

What personal information can a decision-making representative access belonging to the relevant person?

A decision-making representative must only gather information that is needed to carry out their functions as set out in the court order.

Is a decision-making representative entitled to claim expenses?

Unless the court order states otherwise, you are entitled to claim travel expenses incurred in the performance of your functions as a decision-making representative from the estate of the relevant person. Expenses other than travel expenses must be approved by the DSS in advance of incurring them. You must include details of any expenses you have claimed or received during the relevant period in your annual or final report.

Is a decision-making representative entitled to be paid?

In its order, the court can allow a decision-making representative to be paid for carrying out their functions as a decision-making representative, if they are doing so as part of their trade or profession. You must include details of remuneration you have claimed or received during the relevant period in your annual or final report.

Need more information?

Visit the resources section on our website decisionsupportservice.ie/resources to find our guidance materials, watch videos and find the answers to common questions.

You can also contact our Information Services Team:

By phone (01) 211 9750

By email queries@decisionsupportservice.ie

Please note this leaflet is for general guidance only and should not be relied on as legal advice or opinion.



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Reporting requirements of a decision-making representative

What is this guide about?

This guide tells you what you need to know about the reporting requirements if you are appointed as a decision-making representative by the court under the Assisted Decision-Making (Capacity) Act 2015 ('the Act').

Who is this guide for?

This guide is for people:

1. who are considering making an application to court asking to be appointed as a decision-making representative for a person.
2. who have been appointed as a decision-making representative following a court application.
3. who want to find out more about the reporting requirements for decision-making representatives.

Are decision-making representatives supervised in their function?

Yes, you are supervised by the Decision Support Service (DSS) during your appointment as a decision-making representative. You are required to submit regular reports on your activities as a decision-making representative through the MyDSS portal. Information and support to set up an account on MyDSS portal will be available from the DSS.

If a report that you submit is incomplete, the DSS will notify you. The DSS will allow time for you to make corrections and submit a complete report. If the DSS does not receive a complete report after this time, the DSS can make an application to court to determine whether you should continue in your role as a decision-making representative.

Once you have a MyDSS portal account set up, you will be able to access a certified copy of the court order as registered on the DSS system. You will be able to upload your reports and any information requested by the DSS. You will also be able to submit queries to the DSS and access guidance information.

What reports does a decision-making representative need to submit to the DSS?

The types of reports you are required to submit are based on the decisions included in the court order.

1. **Initial Report** - to be submitted to the DSS within three months of your appointment as decision-making representative by the court, if you have been authorised by the court to make property and affairs decisions.
2. **Annual Report** - to be submitted to the DSS within 12 months of your appointment as decision-making representative and every 12 months thereafter, unless directed by the court to submit earlier and/or more frequently.
3. **Annual Accounts** - to be submitted with the Annual report if you have been appointed to make property and affairs decisions.

The date of your appointment is the date of the court order.

Does a decision-making representative need to keep records?

Yes, you must keep a record of how you have carried out your functions as a decision-making representative. You must keep clear and accurate records of all key decisions made, and all transactions made on behalf of the relevant person and any expenses and remuneration you claimed as part of your role.

Are there specific forms for these reports?

Yes, we have created forms for this purpose, and you can access these forms from your MyDSS portal account.

What information does a decision-making representative need to provide in the Initial Report?

If you have been authorised to make decisions about the relevant person's property and affairs, you must submit a schedule detailing the relevant person's assets, liabilities, income, and expenditure that are within scope of the court order.

Only the information which is necessary for you to fulfil your functions as decision-making representative should be submitted in your report.

You will need to gather information about the person's finances and property to complete this report. These documents may take some time to retrieve so you should seek to obtain these as soon as you can following your appointment as a decision-making representative.

You will be required to submit documentation to support the details you have included in the Initial Report.

Information to assist you in completing your reports can be found on the DSS website www.decisionsupportservice.ie.

What details does a decision-making representative need to provide in the Annual Report?

You must provide details on how you have carried out your functions as a decision-making representative during the relevant period. Your Annual Report must include a record of all key decisions you made on behalf of the relevant person during the relevant period.

You must also submit a record of all transactions relating to the relevant person's finances that are within the scope of the court order, and details of all costs, expenses and remuneration claimed by or paid to you during the relevant period.

Decision-making representatives appointed to make decisions about the relevant person's property and affairs must also submit accounts and records with the Annual Report.