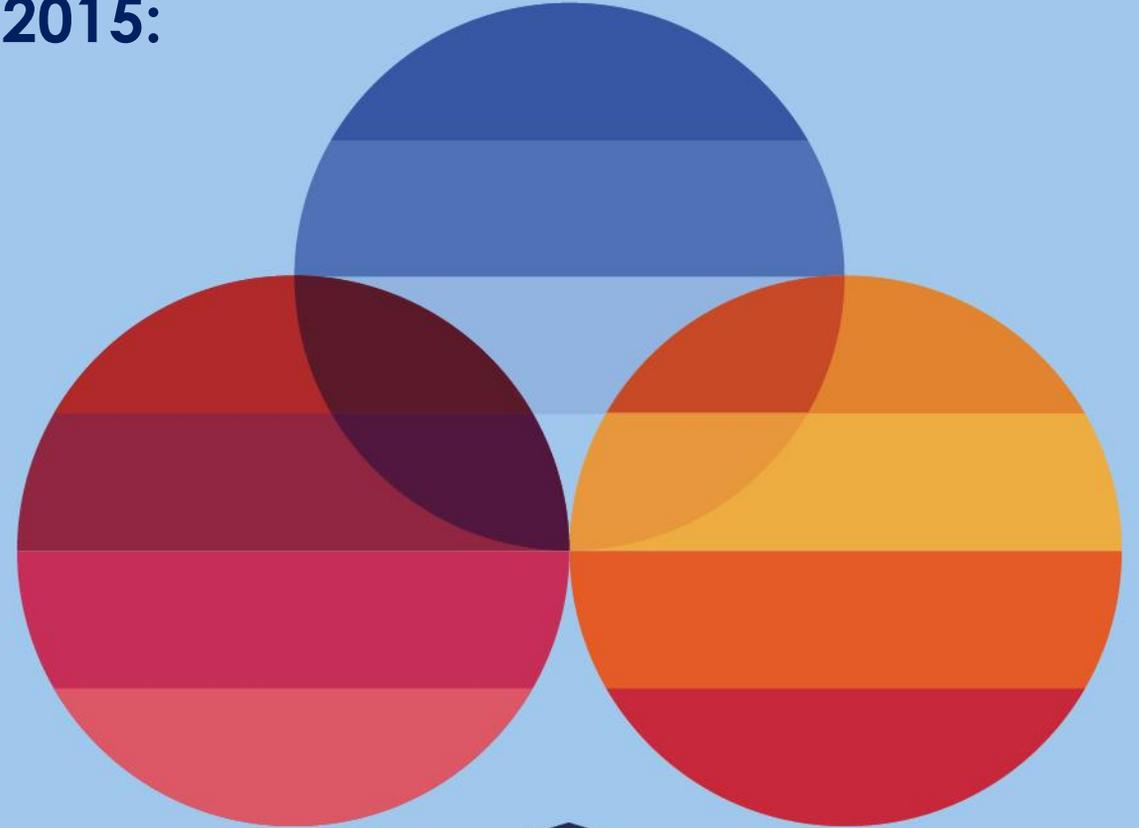


# Assisted Decision-Making (Capacity) Act 2015:

Decision Support Service update:  
6 months since commencement

HSE Webinar  
11.10.23

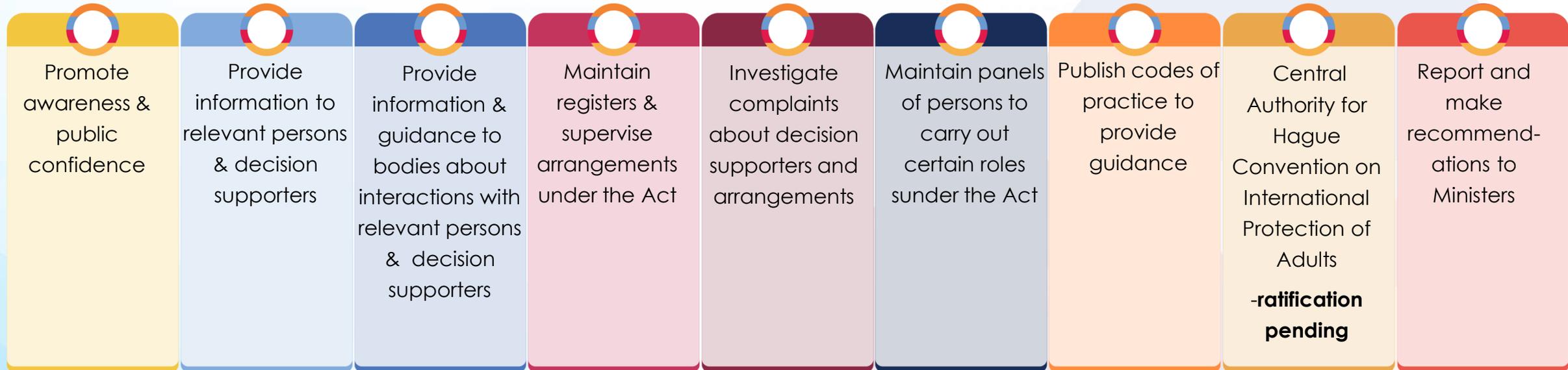
Áine Flynn  
Director of the Decision Support Service



