



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Request for Quotation for Services to undertake research regarding the use of inherent jurisdiction applications and orders

Irish Human Rights and Equality Commission
May 2026



Published by the Irish Human Rights and Equality Commission.

Copyright © Irish Human Rights and Equality Commission 2026

The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

Contents

Introduction	1
Background	1
UN Convention on the Rights of Persons with Disabilities ('UNCRPD') & the role of the Independent Monitoring Mechanism	6
Independent Monitoring Mechanism on UNCRPD	7
Coordinating National Preventive Mechanism under the Optional Protocol on the Prevention against Torture	7
Third-party research	8
Data Protection.....	9
Specification of Requirements	9
Legal analysis and data collection.....	10
Analysis and recommendations	10
Award Criteria.....	12
Application Process	16

Introduction

The Irish Human Rights and Equality Commission is an independent statutory body, established on 01 November 2014 under the Irish Human Rights and Equality Commission Act 2014. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

The overall statutory functions of the Commission are:

- › to protect and promote human rights and equality,
- › to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State,
- › to promote understanding and awareness of the importance of human rights and equality in the State,
- › to encourage good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person, and
- › to work towards the elimination of human rights abuses, discrimination and prohibited conduct.

The Commission is also the Independent Monitoring Mechanism for Ireland under the United Nations Convention on the Rights of Persons with Disabilities ('UNCRPD')¹ and is anticipated to be designated as the Coordinator of the National Preventive Mechanism under the Optional Protocol on the Prevention against Torture, pending legislation.²

Background

The Commission invites responses from suitably qualified individuals or organisations for the provision of services to undertake research regarding the application of the inherent jurisdiction provisions in respect of people who lack capacity or who may lack capacity.

¹ Section 103 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022 designated IHREC the Independent Monitoring Mechanism for the UNCRPD.

² To be provided under the Inspection of Places of Detention Bill, when enacted.

Legal mechanisms providing for substitute decision-making

To date, people can be detained or otherwise deprived of their liberty for reasons related to capacity through the application of the Lunacy Regulation (Ireland) Act 1871 and by the Mental Health Act 2001.

The Lunacy Act,³ now repealed,⁴ provided for the system of wardship for people that the Courts deemed to be of unsound mind and to be unable to manage their own affairs. The purpose of wardship was to protect the person and their property when they were unable to do so themselves, by the appointing of a ‘Committee’ by the High Court to manage the day-to-day affairs of the person made a Ward of Court. These Committees act under the supervision of the court and have no independent or inherent power. Most Committees are and were family members, but the Court could also appoint the General Solicitor for Minors and Wards of Court (General Solicitor) to act as an independent Committee where there was no family member available or where disagreement arose with respect to the appointment of a Committee.⁵ The system was manifestly incompatible with the rights enshrined in the UNCRPD, operating from a ‘best interest’ perspective and widely critiqued for not operating in a manner compatible with a human rights or social understanding of disability.⁶

The Assisted Decision-Making (Capacity) Act (ADMCA)⁷ provided for the abolition of the system of wardship and established a legal framework for supported decision-making in Ireland. The ADMCA provides for a three-tier system of assisted/substitute decision-making, as well as for Enduring Powers of Attorney (EPAs) and Advance Healthcare Directives (AHDs). This means that people are no longer entering into wardship and Committees are no longer being appointed, though approximately 1,000 existing Wards of Court have yet to transition from wardship.⁸

³ Irish Statute Book, [Lunacy Regulation \(Ireland\) Act](#), 1871.

⁴ The Lunacy Act was repealed with the commencement of the Assisted Decision-Making Capacity Act. “With the commencement of the Assisted Decision-Making Acts in April of this year, the Regulation of Lunacy (Ireland) Act 1871 is now repealed, save for where the Act specifies the transitional arrangements that are to apply to persons currently in wardship. Under the Act all such persons will exit wardship on a phased basis over the next three years.” Houses of the Oireachtas, Legislative Matters: [Dáil Éireann Debate, Tuesday - 4 July 2023](#).

