

Assisted Decision-Making (Capacity) Act 2015: Considerations for Mental Health Services Conference

Kate Mitchell, Senior Policy & Research Officer, Mental Health Reform



## Outline of today's presentation

- > Centrality of the voice of the person in every context
- ➤ How the Act attempts to shift the balance of power in decision Making
- ➤ Other relevant policy and legislative frameworks
- Current practice and the experience of people with lived experience
- Importance of cultural change and the cultural shift required



### Who we are





### Centrality of the voice of the person

### **Experts by experience**

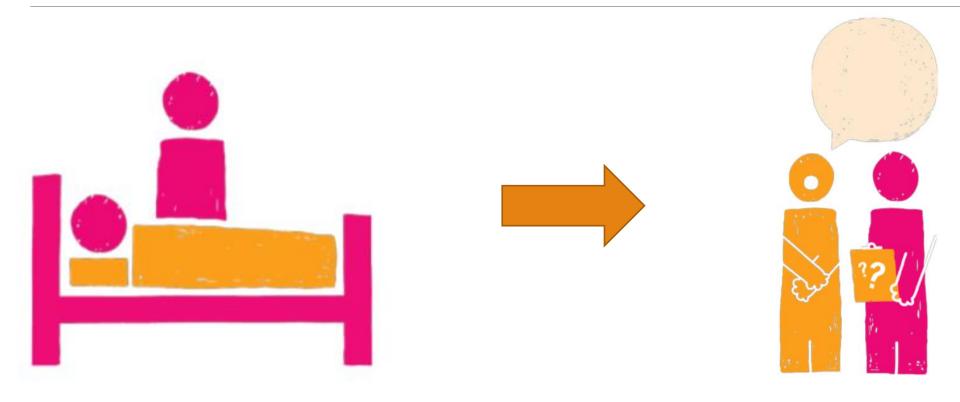


### International human rights law

- ✓ International Covenant on Economic, Social and Cultural Rights
- ✓ United National Convention on the Rights of Persons with Disabilities



### Shift in balance of power

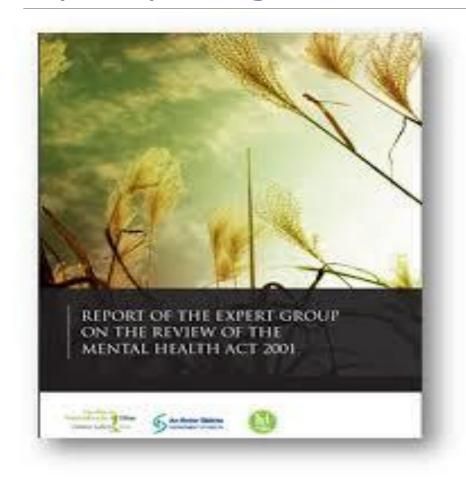


Passive recipients of care

**Active partners in care and treatment** 



# Other policy & legal frameworks







### Delays in implementation

### Reforming the Mental Health Act (2001)

Timeline

### September 2015

Minister Lynch received Government approval for the drafting of a General Scheme of a Bill to amend the Mental Health

### June 2016

Minister McEntee stated that the draft Bill would likely be completed by year end 2016

### May 2017

Minister McEntee stated that the draft Bil would be "significantly progressed" by the end of 2017

### January 2018

Minister Daly said that the draft Bill would be "significantly progressed" by mid-year 2018 "with consultation then to take place in Quarters 3 and 4 with the Mental Health Commission on refining the draft text."

### April 201

Minister Daly said that the draft Bill would be "significantly advanced by the end of the

### March 20

Minister Daly said the Bill "is intended to finalise the draft heads of the bill in the coming weeks

Draft Heads of Bill sent to the Mental Health
Commission. Six month delay added to
expected time for the Act to be updated.

November 2016

Minister McEntee said that the draft would be finalised by mid-2017

### October 2017

Minister Daly said that the draft Bill would be "progressed" by the end of 2017

### larch 2018

Minister Daly said that the draft Bill would be "significantly progressed by end of Q3 2018."

### November 2018

Minister Daly said the draft Bill is to be sent "to the Mental Health Commission early in the new year."

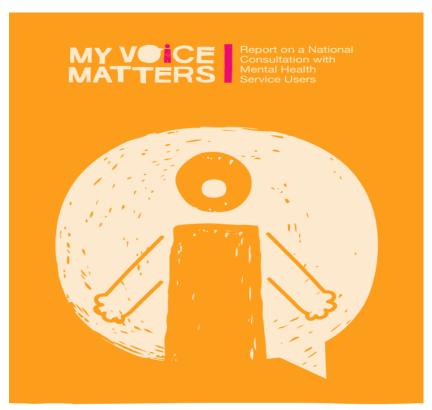
### June 2019

Still waiting for draft Heads of the Bill to be finalised.

- Assisted Decision-Making (Capacity) Act 2015
- Assisted Decision-Making (Capacity) (Amendment) Bill 2019
- Mental Health Amendment Act 2018

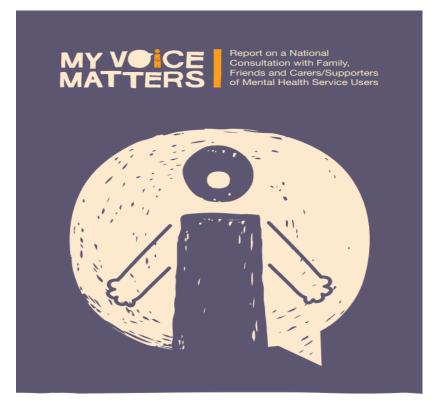


### Current practice







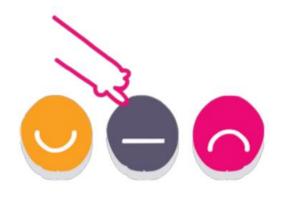








# Individuals experiences







Not feeling listened to

High focus on medication

Lack of choice in terms of therapies



## Need for cultural change

- Legislative reform
- Coherency between law and policy
- Investment and resourcing
- Staffing and facilities
- Education and training
- Change in attitudes and mind-set
- Accountability in implementation
- Ongoing monitoring and evaluation

# Any questions?

