



Number 64 of 2015

Assisted Decision-Making (Capacity) Act 2015

Relevant Person-  
a recalibration for the  
centrality of rights or  
just more semantics?

Considerations in  
Nursing & Midwifery  
Practice

# Introduction

Keeping the person relevant within a statutory framework to support decision-making by adults who may on occasion have difficulty making decisions without support





### Time to Move on from Congregated Settings A Strategy for Community Inclusion

Report of the Working Group on  
Congregated Settings  
Health Service Executive  
June 2011



Progressing  
Disability  
Services  
for Children  
& Young People

Working together to support children and families

About us

**Death by indifference**  
Following up the *Treat me right!* report

**MENCAP**  
Understanding learning disability

**Shining a light on seclusion and restraint in schools in Ireland:**  
**The experience of children with disabilities and their families**

An Inclusion Ireland discussion paper  
September 2018

**Mental health services not available to people with disabilities**

before you visit

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*Thursday, November 15, 2018 - 04:45 AM*

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Health Correspondent

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# Keeping the Person at the Centre

The **presumption of decision making capacity** unless proven otherwise

**No intervention** will take place **unless it is necessary**

A person will be treated as unable to make a decision only where **all practicable steps to assist the person make the decision have been unsuccessful**

A person has the **right to make an unwise decision**



# Capacity Building – Understanding the Applicability of the Act

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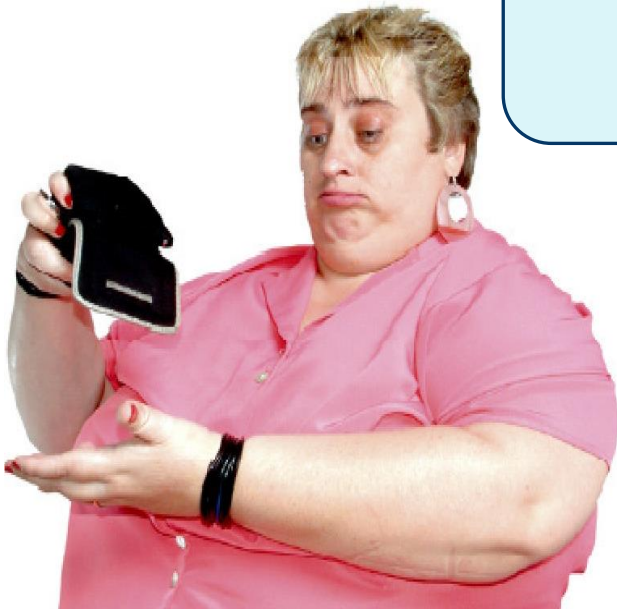
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*Keri Russen*

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er’

Communicate



# Enabling Capacity – the learning

## Assessment of capacity:

Decision issue and time specific

Capacity can fluctuate

There may be a number of different decisions within the overall decision to be made that the person can make?

Does the decision need to be made now?



# Supported Decision Making



**‘Shelving hard decisions is the  
least ethical course’**

*Adrian Cadbury*

# The Learning - Shifting the Balance of Power

The process is multifaceted and identifies issues that may not ordinarily arise or be addressed

Assessing a persons capacity to make a decision does not relate to the decision itself but the persons capacity to engage in the decision making process

Many moral questions were raised relating to the topics identifying the need for a process of assessment where assessment is needed



# Enabling Capacity

Understanding the principles of the Act is everyone's business



Implementation of the principles of the act requires a cultural shift



Independence

“Take away a man's freedom of choice, even his freedom to make the wrong choice, is to manipulate him as though he were a puppet and not a person.” *Madeline L'Engle*



Thank you for listening

