



The Law on Consent and Capacity, 2019

Saturday 9 March 2019 - Dublin

The Radisson Blu Royal Hotel, Golden Lane, Dublin 8.
9.00am - 2.15pm

Legal CPD - 4.5 General CPD Hours

This conference will provide an in-depth look at the law on consent and capacity. It will focus on challenges facing health and social care professionals on a daily basis and offer practical guidance to attendees.

The conference will begin with an overview of the Assisted Decision Making (Capacity) Act 2015 and explore the implications of the Act for health and social care professionals. There will be discussion on Enduring Powers of Attorney, the implementation of Advanced Care Directives and Protection of Liberty Safeguards. We will finish with an analysis of recent cases before the Superior Courts that articulate the principles of capacity.

Chaired by The Honourable Miss Justice Mary Laffoy

Distinguished speakers will include:

Ms. Mary Condell, Solicitor and Mediator, SAGE Advocacy

Ms. Caoimhe Gleeson, National Programme Lead for Assisted Decision Making, HSE

Dr. Fiona Morrissey, Disability Law Researcher, Galway

Ms. Patricia Rickard-Clarke, Solicitor

Mr. Simon Mills, Senior Counsel

Conference Schedule

8.30am	Registration
9.15am	Introduction and House Keeping Susie Shine, La Touche Training
9.20am	Chairperson's Opening Address The Honourable Miss Justice Mary Laffoy
9.35am	Overview of the Assisted Decision Making (Capacity) Act, 2015 Ms. Mary Condell, Solicitor and Mediator, SAGE Advocacy <ul style="list-style-type: none"> • Human Rights origins of the Assisted Decision Making (Capacity) Act • The Functional Approach to Decision Making Capacity • Statutory duty to maximise a person's decision-making capacity • Decision Supporters (Intervenors) provided for in the ADM Act • The Guiding Principles for Intervenors • Risk v Rights • Some practicalities of Empowerment
10.10am	Implications of the Assisted Decision Making (Capacity) Act for Health and Social Care practice Ms. Caoimhe Gleeson, National Programme Lead for Assisted Decision Making, HSE <ul style="list-style-type: none"> • What is happening now? • A recalibration of rights? • Unwise decisions and risk • Informed consent and supported decision making • Next of kin, emergency contact and legal authority • Functional assessment and other 'tests' of decision making capacity • A programmatic response to the Act • What needs to happen now?
10.45am	Enduring Powers of Attorney Ms. Patricia Rickard-Clarke, Solicitor <ul style="list-style-type: none"> • Enduring Powers of Attorney under the Assisted Decision Making (Capacity) Act 2015 <ul style="list-style-type: none"> • Content of Enduring Powers of Attorney and execution requirements • Scope of authority of attorney • Eligibility to act as attorney and disqualification provisions • Registration requirements / Effect of registration and ongoing obligations • Revocation / Variation / Disclaimers • Reporting / Complaints / Offences • Role of the Director of Decision Support Service / Role of the Court

Conference Rate: €195 - This rate is VAT exempt.

Multi Delegate Discount Rate: €175 (3+)

Conference Schedule

10.45am	<p>Enduring Powers of Attorney - Continued</p> <ul style="list-style-type: none"> • Enduring Powers of Attorney under the Powers of Attorney Act 1996 <ul style="list-style-type: none"> • Execution / Registration • Ongoing obligations of attorney • Consequences of the commencement of the Assisted Decision Making (Capacity) Act 2015
11.20am	Discussion and Q&A
11.40am	Refreshments
12.05pm	<p>The Implementation of Advance Healthcare Directives: Opportunities & Challenges</p> <p>Dr. Fiona Morrissey, Disability Law Researcher, Galway</p> <ul style="list-style-type: none"> • The presentation will explore the current legal position in relation to advance healthcare directives in Ireland, and proposals under the Assisted Decision-Making (Capacity) Act (ADMA) • The findings of Irish and international research on advance healthcare directives will be discussed, including the implementational opportunities and challenges for healthcare professionals and the Irish health service
12.40pm	<p>Protection of Liberty Safeguards</p> <p>Ms. Patricia Rickard-Clarke, Solicitor</p> <ul style="list-style-type: none"> • Domestic and international human rights obligations • Deprivation of Liberty <ul style="list-style-type: none"> • Physical restraint • Chemical restraint • Environmental (Detention) • Current Policies, Regulations and Standards • Proposed Legislative Provisions
1.15pm	<p>Analysis of recent cases before the Superior Courts in relation to Capacity</p> <p>Mr. Simon Mills, S.C.</p> <ul style="list-style-type: none"> • An overview of cases from 2016 to date that articulate relevant principles of capacity
1.55pm	Discussion and Q&A
2.15pm	Conference Close

