

IMPACTING LIVES



**CURRENTLY: MEDICAL – WHOLE OF LIFE ASSESSMENT
DEEMED NOT TO HAVE CAPACITY
WOC – NO REVIEW PROCESS**

**ADM: DECISION-MAKING CAPACITY REVIEWED ON INDIVIDUAL ISSUE
SUPPORTING THE PERSON ON INDIVIDUAL ISSUE
ADDRESSES CURRENT AND FUTURE SUPPORT NEEDS**

WARD OF COURT

- Committee has total control
- Person has no control over their life
- No communication/ consultation
- No Review Process
- Committee determines everything in their life
 - Where & with whom they live
 - All Spending –
 - Where and with whom I socialise
 - Where & if I go on holidays
 - Buying clothing
 - Choice of GP; Medical Treatment

ASSISTED DECISION-MAKING

- Supported to make decisions where necessary
- Support based on my need
- Co-Decision Maker – Registered & Known
- Work through Options so “I” can make informed decision
- Have choice
- Have control over decisions about:
 - Where & with whom they live
 - Choice - Spending – socialising
 - GP; Medical Treatment

The Assisted Decision-Making(Capacity) Act

- Signed into law – December 2015
- Not yet commenced.....
- Resulting in continuation of wardship orders being made by the courts

Year	Incoming	Resolved
2017	425	357**
2016	368	325*

LIVES AFFECTED BY THE CURRENT STATUS

- **Avril – a young woman in her 20's – lived at home all her life with her parents. After her Dad passed away a relative & HSE took charge of her life - she was medically assessed – “did not have capacity” Moved to residential care where services have control over her life – 2 services later she is still in their care.**
- **May – a woman in her 70's – Magdalene Survivor ; lived in institutions most of her life; had chosen to move to her own home to share with her life-long friend; fear of family isolation she cooperated with family to have capacity assessment completed and was moved to a nursing home- left in tears; spends her day mostly in her room – from bed to chair.**
- **June - a woman in her 50's – Magdalene Survivor; lived in institutions most of her life; medically reviewed - deemed not to have capacity to receive Restorative Justice compensation – funds released upon completion of wardship – challenged by St. Margaret's on her behalf – declared as having capacity in 2018 and received her money.**

AVRIL IS A FULLY CAPABLE YOUNG WOMAN

She is Independent, Articulate, Sociable, Caring, Supportive, Driven,
Has plans for her life; Has great circle of friends
Has worked in full time paid employment

MADE WARD OF COURT AFTER HER PARENT PASSED AWAY

Her life and ability was discussed by relative with HSE

Review undertaken - "A was a willing participant in the assessment"

Report was a negative judgement on her ability & capability

- *Relative is her WOC Committee –Her life decision-maker(very supportive)*
- *Taken out of her family home – "needs refurbishment"*
- *Placed in residential centre with people she did not know*
- *Breakdown – move to 2nd service – St. Margaret's*
- *Decisions without consultation*
- *Others have control over money / medical treatment*
- *Privacy / Choice/Rights affected*

Avril has been supported to move from the residential centre – is now a tenant, living alone, independent, paying own bills, cooking, cleaning, shopping.....everything we all do: SHE IS STILL A WARD OF COURT

MAY– HAS CAPACITY WITH SOME SUPPORT

WAS: Independent, Articulate,
Choice was to live with best friend
Holidaying, Music, Dance, Clothes, Past-times

“Afraid of Family – Do anything to please them”

MAY WAS MADE WOC BY FAMILY –LIFE CHANGING

- *She was moved to Nursing Home*
- *Not allowed holiday with friend*
- *Not allowed spend on clothes jewellery – Family buys for her*
- *Not allowed to go out*
- *Money controlled by relative*
- *Has to seek permission*
- *Cannot leave if/when she chooses*
- *Rights/Choice impacted*
- *Privacy impacted*
- *Treated as a Patient*
- *Nursing Home Routine*
- *Control over medical treatment*
- *Support is care, minding and Medical*

JUNE – NEEDS SUPPORT IN HER LIFE

PAST: Lived in institution for most of her life

Decision-making impacted

Holidaying, Music, Dance, Clothes, Past-times

JUNE - WOC PROCESS ASSESSMENT 2017

She was awarded a payment under Restorative Justice Scheme -
assessment required & deemed not to have capacity - award withheld

St. Margaret's challenged decision based on her life –
she is a woman who:

- Lives in her own home
- Is a Tenant - signed her own tenancy
- Pays her household bills
- Shops, cooks, keeps a beautiful home
- Membership of ladies groups
- Active in her community
- Very engaged with family
- Hosts family events in her own home
- Has control over medical

Assessment in 2018

**Increased competencies including money management
Deemed to have capacity-received her Restorative Justice compensation**