

Feedback on the Draft Guide for Health and Social Care Professionals on the Assisted Decision Making (Capacity Act) 2015

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The Assisted Decision Making (Capacity Act) 2015 is a welcome development. The Anne Sullivan Centre welcomes the draft guide for health and social care professionals and the opportunity to provide feedback.

Feedback is as follows:

1. The guidelines are very long. The intention of the document is evidently to guide health and social care professionals in their practice however the 'practical' aspect of the document appears too late. As a suggestion, could Section 4-the practical guide (p.43 onwards) be the primary guide and the 'explanatory' pieces be moved to the back/appendices of the document?
2. As the guidelines are provided for those working in health and social care- there should be greater focus on the organisation's role in every section/paragraph:
For eg
The document delves straight into summarising the Act and the provisions for different types of formal supported decision-making agreements (p.12-14). While these first few pages make it very clear what the options will be for relevant persons, it is very unclear as to **how** this will happen until later in the document. Section 2.6.3 (p. 30) outlines the organisations responsibilities once the relevant person has appointed someone to provide decision-making support and it would make sense to combine these from the beginning to give personnel a sense of their responsibilities as they read through.
3. Summaries add to the bulk of the document. As they are a repeat of what one has just read moments ago, it may be useful to consider whether they are needed.
4. The factors to consider in enabling a person to make their own decisions and practical steps to maximise decision making (P.21 : 2.1. and 2.2.1) are very helpful, as is the CURB tool on p.35 however, there may be a better flow if all of the practical information is kept separate to the 'explanatory' material. Eg. Section 4 is the "Practical Guide" however the heading in section 2.2.1. is 'Practical steps to maximise decision-making when assessing capacity'.
5. P. 18 outlines that "*The 2015 Act also provides that any person appointed to assist or support a relevant person to make a decision must be a suitable person to be appointed*" There should be some reference to the framework/body of people will make this decision and the level of consultation that will be required with organisations as it appears very vague.

6. Section 4.0 (Practical Guide) is very useful. 4.5. is a very useful guide for formal capacity assessment, as is the form in Appendix 2 and the checklist on p.54. However, could the checklist on p.54 be consistent with the terminology used on p.35 and refer to the CURB acronym rather than changing to URUC...
7. Could the document include a "road-map" with a starting point where change is concerned? The document may leave some people/organisations feeling overwhelmed with little understanding of what to change and when.
8. Personnel working in health and social care organisations will evidently require a lot of information and support in understanding their own responsibilities (and changes to same) in line with the Act. The guidelines lack clarity on the level of training and support required by staff working in the area and the resources that the HSE can provide to support organisations to implement the guidelines. Eg training, funding, counselling for staff.
9. It would be helpful if the guidelines were to promote the development of good communication between the decision -making representative (where this is called for) and the organisation. There should be more consideration given to how this relationship will work.