To avail of this rate, please email your booking to info@latouchetraining.ie or call 01 8788 255 for further information.

Speakers



The Honourable Miss Justice Mary Laffoy, President, The Law Reform Commission

Miss Justice Mary Laffoy was appointed a judge of the High Court in April 1995. While on the High Court Bench, she was primarily involved in civil litigation, principally in the area of chancery law. She was appointed to the Supreme Court in October 2013 and retired in June 2017. Ms Justice Laffoy chaired the Citizens' Assembly from July 2016 to June 2018, when it published its Final Report. In October 2018, she was appointed President of the Law Reform Commission.



Ms. Mary Condell, Solicitor and Mediator, SAGE Advocacy

Mary Condell is a practising solicitor and mediator. She holds an MA in Mediation and Conflict Intervention and is an Advanced member of the mediator's Institute of Ireland. She is now legal advisor to Sage Advocacy, an advocacy service for vulnerable adults, older people and healthcare patients. She advises on legal issues arising in advocates' casework and also regularly lectures to professionals and others about the new capacity legislation and its practical application in dealing with vulnerable adults.



Ms. Caoimhe Gleeson, National Programme Lead for Assisted Decision Making, HSE

Caoimhe Gleeson is the National Programme Lead for Assisted Decision Making in the HSE. The HSE National ADM programme was established to prepare staff and services for the commencement of the Assisted Decision Making (Capacity) Act 2015. She is also National Specialist in Accessibility and is a member of the National Disability Authority Technical Group drafting the non-healthcare Codes of Practice on the 2015 Act on behalf of the Department of Justice.



Ms. Patricia Rickard-Clarke

Patricia Rickard-Clarke is a solicitor and former Commissioner of the Law Reform Commission. She is the Independent Chair of the National Safeguarding Committee, Chair of SAGE Advocacy clg, a Board Member of Third Age Foundation clg and a member of STEP (London) Special Interest Group on Capacity. She is a member of the HSE's National Assisted Decision-Making (Capacity) Act Steering Group preparing for the implementation of the Assisted Decision-Making (Capacity) Act 2015, a member of the Multi-Disciplinary Group appointed by the Minister for Health to draft a code of practice for Advance Healthcare Directives and a member of the National Disability Authority's Expert Group developing the non-health care codes of practice for the 2015 Act. She is the author of the Irish section on The International Protection of Adults published by Oxford University Press in 2015.



Dr. Fiona Morrissey, Disability Law Researcher, Galway

Fiona has been actively involved in capacity law reform both in Ireland and internationally since 2009 and completed a PhD in disability law in 2014, which focused on the implementation of an Irish legal framework for advance healthcare directives. Her research has been published in international books and journals. As part of her research, Fiona spent a period in the United States examining the effective implementation of advance healthcare directive legislation. She currently acts as an independent researcher and trainer in the area of human rights and disability law.



Mr. Simon Mills, Senior Counsel

Simon Mills is a Senior Counsel specialising in medical law and in particular clinical negligence, professional regulatory law, mental capacity and coroners' inquests. He has acted in a number of the leading Irish cases in the area. He trained first as a doctor in Trinity College Dublin and then, while practising in a busy urban general practice, as a lawyer in University College Dublin. He was called to the Bar in 2002 and to the Inner Bar in 2018. He also has an MSc in Medical Ethics from Imperial College London. He is the co-author of two books (most recently, 'Medical Law in Ireland', 3rd edn, 2017).