



seirbhís tacaíochta
cinnteoireachta
decision support service

Decision Support Service Accessibility Policy

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1. Purpose

- 1.1. The functions of the Director of the Decision Support Service ('the Director') under the Assisted Decision-Making (Capacity) Act 2015 ('the Act') include registering decision support arrangements, supervising the associated decision supporters and promoting the rights and interests of persons who may need support to make certain decisions.
- 1.2. The Act allows the Director, with the consent of the Minister, to specify certain forms that will be used by people, for example, to create and register a decision support arrangement. This means we can ensure, insofar as is possible, that the forms are clear, accessible and easy-to-use but at the same time compliant with legal requirements.
- 1.3. The Director may specify what format these forms are in, including whether they need to be completed and submitted electronically. The Director has specified that certain forms (please see Section 3 below) shall be in electronic form and submitted to the DSS electronically.
- 1.4. The DSS has created an online portal for the public called **MyDSS**. MyDSS contains most of the forms required for decision support arrangements and allows people to access, complete and submit relevant forms electronically together with supporting documentation.
- 1.5. This document sets out the circumstances in which a person may use the manual alternative process instead of using MyDSS to access, create and submit forms and documents electronically. This is to help ensure that we focus resources on providing the right level of individual support to such persons and ensure the efficient operation of the service generally.

2. Definitions

Access officer	The role of the Mental Health Commission's Access Officer is to support each person who requires assistance when engaging with the Mental Health Commission and with the Decision Support Service.
Appointer	<p>An appointer is a person who creates one of the following decision support arrangements –</p> <ul style="list-style-type: none"> a) An appointer who creates a co-decision-making agreement appoints a co-decision-maker to make certain decisions with them jointly. b) An appointer who creates a decision-making assistance agreement appoints a decision-making assistant to support them to access information and assist them to make certain decisions.
Decision support arrangement	<p>A decision support arrangement is an umbrella term for the five formal decision support arrangements that are available under the Act. Two of these are for the purposes of advance planning:</p> <ul style="list-style-type: none"> • advance healthcare directive; and • enduring power of attorney. <p>and the remaining three are based on the level of support that a person requires to make a specific decision at a specific time:</p> <ul style="list-style-type: none"> • decision-making assistance agreement; • co-decision-making agreement; and • decision-making representation order.
Decision supporter	<p>A decision supporter is an umbrella term used to describe a person with legal authority specified in a decision support arrangement made under the Act to support a relevant person to make their own decisions or to make the decisions on their behalf:</p> <ul style="list-style-type: none"> • a designated healthcare representative appointed under an advance healthcare directive; • an attorney appointed under an enduring power of attorney; • a decision-making assistant appointed under a decision-making assistance agreement; • a co-decision-maker appointed under a co-decision-making agreement; and

	<ul style="list-style-type: none"> a decision-making representative appointed under a decision-making representation order.
Donor	A donor is a person who creates an enduring power of attorney and who appoints an attorney to make decisions on their behalf if and when they (the donor) no longer have the capacity to make those decisions.
MyDSS	MyDSS is the online portal that gives access to DSS services. This includes creating and submitting a decision support arrangement, notifying an enduring power of attorney and submitting a decision-making representative or attorney report.
Person	In this policy 'person' refers to any person using MyDSS to create, submit or notify an arrangement or report.

3. Overview

- 3.1 Subject to this policy, the following forms (as per 1.3 above) must be completed and submitted electronically using MyDSS:
- a. Notice of execution of the decision-making assistance agreement, by an appointer or decision-making assistant.
 - b. Application by an appointer and co-decision-maker for the registration of a co-decision-making agreement.
 - c. Applications by a donor or his or her attorney for the registration of an enduring power of attorney.
 - d. Applications by an attorney for the notification of an enduring power of attorney.
 - e. Initial reports and annual reports from a decision-making representative.
 - f. Initial reports and annual reports from an attorney.
 - g. Annual reports from a co-decision-maker.
 - h. Objections relating to the proposed registration of a co-decision-making agreement.
 - i. Objections relating to the proposed registration or proposed notification of an enduring power of attorney to bring it into effect.
- 3.2 A person who is not able to use MyDSS for any reason and cannot otherwise be supported to use it by another person, or by the staff of the DSS, will not be required to use MyDSS and may make a manual application.
- 3.3 All reasonable efforts will be made by the DSS to process the manual application without undue delay. However, elements of the manual process including the exchange of correspondence, the creation of unique

documentation offline, and the issuing of templates for supporting statements, mean the manual process will, due to its nature, take longer than the digital MyDSS process.