# Decision Support Service (DSS)

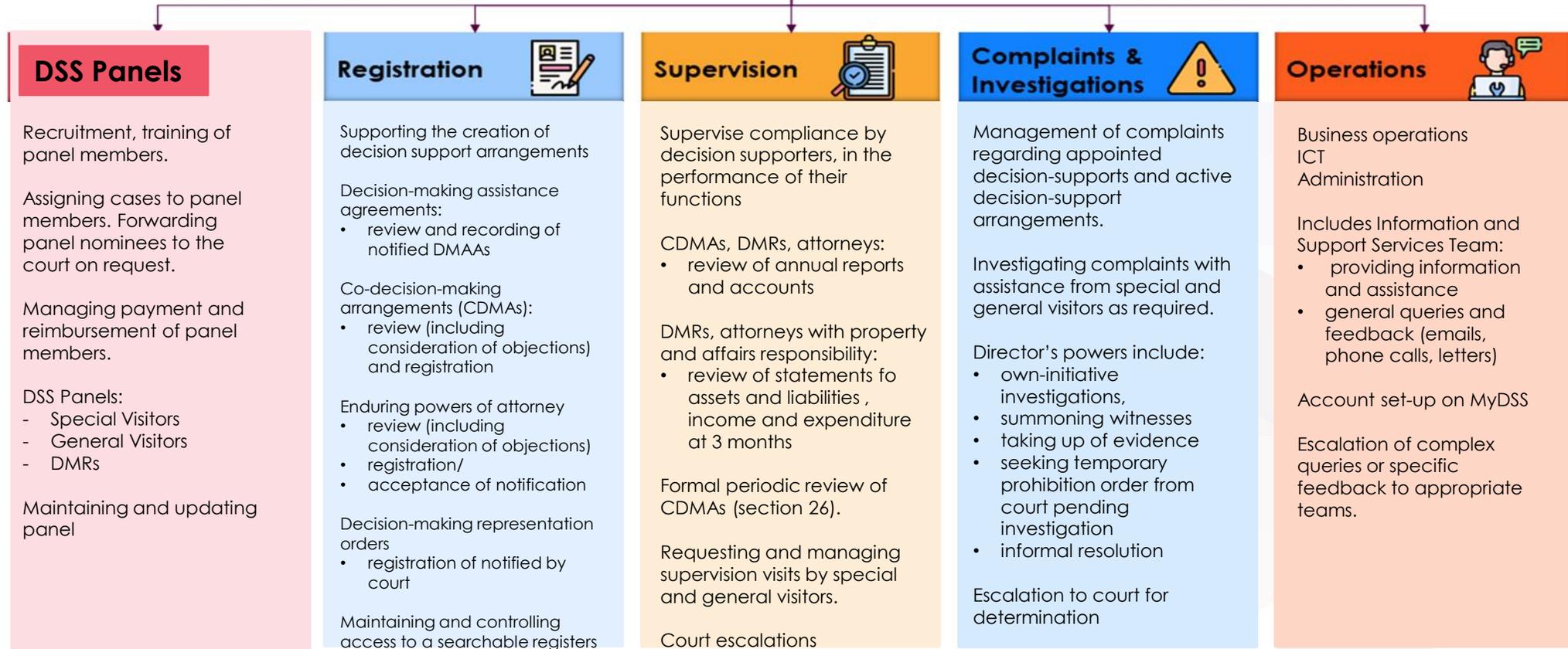
## Section 94:

Director of the DSS is appointed by the MHC to carry out functions conferred on the Director by the 2015 Act





