

## **DSS takes important step forward for people with capacity issues**

### **New website sets Ireland firmly on path to new human rights-based approach to removal of outdated ward-of-court system**

**Monday, August 10<sup>th</sup>:** An important step towards establishing a new human-rights based framework for people with capacity issues has taken place with the launch this morning of a website for the Decision Support Service (DSS) at [www.decisionsupportservice.ie](http://www.decisionsupportservice.ie).

The DSS was established by the Assisted Decision-Making (Capacity) Act 2015. Although fully enacted, this Act is not yet commenced and cross-sectoral preparatory work is ongoing. The 2015 Act abolishes the current wards of court system and replaces it with a modern, person-centred framework to maximise autonomy for people who require support to make decisions about their personal welfare, property and financial affairs. The Act reflects the principles and values of the United Nations Convention on the Rights of Persons with Disabilities. It is estimated that 220,000 adults in Ireland could benefit from these reforms.

The Director of the DSS, Ms. Áine Flynn, is required to promote awareness and confidence and to be the authoritative source of information concerning the 2015 Act.

While the DSS itself will likely not be operational until at least 2022, the website will provide up-to-date information to the public about the ongoing implementation of the new service, while also informing relevant bodies of the steps they need to take to ensure they are ready for the full commencement of the DSS and the 2015 Act itself.

Áine Flynn said that: “the launch of the website is a statutory requirement and a key milestone in the DSS establishment project. It will go some way towards ensuring that future users, families, stakeholders and other key bodies understand and appreciate the benefits that the new service will deliver once it opens its doors.

“It is expected that the Assisted Decision-Making (Capacity) Act will effect enormous change in the lives of people with decision-making capacity difficulties”, she said. “It is important that those people - and their families and caregivers - understand the Act, the role of the DSS and the positive changes it will make to all their lives.

“The website has been designed to provide straightforward information in an accessible way. It outlines, in plain English, the various arrangements that can be put in place once the Act commences to support people where necessary to make their decisions. These could be people with intellectual disabilities, brain injuries or a range of cognitive impairments.”

The website also provides guidance for anyone who wants to plan in advance for a time when they might lose capacity to make a decision by putting in place an enduring power of attorney or an advance healthcare directive.

“While it is estimated that more than 220,000 people would presently benefit from the reforms in the 2015 Act, to presume that it would only assist that cohort of people is to misinterpret its reach and potential,” said Ms. Flynn. “At any point in time, anyone of us could lose the capacity to make and communicate decisions for ourselves. Therefore, this is an Act for everyone.”

The website also provides information about the review of current wards of court who will transition out of wardship and into the new support framework in line with their individual needs.

Speaking about this important landmark, Mr. John Saunders, the chairman of the Mental Health Commission - under whose remit the DSS is being established – said: “the most pressing matter now is to ensure that the Commission is allocated adequate funding in the upcoming budget so that we can bring this important human rights-based approach to the people of Ireland as quickly as possible.

“The 2015 Act is long-awaited, reforming, human rights-based legislation. However, it is now more than four-and-a-half years since the legislation was signed into law. It is critically important that those who will be most affected by the Act are provided with a clear roadmap for full commencement so we can all be assured, and continue with the job of getting the service ready for operation.”

Ms Flynn added that it has been acknowledged that the full commencement of the 2015 Act is essential for Ireland to become compliant with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which was ratified by the State in March 2018.

Those who work with people who would benefit most from the establishment of the Decision Support Service have also welcomed the new website.

## **Ends**

## **Notes to the Editor**

### **What is the Decision Support Service (DSS)?**

The DSS is an essential service for all adults who have difficulties with decision-making capacity. This may include people with an intellectual disability, mental illness or acquired brain injury, as well as people with age-related conditions who may need supports to make decisions.

The DSS is provided for under the Assisted Decision Making (Capacity) Act 2015. The 2015 Act is a significant piece of reforming human rights legislation which provides a modern statutory framework for supported decision-making. The supports provided for, and monitored by the DSS, will help to ensure that people are afforded the fundamental human rights to make their own decisions as far as possible about their personal welfare, property and affairs and finances.

Estimates suggest that there could be as many as 220,000 people living in Ireland who have capacity-related difficulties and who may become users of the DSS. Based on the above figure, it is estimated that one in 20 adults could have an active arrangement registered with the DSS, and that one in every two people will interact with the DSS in their lifetime.

### **What is the relation of the DSS to the Mental Health Commission?**

Under the provisions of the 2015 Act, the remit of the Mental Health Commission was extended to include the establishment of the DSS.

The DSS is now one of four functions of the Commission. Although it is not confined to mental health, the DSS has found a natural home in the Commission as it (the Commission) has vital experience of

setting up innovative structures under reforming legislation to deliver on a human rights agenda. The Director of the DSS, Áine Flynn, sits on the Executive (SMT) of the Commission.