- 3.4 If a person has engaged a professional in relation to the creation and submission to the DSS of any of the forms referred to at 3.1 above, they must be completed and submitted electronically by or with the assistance of the professional, using MyDSS.

4. Person who is unable to use MyDSS

- 4.1 A person may be considered unable to use MyDSS for one of the following reasons:
- 4.1.1 Inability to access the internet or MyDSS; or
 - 4.1.2 Inability to use the internet or MyDSS, for example, due to a disability, another condition, or additional needs; or
 - 4.1.3 Exceptional circumstances which prevent access or use of MyDSS
- 4.2 A person who is unable to use MyDSS for one of the reasons listed above may apply to the DSS to use the manual alternative to MyDSS. The DSS, in conjunction with the MHC Access Officer as appropriate, will insofar as is practicable accommodate any accessible format requests.
- 4.3 We may request further information and supporting documentation relating to the matters referred to in paragraph 4.1.

5. Person who is supported to use MyDSS by the DSS or another person

- 5.1. A person may want or need the support of another person to access, use, understand or navigate MyDSS and information in it. Nothing in this document should be read as preventing any person from accessing such supports.
- 5.2. Insofar as is practicable, the DSS will support a person who is able to use MyDSS but needs additional support to access, use, understand or navigate the digital system or information in it.
- 5.3. A person who is supported to use MyDSS by the DSS, an appropriate support person, decision supporter, proposed decision supporter or professional will

not be considered **unable** to use MyDSS, unless evidence can be shown to the contrary.

- 5.4. The DSS is committed to making the digital system and processes as inclusive and accessible as possible. In doing so, the DSS is committed to identifying and responding to barriers to access.

A person who is able to use MyDSS but does not want to or would prefer not to, will not be considered **unable** to use MyDSS for this reason alone and may **not** apply to use the manual alternative to MyDSS.

6. Overview of process for applying to use the manual alternative to MyDSS

- 6.1 A person who considers that they cannot use MyDSS for one of reasons set out in 4.1.1-4.1.3 above, or another person on their behalf, may apply in writing, setting out in detail the reason(s) why they cannot use MyDSS and where applicable provide supporting evidence.

- 6.2 Applications may be made:

- By email: queries@decisionsupportservice.ie
- By post: Decision Support Service, Waterloo Exchange, Waterloo Road, Dublin 4, D04 E5W7

- 6.3 A person who needs further information, or assistance making an application, can contact the dedicated DSS Information and Support Service team at (01) 211 9750.

- 6.4 Upon receipt of an application to use the manual alternative to MyDSS, the DSS, in conjunction with the MHC Access Officer as appropriate, will consider the application and any supporting evidence provided. The DSS will consider whether the person has shown that they cannot use the digital system MyDSS due to one of reasons set out in 4.1.1-4.1.3 above.

- 6.5 The DSS will **also** consider whether the person cannot otherwise be reasonably supported to use MyDSS by:

6.5.1 An appropriate support person, decision supporter, proposed decision supporter, professional; **or**

6.5.2 The DSS.

The DSS will inform the applicant of its decision and the reason(s) for making the decision in writing as soon as possible but in any event within 20 working days.

- 6.6 If the application to use the manual alternative is approved, we will provide the person with a paper form and instructions for how to complete the relevant process manually.

7. Specific considerations relating to an enduring power of attorney

- 7.1 Under the Act, where an enduring power of attorney differs in an immaterial respect from the form specified by the Director, the Director may notwithstanding such difference, treat the enduring power of attorney and the document creating it as being in accordance with the form specified by the Director if the Director thinks it appropriate to do so.
- 7.2 This may occur for example where a donor for an enduring power of attorney is unable to use MyDSS and is also unable to access or use the prescribed paper form. The donor may submit an enduring power of attorney for registration in these circumstances if it meets the criteria set out below.
- 7.3 In these circumstances, an enduring power of attorney may be accepted by the DSS when accompanied by:
- 7.3.1 An application in writing to use the manual alternative to MyDSS as set out in section 6 above to include the specific circumstance which gave rise to not using the form specified by the Director; **and**
 - 7.3.2 The reason(s) that the prescribed form specified by the Director was not able to be used; and confirmation that the enduring power of attorney as completed complies with all the relevant statutory requirements of the Act.
- 7.4 The Director will not accept and register an enduring power of attorney that does not comply with statutory requirements.
- 7.5 Further information on the content of an enduring power of attorney can be found on the DSS website and guidance materials decisionsupportservice.ie/resources.