## DSS Director



# Advance healthcare directives



- Minister for Health has approved a template advance healthcare directive to provide guidance.
  - expected to be published soon on DSS website
- Minister for Health *may* make regulations to provide for a register of advance healthcare directive
  - regulations have not been made yet
  - an advance healthcare directive does **not** require registration to be valid

# Calls, queries and accounts created (up to 6.10.23)

- Total inbound calls handled: 6602\*
- Total emails handled: 3984
- Contacts fully verified: 3040
- Total contacts verified by MyGovID: 2392
- Total accounts manually verified: 648



## Contact age distribution

18-29 – 4%  
30-44 – 16%  
45-59 – 27%  
60-74 – 24%  
75+ - 29%

**\*September has been our busiest month for call volumes**

# Applications to DSS Registrations (up to 6.10.23)

- **Total draft applications:**

•enduring power of attorney:	1703
•co-decision-making agreement:	83
• <u>decision-making assistance agreement:</u>	<u>170</u>
• <b>Total:</b>	<b>1956</b>

- **No. of submitted applications/orders (pending):**

•enduring power of attorney:	109
•co-decision-making agreement:	16
•decision-making assistance agreement:	13
• <u>decision-making representation order:</u>	<u>28</u>
• <b>Total:</b>	<b>166</b>

- **Registered applications:**

•enduring power of attorney:	5
•co-decision-making agreement:	5
•decision-making assistance agreement:*	9
• <u>decision-making representation order:</u>	<u>33</u>
• <b>Total:</b>	<b>52</b>

\* We are notified of/ do not formally register DMAAs

# Register searches

- DSS register is searchable by:
  - bodies and classes of persons as prescribed by regulation (S.I. 206/2023) and approved following DSS process
  - a person who can demonstrate a legitimate interest
- DSS registers:
  - co-decision-making agreements
  - decision-making representation orders
  - EPAs under the 2015 Act

**DSS keeps record of searches**

## Prescribed bodies include:

- Designated centres
- Approved centres
- Public bodies and authorities
- Banks
- Regulated financial service providers

## Prescribed classes of persons include:

- Legal practitioners
- Financial professional
- Registered healthcare professionals
- 

## Legitimate interest:

- Any person can apply to the DSS
- Must demonstrate a legitimate interest in inspecting the register at that time

24/7 access when approved

Pending development of digital searches:  
[registersearches@decisionsupportservice.ie](mailto:registersearches@decisionsupportservice.ie)

Case-by-case access

# Using MyGovID to create a MyDSS portal account

## Why?

- we create an account for any person using DSS services, this allows us to identify our service user
- all applications require a fully verified account
- process presented to and approved by the Data Protection Commission

## When?

- identity verification is the first step of the process for creation of a DMAA, CDMA, EPA

## Where?

- Identity Verification is completed on the MyDSS portal – accessible via our website [decisionsupportservice.ie](https://decisionsupportservice.ie)

## How?

- This is primarily done using a fully verified MyGovID account

## Benefits

- Immediate access to online application forms
- Immediate access to template supporting documents (including capacity statements) once the application is completed

## How many?

- We have over 3040 fully verified users
- 79% of these have used MyGovID to setup their account
- Over 40% of accounts set up using MyGov relate to account holders aged 70 and over

# Manual ID Verification: Alternative to MyGovID

## Why?

- to ensure all applicants are able to be set up with a MyDSS account

## When?

- manual identity verification is the first step of the process as with MyGovID verification

## Where?

- contact DSS Information Services team
- forms is available on our website [here](#)

## How?

- completed form, copies of proof of ID and address are sent to [IDVF@decisionsupportservice.ie](mailto:IDVF@decisionsupportservice.ie)
- do not send via post
- when completed, DSS will inform applicant that they can access the portal

## Benefits:

- Once ID verification is completed, applicant has access to online application process

## Drawbacks:

- Manual verification can take up to 6 weeks from submission at present
- Clarifications or incomplete forms take longer
- 1 in 2 applications have been incomplete

# Timelines

## MyGovID



 Same Day

## Manual Verification



 6 weeks

## MyDSS Portal Application

## Manual Application (post/email)

Register with DSS

1 day

4 mths approx.

