



# HSE National Consent Policy 2022 - Considerations for Mental Health Services



HSE Mental Health Services



## HSE National Consent Policy 2022 - Considerations for Mental Health Services

Chaired by: **Prof Mary Donnelly**, School of Law UCC, co-chair HSE National Consent Policy Advisory Group

### Panel

**Prof Shaun O’Keeffe,**  
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**Michael Ryan,**  
**Kerry Cuskelly,**  
**Trevor Phillips,**  
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Prof of Psychiatry, Trinity College Dublin  
Head of Mental Health Engagement and Recovery, HSE  
Principal Social Worker, DNCC Adult Mental Health Services  
Assistant Director of Nursing, Laois/Offaly Mental Health Services  
Policy and Research Manager, Mental Health Reform



## PANEL DISCUSSION



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Please consider how National Consent Policy impacts on how consent is recorded for long stay charges in mental health long stay facilities. Previous practice was family members had to consent on behalf of service users who are long stay charges, they now need to work within the ADM. Multi Disciplinary Team need to be aware how consent is sought in these cases.



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Please advise how best to address Health Care Workers need for consent to partake in activities /interventions in social care AND Residents unwilling to attend podiatry, ultrasound, G.P appointments as well as neglecting self-care in a residential continuum?



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How to address clients interests if they decline/disengage with a capacity assessment when capacity is in question & concerning?



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How does the national consent policy apply in situations where a person may be in acute mental distress and may be unable to fully discuss and consider questions around consent, confidentiality and information-sharing as it pertains to family and supporters?



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What is good practice in respect of working with people with intellectual disabilities and considerations around the national consent policy?



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How to align Mental Health Act, Assisted Decision Making and National Consent Policy re 'best interests' vs 'in good faith & for patient's benefit' in practice?



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What role does the Mental Health Act play in National consent policy for community treatment?



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What is the status of Advanced Healthcare Directives where a person is detained under Mental Health Act. One instance remaining that does not comply with ADM Act being considered under review of Mental Health Act ?



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Older person ( Mary) expresses concerns about her adopted daughter Ann aged 30, who she notes as very controlling, wants to always know where her mother is going when she goes out, she refuses to have her sister visit. Ann pays no rent, or contributes to utilities and tries to manage her mother's money. In the past she has kicked her mother during an argument. Ann attends AMHS. Safeguarding social work services, GP, AMHS services involved/aware of situation. Mary consented to services intervening in the context of protecting her rights then withdrew consent in the context of Ann's potential reaction.





## Smoking Cessation

Smoking in long stay residential settings which are under the HSE 'no smoking' policy and how this relates to residents rights?



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How does the policy support and provide pathways to care for older adults who live in severe squalor and are vulnerable ?



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Can involuntary patients consent to mental health treatment i.e. consent to being searched upon admission to Approved Centre?



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Can the panel please advise on appropriate responses to community-based patients who have clearly stated that they no longer want to receive a service / supports? Is it in keeping with the consent policy to continue to send regular texts and letters encouraging engagement? At what point can we determine that they've withdrawn their consent to receive contact from us?



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What is best practice for the Individual Placement and Support (employment) service user engagement process when service has been declined by the service user repeatedly?



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**What is your practical guide on how to come out of the Ward of Court system?**

**26th February webinar on this topic available on  
[www.assisteddecisionmaking.ie](http://www.assisteddecisionmaking.ie)**



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Visit [hse.ie/nationalconsentpolicy](https://hse.ie/nationalconsentpolicy) for more information

This webinar will be available to watch on the Mental Health Hub on  
HSEland.ie

And Youtube, link to follow



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