

Home



Nursing Home

Hospital

About Us

Sage Advocacy is the National Advocacy Service for Older People. It also supports vulnerable adults & healthcare patients in certain situations where no other service is able to assist.

Independent of family, service provider & systems interests.

CONFIDENTIAL & FREE

2022

1,506 Advocacy Referrals 1,506

3,027 Information & Support

26 Staff & 33 Volunteers

€1,778,056 Public Funding



Home

Support people to return home from hospitals and nursing homes in accordance with their wishes and their capacity for decision making.

Advocate for adequate home care and support to enable people live, and die, in the place of their choice.

Collaborate with other agencies in securing support and care for people with advancing dementia

592 clients in 2022



Nursing Home

Challenge unnecessary restrictions on people's liberties in acute and congregated care settings and the use of convenience medication and incontinence wear.

Promote advocacy champions within congregated care settings and support them when complex issues arise and independent advocacy is required.

494 clients in 2022



Hospital

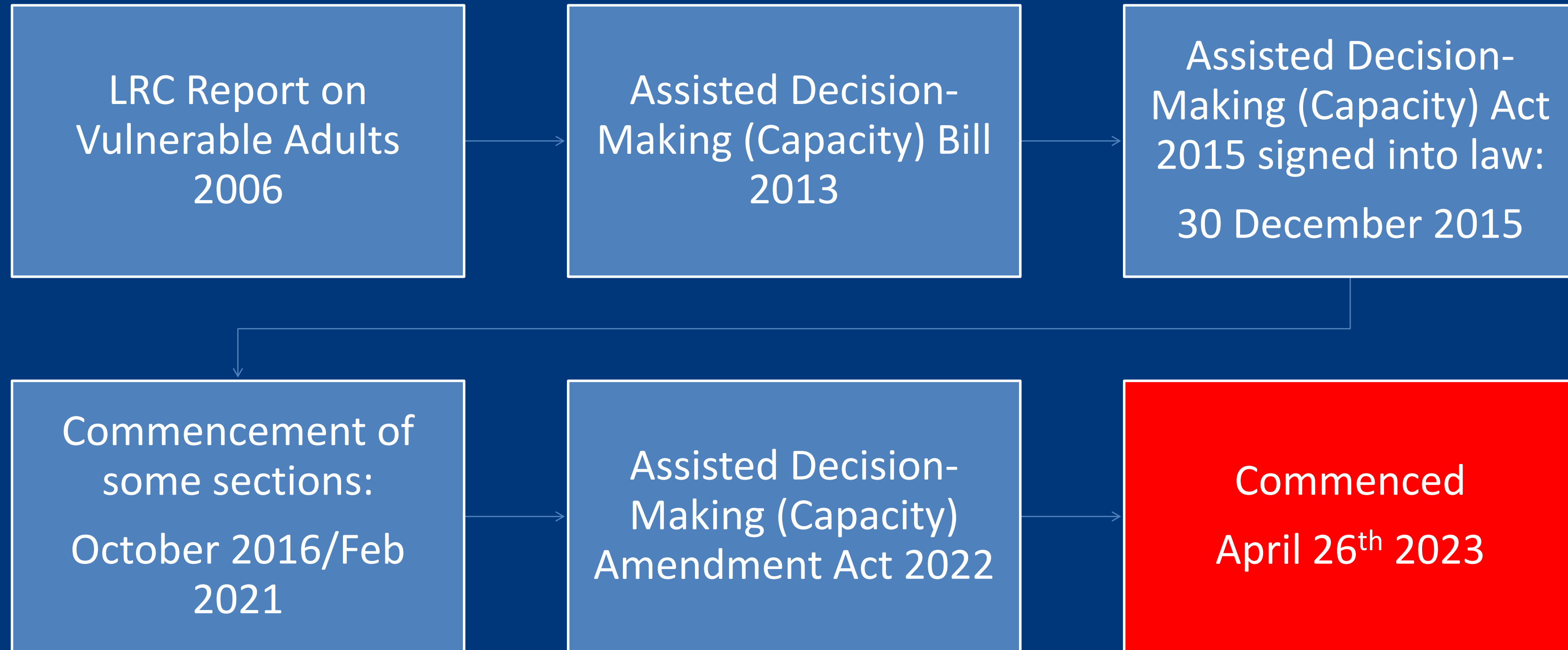
Assist people to maintain control of their income, benefits or property when others seek to take advantage of them.

Provide patient advocacy to people who have serious complaints about healthcare and support with any subsequent internal or external reviews or inquests.

