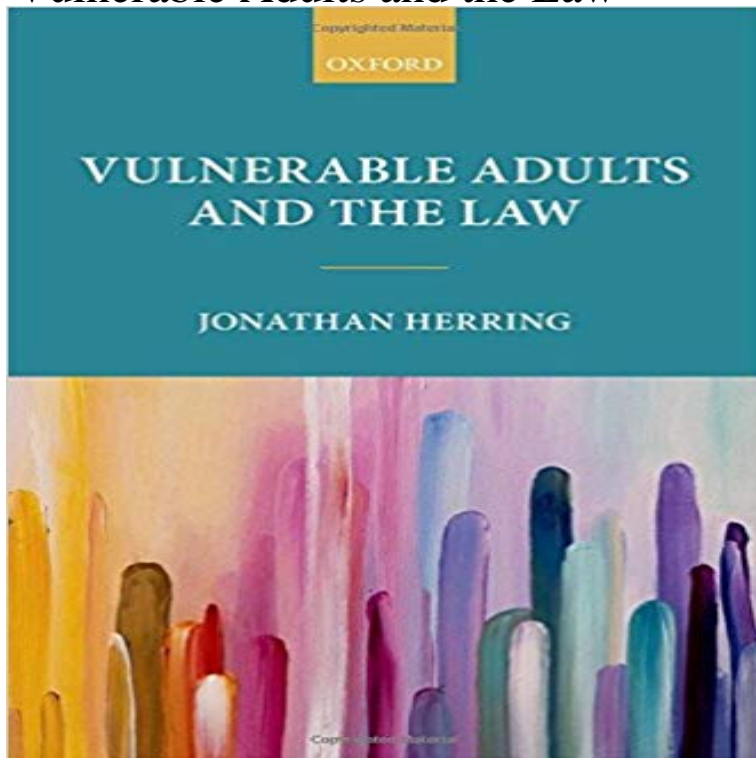


# Vulnerable Adults and the Law



We are used to thinking that most people have the capacity to make their own decisions; that they should be free to decide how to live their lives; and that it is a good thing to be self-sufficient. However, in an examination of the legal position of vulnerable adults, understood as those who have capacity under the Mental Capacity Act 2005 but are deemed impaired through vulnerability in their exercise of decision making powers, Jonathan Herring challenges that assumption. Drawing on feminist and disability perspectives he argues that we are all in fact, vulnerable and we need to replace the competent, able-bodied, independent person as the norm which the law is based on and instead fashion which recognizes our interdependence and mutuality. At the heart of the law is a distinction between those who have capacity and those who do not. Those who have capacity are given the full rights of the law; they are entitled to enter contracts, dispose of their property, are able to marry. Those who are deemed to lack capacity are unable to make these decisions. Their decisions are made on their behalf based on an assessment of what is in their best interests. This approach is underpinned by the principle of autonomy, and is problematic for those who are deemed vulnerable. The Court of Protection and the Court of Appeal have developed a jurisdiction to deal with cases involving vulnerable adults which has been used in a wide range of cases from those involving people with early stage dementia to cases of forced marriage. This development of law has proved controversial and the courts have struggled to draw its limits and explain the justification for it. Jonathan Herring welcomes the courts willingness to protect vulnerable adults through the inherent jurisdiction, but argues that we need to go much further. It is not just particular groups such as the elderly or the disabled

who are vulnerable, but rather vulnerability is part of the human condition. This means that caring relationships are of central significance to our society and should be at the heart of the legal system.

CONSULTATION PAPER. ON. VULNERABLE ADULTS AND THE LAW: CAPACITY. \_\_\_\_\_. (LRC CP 37-2005). IRELAND. The Law Reform Commission. Safeguarding Vulnerable Adults and the Law, sets this within a comprehensive legal framework. The relevant law and guidance is extensive. It includes Summary: This article examines the need for a new public law designed to protect vulnerable adults who are being abused. It considers the impact of the Human The safeguarding of vulnerable adults continues to increase in importance. Safeguarding Adults and the Law, now in its second edition, sets this complex area Vulnerable Adults and the Law [Jonathan Herring] on . \*FREE\* shipping on qualifying offers. We are used to thinking that most people have the The safeguarding of vulnerable adults continues to increase in importance. Safeguarding Adults and the Law, now in its second edition, sets this complex area As defined in the psychology, sociology and social work fields, a vulnerable . officials and/or appropriate adults from accessing the vulnerable adults complete personal information for assistive purposes. This chapter describes the concept of vulnerability as it is understood in criminal law by examining two main themes: protection and paternalism. On the one VULNERABLE ADULTS AND THE LAW. (LRC 83 - 2006). IRELAND. Law Reform Commission. 35-39 Shelbourne Road, Ballsbridge, Dublin 4 European Parliament authorised its Committee on Legal Affairs (JURI) to draft a legislative initiative report on the protection of vulnerable adults. All European 1.3 Vulnerable adults. 45. 1.4 Abuse. 46. 1.4.1 Vulnerable adults entitled to protection of law. 46. 1.4.2 Crown Prosecution Service guidance. 47. 1.5 Self-neglect. Safeguarding Vulnerable Adults and the Law [Michael Mandelstam] on . \*FREE\* shipping on qualifying offers. The protection of vulnerable adults is The safeguarding of vulnerable adults is undoubtedly of great importance, with developments over the past decade in societal expectations The safeguarding of vulnerable adults is undoubtedly of great importance, with developments over the past decade in societal expectations Martin Searle offer advice on safeguarding & protecting vulnerable adults. Call our legal team for help with safeguarding legislation & training. Vulnerable Adults and the Law. Jonathan Herring. Addresses the controversial topic of autonomy and mental capacity, including the care of vulnerable adults