

NATIONAL NEWS

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CHARITIES Bill 2007

The purpose of the Bill is to enact a reform of the law relating to charities in order to ensure accountability and to protect against abuse of charitable status and fraud. It will also enhance public trust and confidence in charities and increase transparency in the sector. The Bill, together with the Charities Acts 1961 and 1973, and the Street and House to House Collections Act 1962, will provide for a composite regulatory framework for charities through a combination of new legislative provisions and retention of existing charities legislation, with updating, where appropriate. The Bill will shortly be signed into the statute books and will thereafter be referred to as the Charities Act 2007.

Key aspects of the Bill will provide for:

- a definition of “charitable purpose” for the first time in primary legislation;
- a new Regulatory Authority to secure compliance by charities with their legal obligations and also to encourage better administration of charities;
- a Register of Charities in which all charities operating in the State must register;
- annual activity reports by charities to the new Authority;
- updating the law relating to fundraising, particularly in relation to collections by way of direct debits and similar non-cash methods;
- a Charity Appeals Tribunal;
- dissolution of the Commissioners of Charitable Donations and Bequests for Ireland (CCDB) upon establishment of the new Authority, and the transfer at that stage of its functions to the Authority;
- transfer to the Authority of all jurisdictions previously vested in the Attorney General by statute or common law in relation to charities;
- administrative co-operation by the Authority with statutory bodies on relevant regulatory and law enforcement matters, both inside and outside the State; and
- consultative panels to assist the Authority in its work and to ensure effective consultation with stakeholders.



QUALITY SERVICES

ENHANCING QUALITY WITHIN THE BROTHERS OF CHARITY SERVICES

The Brothers of Charity Services have for many years directed attention to evaluating services in the context of focusing on the needs and priorities of people with intellectual disabilities within society. The Services are committed to providing a person-centered approach that supports people to be full and equal citizens, to have typical life experiences and to be connected with family, friends, neighbours and their local communities. We work in partnership with people and facilitate them to exercise choice about how they spend their time and live their lives. We do this by active listening and observing to deepen our understanding of each person we serve and to build bridges for the person to lead a fulfilled life in the community.

Governance Statement on Quality Services & Systems

The National Governance Statement on Quality Services and Systems within the Brothers of Charity Services was agreed and implemented in 2005. It states:

“A quality system promotes accountability, is based on evidenced based practice and seeks to integrate together the various key elements of our service and to promote a systematic and strategic approach to development. It fosters a culture whereby all staff know that the promotion of a quality service is their responsibility. Such a culture facilitates a continuous effort to be responsive to each person’s present and emerging needs, choices and priorities. It encourages a “top down” and “bottom up” approach to leadership and partnership.

Each Service shall put in place a quality system that systematically addresses the maintenance of quality assurance, implementation of standards of good practice and the promotion of quality enhancement”.

The Brothers of Charity Services exists for the sole purpose of providing support to the individuals we serve. In light of this, quality enhancement focuses primarily on the development and enhancement of individualised, person centered services.

TR/GM 09

Extract from an article by Michael Mc Keon, DCU in “Frontline, January 2009” entitled “A constructive outlook for people with severe and profound intellectual disability”

Communication

With little consideration previously given to people with severe and profound intellectual disability as people responsible for their own lives, recent disability thinking has begun to examine the situation of the individual lives of those with this degree of disability. There is a generalised assumption that people with severe and profound intellectual disability cannot know or understand what they want in life. A typical scenario is that verbal communication is rewarded with attention from non-disabled people, while non-verbal communicative behaviour is ignored- thus, critical sources of information may be missed. In many instances, the communicative content of challenging behaviour is responded to by the use of behaviour modification strategies.

A study by Olney (2001) on communication approaches for adults with severe and profound intellectual disabilities proposes that embedded in each communicative act is a drive towards self-determination by that person. However, in order for self-determination to be actualised for a person with severe and profound intellectual disability, communication partners, parents, carers and professionals must learn to comprehend and respond appropriately to the messages which may come in many different shapes and forms, in contrast to the spoken word (Olney 2001). A constructive outlook is for partners, parents, carers and professionals to adapt and feel their way in using and understanding the many Irregular non-verbal ways of communication.