368 clients in 2022



Assisted Decision Making (Capacity) Acts



From Simplistic to Subtle – Medical to Rights Based



WARDSHIP - 1871

Unsound mind

Total loss of legal capacity

Best interests



ADMCA 2015

Functional approach to capacity

Issue & time specific

Legal obligation to facilitate capacity

Five arrangements to support decision-making

Guiding Principles

Key Terms

RELEVANT PERSON

- Person whose capacity is in question or may shortly be in question in respect of one or more matters
- Person who lacks capacity in respect of one or more matters

DECISION SUPPORTER

- Decision-making assistant (DMA)
- Co-decision-maker (CDM)
- Decision-making representative (DMR)
- Attorney appointed under an enduring power of attorney (EPA)
- Designated health care representative (DHR) appointed under an advance healthcare directive (AHD).

INTERVENER

- Circuit Court or High Court
- Decision supporter
- Decision Support Service
- Special/General Visitor
- Healthcare professional
- Court friend or 'another person'
(Independent Advocate)

Decision Supporters & Decision Makers

Decision-Making Assistant (DMA)

Appointed by a person to help obtain, explain information, communicate decision for them. The person still makes the decision(s).

Co-Decision Maker (CDM)

Appointed by the relevant person to make specified decisions jointly
Formally registered with DSS
Capacity statement required
CDM reports to the DSS

Decision-Making Representation (DMR)

Application to court for declaration
Court may make decision or appoint a DMR
Decision-making representation order limited in time and scope
DMR may be appointed from DSS panel
DMRO is registered with DSS
DMR reports to the DSS

Scope of Decisions

Personal Welfare

- Accommodation (including whether someone should live in a designated centre)
- Participation in employment, education, training
- Participation in social activities
- Decisions on Social Services
- Healthcare
- Other matters relevant to wellbeing

Property and Affairs

- Custody, control, management of some/all property
- Sale, exchange, mortgaging, charging, gift or other disposition of property
- Acquisition of property
- Carrying on of trade, profession or business
- Dissolving a partnership
- Carrying out of contract
- Discharge of debt
- Execution of powers of RP as tenant for life
- Providing for needs of decision-making supporters
- Conduct of court/tribunal proceedings
- Making application for housing/social welfare/other benefits

Decisions excluded from legislation

- Marriage* / Civil partnership
- Judicial separation / Divorce / Dissolution of civil partnership
- Placing of child for adopting / making of adoption order
- Decisions in respect of Guardianship
- Consent to sexual relations
- Serving as a member of jury
- Making a will

*On commencement of the ADMCA there will be an amendment to the Civil Registration Act 2004. Section 143 provides that capacity to marry is to be determined in accordance with the ADMCA.



Guiding Principles



- **Presume capacity**
- All practicable steps must be taken to support a person with making a decision
- An unwise decision does not mean that a person is unable to make a decision
- **No intervention unless necessary**



Interventions Must...



- Minimise restriction on a person's rights and freedom of action
- Have due regard to a person's rights to dignity, bodily integrity, privacy, autonomy and control over their financial affairs and property
- Be limited in duration
- **Be proportionate**



Interveners Must...



- Facilitate participation
- Take into account past and present wishes
- Take into account beliefs and values
- **Act in good faith and for the benefit of the person**



Decision Support Service



- Promote awareness / Provide information & guidance
- Maintain searchable registers
- Supervise decision support arrangements
- Complaints, Review & investigations
- Sharing of data to protect the vital interests of a 'relevant person'
- Application for temporary prohibition order
- Promote the exercise of capacity
- Maintain panels for various roles
- Publish codes of practice
- Central authority Hague Convention International Protection of Adults

Codes of Practice

- **Code on Supporting & Assisting Decision Making (Covers ALL Codes)**
- Healthcare Professionals + Advance Healthcare Directives
- Legal Practitioners
- Financial Professionals & Financial Service Providers
- Independent Advocates
- Attorneys



Capacity assessment - not an exam to find deficits

- **NOT** a memory test
- **NOT** a question of lack of insight
- **NOTHING** to do with mental illness or assessment under the Mental Health Acts



Going into the dark to find the light...



ALERT

ASK What is your understanding of what you have to decide

LISTEN Pay attention to words, feelings, body language & other forms of communication

EXPLAIN Explain everything, including all the choices, in a way that the person can understand OR ask someone else to help such as a key worker or independent advocate

REALITY Go through all the possible choices and consequences, summarise.

TELL Tell me about your decision, why that particular choice is important for you and how you made this decision.

Mind Your Marbles





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Nothing about you without you