### Application

- Complete online application
- Download Supporting Documents

### Complete documents

- Legal practitioner statement
- Sign declarations in front of witness
- Capacity statement

### Complete and submit application

- Give notice
- Upload declarations and supporting documents
- Pay Fee and submit application

### Application

- DSS send out unique paper application
- Complete paper application form
- Send form back to DSS
- DSS validate (errors will cause further delays)
- DSS create digital copy of application
- DSS send out supporting documents

### Complete documents

- Legal practitioner statement
- Sign declarations in front of witness
- Capacity statement

### Complete and submit application

- Give notice
- Send declarations and supporting documents to DSS
- DSS validates and uploads all documents
- Pay Fee and submit application

Once set up on with account, an applicant may also proceed manually with an application if necessary. Using example of EPA, this illustration shows delays involved.

5-week notice period commences on submission to DSS

# Panels, supervision and complaints updates

## ○ Panels

- 167 panel members with contacts registered on our system
- 90 (approx.) panel DMRs available for nomination to the courts
- 8 panel member DMR nominations have been requested by the courts

## ○ Supervision:

- supervision of registered DMRs has commenced (introductory calls, detailed follow-up)
- 3 months reports have issued to DMRs
- engagement with Courts Service to promote DMRs understanding of obligations at application stage
- initial supervisory engagement with registered CDMs

## ○ Complaints and investigations

- Total 15 complaints received
- 10 active investigations of attorneys under 1996 Act



# DSS Communications and Information

- Information and guidance materials on DSS website:
  - Recorded presentations
  - How-to guides
  - Explainer videos
  - Step by step guides to using DSS ICT system
  - Frequently asked questions
  - Easy read introduction to the 2015 Act and role of the DSS
- Public information campaign across all media platforms: 'My Decisions. My Rights'.
- Stakeholder engagement across diverse sectors
- Collaboration with public sector stakeholder colleagues
- Engagement with HSE on training, register access and engagement with HSE ADM Leads

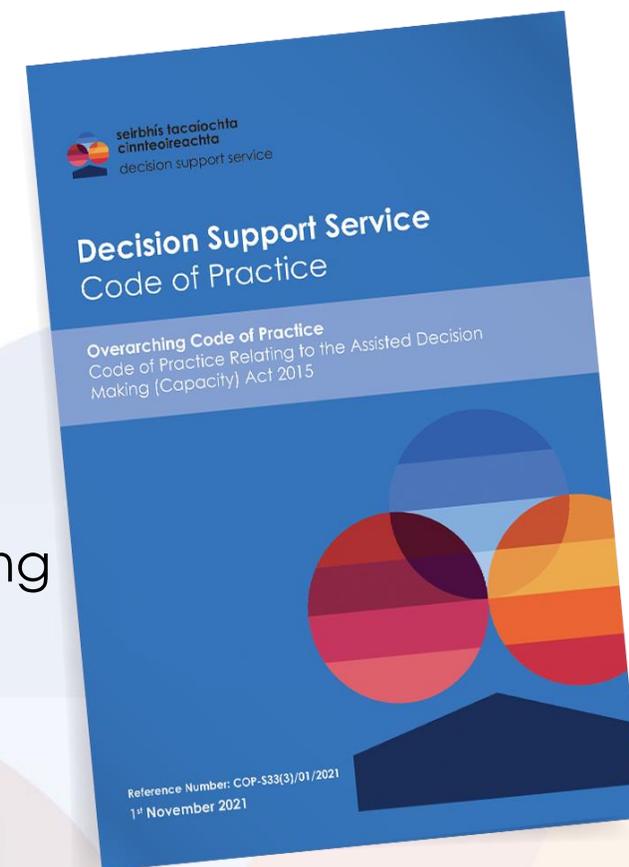


# Codes of Practice

## 13 codes of practice published with approval of Ministers prior to commencement

Including:

- general guidance code on supporting decision-making and assessing capacity
- guidance for healthcare professionals
- guidance in relation to advance healthcare directives
- codes have been published with Ministerial approval
- available on DSS website with other guidance material and links to vignettes



# Thank You



seirbhís tacaíochta  
cinnteoireachta

decision support service

[www.decisionsupportservice.ie/](http://www.decisionsupportservice.ie/)

Email: [queries@decisionsupportservice.ie](mailto:queries@decisionsupportservice.ie)

Telephone: 01 2119750

[MyDSS online portal Help](#)

[Online resources](#)

This presentation is intended as an overview of certain parts of the Assisted Decision-Making (Capacity) Act 2015 and related matters and should not be relied on as legal advice or opinion



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cinnteoireachta  
decision support service