⁵ National Disability Authority, [The Journey from Wardship to Supported Decision-Making: An Examination of the Process and the Experiences of People leaving Wardship](#) (2026), p 20-21.

⁶ National Disability Authority, [The Journey from Wardship to Supported Decision-Making: An Examination of the Process and the Experiences of People leaving Wardship](#) (2026), p 22-23.

⁷ Irish Statute Book, [Assisted Decision-Making \(Capacity\) Act 2015](#). Irish Statute Book, [Assisted Decision-Making \(Capacity\) \(Amendment\) Act 2022](#).

⁸ Houses of the Oireachtas, Legislative Matters: [Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2026: Second Stage – 3 March 2026](#). The ADMCA provided for the abolition of wardship by 26 April 2026. This Assisted Decision-Making (Capacity) (Amendment) Act 2026 provided that in individual cases this deadline could be extended to a maximum of eighteen months.

While the enactment of the ADMCA represented an important shift towards a rights-based model, widely welcomed, its application in practice has presented challenges. The operationalisation of the ADMCA is complex and multifaceted and is in its early stages. It will be subject to a review within 5 years of commencement (April 2028).⁹

Since its commencement, IHREC has expressed concern regarding over-reliance on substitute (rather than supported or assisted) decision-making arrangements,¹⁰ transparency of the exit process and the associated access to justice issues,¹¹ and anomalies in the capacity assessments.¹²

In March 2026, the Government enacted the **Assisted Decision-Making (Capacity) (Amendment) Act 2026** which enables the wardship court to extend wardship orders for up to eighteen months, in circumstances where the expiry of that time period is imminent and will not be met in those individual cases.¹³

The Mental Health Act 2001,¹⁴ which at the time of writing is expected to be shortly replaced by the Mental Health Bill 2024, provides a legal framework for detaining people with a ‘mental

⁹ IHREC published [Observations on the Assisted Decision-Making \(Capacity\) Bill 2013](#) in 2014 and [publicly commented on the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2021](#) in 2022. In these and subsequent publications, IHREC has raised concerns on a range of matters including the operationalisation of the ADMCA, monitoring its implementation, and misalignment with human rights norms. See, for example, [IHREC’s submission to the UNCRPD \(June 2025\)](#) and [IHREC’s 2024 report regarding access to justice for disabled people](#). See also, IHREC, [Letter to the Department of Children, Disability and Equality on the Draft Heads and General Scheme of the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2026](#).

¹⁰ The system of supported decision-making under the ADMCA allows for a substitute decision-making regime which has been a matter of concern for civil society organisations and IHREC. [Assisted Decision Making \(Capacity\) Act 2015](#) Section 37 provides the Court with the power to make a declaration that a person lacks capacity even with the assistance of a co-decision maker; Section 38 provides for the appointment of a decision-making representative to act on behalf of the relevant person in a number of circumstances including where the court has found a person to lack capacity under Section 37. The UNCRPD Committee has frequently considered an approach to legal capacity which permits substituted decision-making a misinterpretation by States. Committee on the Rights of Persons with Disabilities, [General Comment No.1 – Article 12: Equal Recognition before the law, CRPD/C/GC/1](#) (2014) para 3. CSOs have indicated that there is a panel in operation for substitute decision-makers but there is no such provision for co-decision makers, who are ordinarily family members. Decision Support Service, [Decision-making Representative Panel](#). Concerns have been raised that there is insufficient oversight and safeguards in place to guard against over reliance on substituted decision-making over co-decision making. It should also be noted that the ADMCA provides for a functional assessment of mental capacity which may be used to restrict or deny legal capacity.

¹¹ There does not appear to be an accessible database of all judicial determinations (anonymised or not). There is limited or highly restricted access to independent advocacy for people in wardship or subject to the inherent jurisdiction of the High Court.

¹² We have heard reports that the approach and thresholds being applied vary widely between Courts and presiding members of the judiciary. We are aware of concerns raised by the group ‘Justice for Wards’ who have expressed particular concerns regarding the wardship transition. See Justice for Wards submission to the Committee on the Rights of Persons with Disabilities [here](#).