SCHEME OF THE MENTAL CAPACITY BILL 2008

The Department of Justice Equality & Law Reform has published the Scheme of the Mental Capacity Bill 2008. The main purpose of the Bill (which, when enacted will replace the Lunacy Act of 1871) is to reform the 'Wards of Court System' in so far as it applies to adults and replace it with a modern statutory framework governing decision making on behalf of persons who lack capacity. The Scheme to a large extent implements the recommendations of the Law Reform Commission in its Report on Vulnerable Adults and the Law published in 2006.

The Mental Capacity Bill is to be welcomed. It includes the presumption of capacity which is a very positive and significant move. However there are a number of key areas which could cause particular concern to people with an intellectual disability, their families and service providers .

(1) Marriage and Sexual Relations.

The Bill appears to have opted out rather than deal with this key area of peoples lives as it fails to address capacity in this area. Under Section 5 of the Criminal Law Act 1993, it is potentially an offence for people who lack capacity to have sexual relations unless they are married. The bill does not address this issue.

(2) Guardianship.

The Bill provides for the appointment of a personal guardian and for an Office of the Public Guardian to oversee the role of the personal guardian. There are concerns regarding the cumbersome and potentially overpowering nature of the Court system to be introduced in the Bill (Circuit Court and High Court to be involved).

Article 12 of the UN Convention on Rights of People with Disabilities has particular reference to legal capacity and is seen as a benchmark by which the Bill will be judged.

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Citizens Information Board Grants

The Citizens Information Board operates a number of grant schemes to assist the provision of information, advice and advocacy by the voluntary and community sector. These schemes are outlined below.

Regional Information and Advocacy Fund

This Fund operates within each of the Citizens Information Board's five regions. The purpose of the fund is to target marginalised groups, support the development of advocacy services, promote innovative information content and delivery mechanisms, and to create partnerships between the Board and other organisations. For contact details in the Five regions check

www.citizensinformationboard.ie/about/howservices/about_services_regional.html

Information on the grants is available from: Administrator, Information Publications and Social Policy, Citizens Information Board, Ground Floor, George's Quay House, 43 Townsend Street, Dublin 2, Tel: (01) 605 9021, Email: publicationadmin@ciboard.ie

Source: www.citizensinformationboard.ie

NATIONAL ADVOCACY COUNCIL

You may be aware that the Chief Executive Forum meet with the National Advocacy Council on two occasions annually. Some of the topics raised by the Council are bulleted here as they concern how we as individuals contribute to the delivery of a quality service and meet the needs of those to whom we provide services.

- People request that they are given real **choice**. They would like to be listened to and heard -about where they live, who they live with, and who their key workers are. They are asking staff to look at the individual choice and not to make a decision based on the ability of the group.
- More **Training**—they would like to be supported to learn new skills and become more independent. They would like to be more involved in decision making in relation to their own lives, the type of service that is provided and the people who provide it.
- Meetings about Meetings—the Council feel that there are too many meetings—they feel less meeting time would mean more time spent on assisting them to fulfil their individual plans.
- People would like to be assured that their personal information is **private** to them and they would like to be asked for permission if their files needed to be viewed by someone outside their usual care workers.
- People felt that too much **information** is recorded about them, for example when they go on holidays is there really a need to write down what time they went to bed at and how much they had to drink. The record should state that we went on a holiday and record any medical administration or incidents. The process of gaining access to their own files should be simplified and quick.
- Volunteers should be given the correct training and support and the individual should be introduced to the volunteer and have a say in whether or not they would like to be with the volunteer and how they spend their time together.
- Facilitate the hiring of Personal Assistants for people who want them and can afford to pay for them.
- Person Centered Planning—the Council wanted to know where the **barrier** sheets go when goals cannot be reached. All barriers should be brought to the attention of senior managers for discussion on how they might be overcome. The reasons and solutions should be explained to the person involved.

If staff members keep these points in mind while going about their daily work it will make a difference to the quality of service we provide.

