

# My Voice is my Right

Assisted decision-making law means I decide



# Every person has a voice and the right to be heard. In 2023 the **Assisted Decision-Making Act** came into effect and put this right into law.

All people now have legal protections to ensure their wishes about money, health and welfare are respected.

Health services, banks, utilities, government services and professionals must take steps to hear and support each person's decision.

## **In summary – what assisted decision-making law means**

- Everyone is presumed to have capacity, communication barriers must be addressed
- If needed, three levels of formal support can be put in place: a Decision-Making Assistant, a Co-Decision Maker, or a Decision-Making Representative
- Planning ahead is encouraged through an Enduring Power of Attorney (EPA) and an Advance Healthcare Directive (AHD).

## **The Decision Support Service**

To promote understanding of this law and to register and supervise the new support arrangements – a State service called the Decision Support Service (DSS) has been established. ([www.decisionsupportservice.ie](http://www.decisionsupportservice.ie)).



## **It's the law – taking steps to overcome communication barriers**

The assisted-decision-making law is about all people – to the maximum of their ability – voicing their choices relating to their health, living arrangements, finances or personal welfare.

If a person has the capacity to make a decision but has a challenge with communicating it – then services and professionals have responsibility to take available steps to hear and support that person's voice.

For example, this could involve offering in-person appointments to someone who is not active online, use of assistive technologies for a person with a speech challenge, using an interpreter if a person has a language or cultural barrier, or sometimes simply scheduling enough 1-1 time to meet the individual needs of that person.

## Supporting a person with reduced decision-making capacity

However, some people live with reduced decision-making capacity. This may be due to an intellectual disability, an acquired brain injury, a mental illness, dementia, or age related frailty.

If a person has reduced decision-making capacity, there are three different levels of formal support which can be put in place which involve appointing one of the following:

1. **A Decision-Making Assistant** – a chosen supporter who a person can appoint to gather and explain information and help them to communicate their decision. However, the person still makes the decision.
2. **A Co-Decision Maker** – a chosen supporter who a person can appoint to make specified decisions together with them.
3. **A Decision-Making Representative** – can be appointed by the Court if a person is unable to make specified decisions, even with help. This could be an approved friend or family member, or a professional person from a DSS panel.

Information on setting up these arrangements can be sought from the DSS, which also registers arrangements – and can investigate complaints.



## Planning for the future

There are two further types of decision support arrangements. These are 'planning ahead' arrangements when a person with capacity can plan ahead and appoint another person to be their voice – should they no longer have capacity in the future.

These are:

**An Enduring Power of Attorney** – for financial, property or personal welfare decisions.

**An Advance Healthcare Directive** – for future decisions regarding medical treatment.

Both are legal arrangements which involve documenting future decisions and appointing a trusted person to give effect to those decisions.

It is recommended that **all adults make an Enduring Power of Attorney and an Advance Healthcare Directive**. Doing so helps ensure that professionals and families understand and respect our wishes and preferences.

### Did you know?

A next-of-kin, or family member, has no legal authority to make decisions for another person. Only formal decision support arrangements have legal standing.



## Time to get informed

Safeguarding Ireland encourages everyone to learn about their rights, plan ahead, and speak up if they see adult abuse.

If a person needs support to have communication barriers overcome this should be provided. If a person has difficulty exercising decision-making capacity, then supervised support arrangements are available.

Health services, banks, utilities, government services, professionals – and family and friends – have responsibility to hear and support everybody's voice.

Assisted decision-making is about enabling an equal voice, rights and respect for everybody.



# Information

## Concerned about adult abuse?

- If an urgent or serious issue, call the Gardaí: 999 / 112
- If an ongoing concern, contact the HSE Safeguarding and Protection Teams: <https://adultsafeguardingportal.hse.ie>

## Decision Support Service

- Understanding Assisted Decision-Making
- Putting in place a Decision Support Arrangement
- Making an Enduring Power of Attorney
- Making an Advance Healthcare Directive (inc. a template)
- A concern relating to a decision supporter, email [complaints@decisionsupportservice.ie](mailto:complaints@decisionsupportservice.ie)
- More information – see [decisionsupportservice.ie](http://decisionsupportservice.ie) or call **01211 9750**.

## HSE National Office for Human Rights and Equality Policy

- See [www.assisteddecisionmaking.ie](http://www.assisteddecisionmaking.ie)
- Queries to [adm@hse.ie](mailto:adm@hse.ie)
- Provides advice, guidance and training on the Act in health and social care services.

## Irish Hospice Foundation

- The *Think Ahead* resource on planning ahead (inc. an Advance Healthcare Directive template)
- See [thinkahead.ie](http://thinkahead.ie), or call **01 679 3188**.



## Court Service

- Applying for a Decision-Making Representation Order, see [courts.ie](http://courts.ie)

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Adult Safeguarding Day  
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Registered Charity Number (RCN): 20204851  
info@safeguardingireland.org