the company would not provide her with a new quotation as Rory was not making the phone call himself.

- I. How can Iseult continue to support Rory in relation to his health insurance policy and personal finances?
- II. Could a support arrangement under ADM help here?