

UNCRPD & ASSISTED DECISION-MAKING

St. Margaret's Network recognises that autonomy is a core principle in everyone's life. We demonstrate this in how we work individually with each person, ensuring that their voice and choice is central to everything in their life and that they are the decision-maker in and about their life.

Central to the way we work with each person is:

- The UNCRPD- UN Convention on the Rights of Persons with Disabilities
- The Assisted Decision-Making Capacity Act 2015

UNCRPD & You:

The United Nations Convention on Rights of Persons with Disabilities says that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.

The UNCRPD requires change, from viewing people with disabilities as **receivers of** services, medical treatment, & social protection to viewing them as:

- individuals with rights, who are capable of claiming those rights,
- individuals who are capable of making decisions for their lives based on their free and informed consent and
- individuals who are active members of society.

The UNCRPD identifies 26 important rights that impact the lives of individuals with disabilities outlined in the Inclusion Ireland link below -

<https://inclusionireland.ie/wp-content/uploads/2020/12/uncrpd-leaflet.pdf>

For the full UNCRPD and more information visit the [UNCRPD webpage](#)

ASSISTED DECISION-MAKING

What the Assisted Decision-Making Act Says

The Act says that everyone is presumed to be able to decide for themselves unless the opposite is shown. This law sets out ways to support people who lack capacity to make decisions. The new assisted decision-making act moves away from a 'best interests' approach for people who need support with decision making. It is a move to a rights-based approach to decision-making with respect for the will and preference of the person. Under the new legislation Ward of Court will be replaced by a system of graduated supports for decision-making.

[Decision-making and Consent – Assisted Decision-making \(Capacity\) Act 2015](#)

What are my options?

To assist with making decisions a person may appoint a decision-making assistant through a formal decision-making assistance agreement to support them to access information or to **understand, make and express decisions**. Decision-making responsibility remains with the person.

<https://inclusionireland.ie/wp-content/uploads/2020/12/Decision-making-and-Consent-Assisted-Decision-making-Capacity-Act-2015.pdf>

<https://inclusionireland.ie/assisted-decision-making/>

The **Decision Support Service (DSS)** [Decision Support Service](#) exist to promote the rights and interests of people who may need support with decision-making. The DSS is not yet operational, but plan to commence the service in mid-2022.

DSS information resource:

<https://www.decisionsupportservice.ie/news-events/>

DSS clarification on next-of-kin:

<https://decisionsupportservice.ie/news-events/myth-next-kin/>