
What you need to know
about the Code of Practice
for **Designated Healthcare
Representatives**



seirbhís tacaíochta
cainteoireachta
decision support service

This booklet is an introduction to the Code of Practice for Designated Healthcare Representatives. It aims to provide general information and answer some questions about this code.

Sometimes an adult's capacity (ability) to make decisions is in question or might soon be in question. The Assisted Decision-Making (Capacity) Act 2015 as amended provides for formal help and support in this situation. We call this Act 'the Act' from here on.

If a person wants help making healthcare decisions in the future, they can appoint someone they know and trust in an **advance healthcare directive**. We call this type of supporter a **designated healthcare representative**. Any person who has capacity can create an advance healthcare directive.

We call people who provide help and support **decision supporters**. The Act allows the Decision Support Service to make codes of practice for decision supporters and specific professionals.

A code of practice is **a guide to the best way of doing things**. It has a specific legal status, so if a code of practice applies to a person, they must follow the code when carrying out their functions under the Act. A code of practice can be used in court. Also, a court can consider a **breach** of a code of practice during a court case.

Please note: This booklet is only a guide to the Code of Practice for Designated Healthcare Representatives. It is not a legal interpretation and does not fully describe the code of practice. Please do not rely on it for advice.

Who is this code of practice for?

This code of practice is for a type of decision supporter called a designated healthcare representative.

What is an advance healthcare directive?

An advance healthcare directive says **how the person would like important healthcare decisions about them to be made if they lose capacity in the future**. A person who has capacity can create an advance healthcare directive. They can appoint a designated healthcare representative if they wish to do so.

What is the role of a designated healthcare representative?

The role of a designated healthcare representative is to ensure people are aware of the advance healthcare directive and follow it.

They can also consent to treatment or refuse treatment for the person, based on what is written in the advance healthcare directive.

What authority does a designated healthcare representative have?

A designated healthcare representative has authority to make healthcare decisions written in the advance healthcare directive.

Can a designated healthcare representative refuse treatment that sustains life?

Sometimes a person wants the advance healthcare directive to allow them to refuse treatment that sustains life (keeps them alive). If so, they must state in the directive that they understand their life is at risk if such treatment is refused.

Their designated healthcare representative can refuse treatment that sustains life if the directive includes this statement.

A person cannot use an advance healthcare directive to refuse basic care.

How does a designated healthcare representative handle personal data?

The role of a designated healthcare representative includes getting information about the treatment decision to be made. This can include the person's personal records and other information the representative has authority to obtain.

What else does this code of practice say?

The code of practice also says:

- A designated healthcare representative must follow the guiding principles in the Act
- Anyone can make a complaint about a designated healthcare representative on the grounds listed in the Act
- A designated healthcare representative should keep records showing how they supported the person with decisions included in the advance healthcare directive
- A court can ask or allow a designated healthcare representative to help the person in court
- The person who made the directive can vary (change) or revoke (cancel) it in writing, so long as they have capacity to do this.

What does this code of practice not include?

This code of practice does not include guidance on **how** to make an advance healthcare directive or **who** is suitable to be a designated healthcare representative.

Who we are

The Assisted Decision-Making (Capacity) Act 2015 established the Decision Support Service. We promote the rights and interests of people who may need support with decision-making. We have a number of functions:

- Promoting awareness and providing information
- Registering decision support arrangements
- Supervising the actions of decision supporters
- Investigating complaints
- Keeping a panel of suitable people who help us in our functions.

For more information

You can find a copy of this code of practice and other guidance materials on our website decisionsupportservice.ie.

You can also ask us to email you a copy of the code of practice by contacting queries@decisionsupportservice.ie



Contact us

Decision Support Service,
Waterloo Exchange, Waterloo Road,
Dublin 4, D04 E5W7

 (01) 211 9750

 @DSS_Ireland  @Decisionsupportservice

 Mental Health Commission