

Adults with Incapacity training

“Respecting” Rights, Will and Preferences





“Respecting” rights, will and preferences

Article 12(4) UNCRPD

Rights, Will and Preferences

Measures relating to the exercise of legal capacity must

- Respect the rights, will and preferences of the person,
- Be free of conflict of interest and undue influence,
- Be proportional and tailored to the person's circumstances
- Apply for the shortest time possible and
- Be subject to review





RIGHTS



WILL



PREFERENCES

Case Study 

Case Example: Stephanie's story

- **Stephanie is 85, recently admitted to care with dementia. She has a companion Mark.**
- **Stephanie's sister has her power of attorney**
- **Stephanie was born Stephen but has lived as Stephanie for 50 years**
- **She was accepted in her work, is accepted in her community, her social circle, her faith group as Stephanie.**
- **However her sister is not accepting of Stephanie and is insisting the Home house Stephanie on the male wing, dress her in male day and night attire and she has had Stephanie's long hair cut to a 'short back and sides'**
- **She is also not allowing Mark to visit as she is disapproving of this same sex relationship – as she sees it.**
- **Stephanie seems very distressed, stripping off her clothes, tugging at her hair, calling for Mark.**

What can we say about Stephanie's rights, her will and her preferences?

Paying Special Regard to Rights, Will & Preferences



**Public Health, Wellbeing
& Safety**