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NATIONAL STRATEGIC PLAN 2007—2011

The Brothers of Charity Services Ireland produced a National Strategy following significant consultation with the Services in 2007. The Chief Executive Forum agreed the strategy and it was sent to the National Board for ratification. Each Company's own Strategic Plan is or will be based on the National Strategy which is based on our own ethos and reflects the aims of the HSE National Strategy and our own aims and objectives as a voluntary body. The main strategic themes are as follows:

- Articulate and Implement a radical client focused approach within the Brothers of Charity Services.
- Drive our vision of a radical national approach to support the individual with an intellectual disability.
- Involve our staff in the development of the transformation and delivery of person centered services.
- Enable and support people to identify and use a personal support network appropriate to their needs and wishes.
- Launch and operate an active, practice based research programme.

Each strategy has a set of actions attached and work is ongoing on each of these actions. The implementation of the National Strategy is dependent on the cooperation of all Companies within the Group. Each Company has their own Company Strategy which should reflect the National Strategy. As staff it is incumbent on us all to be aware of both the National and our own Company Strategy.

Financial Emergency Measures in the Public Interest Bill 2009

The Minister for Finance, Mr. Brian Lenihan, T.D., published the Financial Emergency Measures in the Public Interest Bill 2009 on 19th February 2009. In publishing the Bill, the Minister for Finance stated:

"The Bill gives statutory provision to a number of the measures decided by the Government and announced by the Taoiseach on 3 February last to stabilise the public finances and achieve expenditure adjustments of €2 billion in 2009.

The Bill introduces provisions to give effect to:

- a pension related deduction for the public service
- a reduction in professional fees and services,
- changes in the Early Childcare Supplement, and
- the deferral of certain payments under the Farm Waste Management Scheme

The Bill defines "public service body" as the Civil Service, the Garda Síochána, the Permanent Defence Force, local authorities, the Health Service Executive, the Central Bank and Financial Services Authority of Ireland, vocational educational committees etc. The definition includes primary and secondary schools, third-level institutions, and the non-commercial semi-state bodies where a public service pension scheme exists or may be made.

"Public servants" are defined as office holders or employees of public service bodies. Members of either House of the Oireachtas, members of the European Parliament, and qualifying office holders such as Ministers, the Attorney-General, the Chairman and Deputy Chairman of the Dáil and Ministers of State are also covered by the provisions of the Bill.

The deduction shall be made from the remuneration accruing from 1 March 2009 at the rates decided – a 3% deduction on the first €15,000, 6% on the next €5,000, and 10% on the remainder

Source: Department of Finance Feb 09.

BROTHERS OF CHARITY

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We would love to hear from you
suggestions/ articles



Keep up to date on www.brothersofcharity.ie

NOTICE BOARD

Please ensure you as a staff member of a Brothers of Charity Services Company are familiar with the various Governance Statements, Guidelines and policies & procedures under which we operate our services.

In particular, please make yourself familiar with the Governance Statements on :

The Welfare and Protection of Vulnerable Adults [G1(08)]

The Welfare and Protection of Children [G2(08)]

NOTE: These Governance Statements replace G1(06) The Prevention of Abuse and the Management of Abuse Allegations (ratified in Jan 2003 and revised in 2006).

Let your Line Manager know if you have missed out on any training in relation to these documents.

INCLUSION IRELAND BOOK LAUNCH

Inclusion Ireland will launch two books on Thursday 5th March in St. Joseph's Special School, Thomas Hynes Road, Newcastle, Galway at 5.00pm. Everyone is welcome, you can sign up by e-mail Siobhan@inclusionireland.ie or phone 01-8559891.

Making Decisions About Money

Making Decisions about Money is designed to support people with an intellectual disability in dealing with their finances. The book covers areas like budgeting, loans, savings and using an ATM.

Making Medical Decisions

Making Medical Decisions aims to provide parents and families of people with an intellectual disability with information on current practice in the difficult and complex area of medical decisions.

Both publications are free.

www.inclusionireland.ie

HOLD THE DATE
NATIONAL ADVOCACY
CONFERENCE
TUESDAY 13th OCTOBER



Love & Respect in Every Action