



## **Case Scenarios for Webinar 2: 22<sup>nd</sup> March 2022 1.00 -2.30**

### **How and when to engage with the Decision Support Service.**

*This webinar is structured around a panel discussion of case scenarios relating to decision support arrangements under the Assisted Decision-Making (Capacity) Act 2015 including Enduring Power of Attorney, concerns around support arrangements, and wards of court.*

*These scenarios were written by staff and received by the HSE National Office for Human Rights and Equality Policy in response to a survey of learning needs in November/December 2021.*

*A recording of the panel discussion will be available on [www.assisteddecisionmaking.ie](http://www.assisteddecisionmaking.ie) following the webinar.*

#### **Scenario 1**

Helena is able to make small choices with limited options provided. She would be unable to make a major life or medical decision. How best to determine when it is time to make a multidisciplinary team decision based on the best outcomes for Helena? Does the Decision Support Service have a role to play in this scenario?

#### **Scenario 2**

Simon has an intellectual disability. As Simon's carer, his brother has access to a bank account with Simon's disability allowance and uses Simon's money freely for items that are not directly noted to benefit Simon, and of which Simon has no knowledge. The bank has not given Simon a bank card for this account for his own use. What can be done in this situation?

#### **Scenario 3**

How will the Assisted Decision-Making Act affect Kay who has a diagnosis of dementia and her family organise power of attorney? After this is organised Kay then becomes suspicious of her son Donal who is organising this. How will the Act protect the Kay, if she has already agreed to Donal acting on her behalf?

#### **Scenario 4**

Breda is an adult with an intellectual disability who lives in a residential service. Breda was asked and consented to getting involved in a little vox pop promoting the befriender service which she engages with from Alone, but her brother who is enduring power of attorney said NO ... Enduring power of attorney is only for financial decisions not social... What role has the DSS in this?

#### **Scenario 5**

Maureen is a lady in her 70's who nominated her nephew Charles as Power of Attorney if she was not capable of making a decision. Maureen ended up in hospital very ill with a urinary tract infection. Charles, with the support of the consultant in the hospital, registered the Power of Attorney. Maureen ended up in a nursing home she hated with no access to her money or home. Charles has had very little contact with her after this and the cost of changing this was prohibitive. Maureen's voice was not heard and the worrying thing is that Charles is one of the main beneficiaries when she dies. Could Maureen be supported to reverse her Enduring Power of Attorney if she regains capacity to make this decision?

#### **Scenario 6**

Lucia has Asperger's/autism and needs assistance in seeking legal services from a legal professional. Do the assisted decision-making arrangements under the Act cover this kind of advocacy-type service?

#### **Scenario 7**

What will happen to a person who is already in the ward of court system?

#### **Scenario 8**

I am a nurse and have a patient Liz, who was admitted as a ward of court. Liz is due to go for a surgical procedure. How will consent be obtained? Who will and can sign on the dotted line? Is implied consent sufficient to commence the delivery of nursing care (washing, dressing, insertion of IV cannula, being sent for ultra sounds and chest x-rays etc.)?

#### **Scenario 9**

I work in the area of Acquired Brain Injury and have a client Sophie who was made a Ward of Court following a road traffic accident. Sophie was under 16 at time of her accident. Her parents are her Committee and involved in all decision making. Sophie has made gains in terms of Capacity since her accident. A re-assessment of her Capacity was carried out by a person who is not familiar to her and the assessment took place over a very short period of time. Sophie was judged to lack capacity. As a team we feel she does have Capacity. What happens next? Sophie is now in her 30s and wants to move out of her home and become more independent. Where does Sophie stand in terms of trying to live independently while being judged to lack?? How do we support her to become independent?