

Public encouraged to put into practice new ‘Decision Support Arrangements’ **(<https://www.activelink.ie/node/103212>)**

New law needs to be applied to safeguard rights

The public has been encouraged to get informed and put into use new ‘decision support arrangements’ – which will help to reduce adult abuse.

Safeguarding Ireland today launched a two week public awareness campaign to promote greater public understanding and application of the Assisted Decision-making Capacity Act, which came into effect in April.

The law or Act is one of the most significant new bodies of social legislation in Ireland for many years and is designed to uphold people’s rights, particularly among vulnerable adults.

Safeguarding Ireland Chairperson Patricia Rickard-Clarke encouraged every person, professional and organisation to make the effort to become familiar with the law – and importantly to now apply it.

“The new law is about **rights**, and taking every possible step to assist people to continue making their own decisions about their health, finances, housing, work or personal welfare – even if there are challenges in doing so due to capacity.

“It is of particular importance for people who have challenges with decision-making such as those living with frailty, dementia, an intellectual disability, an acquired brain injury, or mental illness. But it may be important to all of us at certain times in our lives.”

Also included in the law is guidance for doctors, lawyers and financial providers such as banks on actions they must take to uphold the rights of all people to decision-making.

Ms Rickard Clarke said that Safeguarding Ireland was in its work aware of ongoing instances of the law not being applied by people, families and professionals. She said it is really important that it becomes fully applied – as only in doing so will reduce adult abuse and protect people’s rights.

A RED C survey of a representative sample of 1,000 adults last May found that just one third of adults had heard of the law and half of those said they did not know what it is about. Just 4% said they had a good understanding of assisted decision-making.

To coordinate this major change, a new State Agency called the Decision Support Service (DSS) has been established and is responsible for promoting public awareness, to register the new decision support arrangements, to provide oversight and to resolve issues which arise.

The key principles of the new law are:

- To always presume that each person has the ability to make decisions about their own life
- If a person has a challenge, but with help can make their own decision, then that support must be provided
- Making what some may perceive as an ‘unwise’ decision does not mean a person is unable to make a decision
- If a person has reduced decision-making capacity, then the Act sets out **five different decision support arrangements**.

The five Decision Support Arrangements which have legal standing are:

1. **A Decision-Making Assistant** can be appointed by a person to gather and explain information and communicate a decision for them.
2. **A Co-Decision Maker** can be appointed by a person to make decisions jointly with them. The agreement must be registered with the DSS.
3. **A Decision-Making Representative** can be appointed if a person is unable to make decisions, even with help. This person is appointed by the Court.
4. When a person has decision-making capacity they may legally appoint a person to make decisions on their behalf, if in the future they are unable to do so. This is appointing an **Enduring Power of**

Attorney (EPA) which includes financial, property and personal welfare decisions.

5. For healthcare decisions, a person may appoint a **Designated Healthcare Representative (DHR)** for a time in the future when they may no longer have decision-making capacity.

Ms Rickard-Clarke said that is it important to clarify the common and incorrect ‘myth’ that when someone needs help a **‘next-of-kin’** would assume charge of their affairs.

“While next-of-kin can be an important contact point, a ‘next-of-kin’ has no legal standing or authority to act on a person’s behalf. To have legal authority a person must be appointed under one of the five decision support arrangements. Safeguarding Ireland encourages every person, professional and organisation to become familiar with the Assisted Decision-making Act and to apply it in their lives and work. If these are things that are relevant to you, your family, or your work but you are not sure what to do – please find out more.”

Region

Nationwide

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