¹³ [Assisted Decision-Making \(Capacity\) \(Amendment\) Act 2026](#). IHREC wrote to the Department of Children, Disability and Equality regarding our concerns with respect to the (then) proposed amendments. IHREC, [Letter to the Department of Children, Disability and Equality on the Draft Heads and General Scheme of the Assisted Decision-Making \(Capacity\) \(Amendment\) Bill 2026](#) (March 2026).

¹⁴ Irish Statute Book, [Mental Health Act, 2001](#).

disorder’ as defined in the 2001 Act and for involuntary treatment. It is considered to be outdated, not aligned to international human rights standards.¹⁵ **The Mental Health Bill 2024** has been in development for several years and is recognised as a step forward for a rights-based framework for protecting the rights of people with mental health difficulties.¹⁶

Inherent Jurisdiction Powers of the Irish High Court

The term “inherent jurisdiction” refers to a set of default powers, not set out in statute, which enables a court to fulfil its roles.¹⁷ The source of the of inherent jurisdiction lies Article 34.3.1 of the Irish Constitution which invests the High Court with “full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal”.

The use of this power was envisaged beyond the commencement of the ADMCA: the ADMCA provides that nothing in the Act “shall affect the inherent jurisdiction of the High Court to make orders for the care, treatment or detention of persons who lack capacity.”¹⁸

With respect to situations concerning individuals lacking capacity, it has been described as a ‘backstop’ to make decisions about the care and treatment of people who lack capacity and where there are lacunae in statutes governing the issue in question. Courts have stated that exercise of inherent jurisdiction should only be as a “last resort” (*Health Service Executive v V.E.*, 2012) or a “backstop” when statutes do not govern the situation (*A.M. v Health Service Executive*, 2019: para. 91).¹⁹ However, these powers are intended for use only where the ADMCA or mental health legislation does not provide an appropriate statutory basis for an action.

Recent relevant examples of its use include the case of ‘C.F.’ in which the Court was asked by the HSE for orders providing for the proper care and treatment involving ‘C.F.’, a person who was very unwell and lacked capacity, and about whose case differences of opinion regarding treatment arose among his medical team. ‘C.F.’ was not the subject of a wardship order or an order pursuant to the AMDCA, and in those circumstances it fell to the Court to issue a judgment in respect of his future medical treatment.²⁰ This example illustrates how the inherent jurisdiction power can be used in situations which fall outside of existing statutory frameworks.

¹⁵ Mental Health Reform, [Reform the Mental Health Act](#).

¹⁶ IHREC, Correspondence to Minister Butler on the Mental Health Bill (13 November 2025), Mental Health Reform, [Mental Health Reform welcomes final stages of Mental Health Bill](#), 17th April 2026, Mental Health Reform, [Mental Health Bill Committee Stage Summary](#).

¹⁷ Gautam Gulati, Darius Whelan, Valerie Murphy, Colum P. Dunne, and Brendan D. Kelly, [The inherent jurisdiction of the Irish High Court: Interface with psychiatry](#), *International Journal of Law and Psychiatry* (2020).

¹⁸ Law Reform Commission, [Assisted Decision-Making \(Capacity\) Act 2015](#) (as amended), S4 (3).

¹⁹ Gautam Gulati, Darius Whelan, Valerie Murphy, Colum P. Dunne, and Brendan D. Kelly, [The inherent jurisdiction of the Irish High Court: Interface with psychiatry](#), *International Journal of Law and Psychiatry* (2020).

²⁰ [In the matter of C.F.](#) Judgement of Mr Justice David Barniville, 13 June 2023 [2023] IEHC 321.

Increasing number of applications

The Courts Service has confirmed that the numbers of inherent jurisdiction orders are increasing. In 2023, 280 orders were made, increasing to 1,015 orders in 2024 and 1,257 orders in 2025. The Court Service has confirmed that “data is not collated on the purpose for which the application is sought but the Courts Service has noticed an increase in applications to detail the subject of an application.”²¹

At the same time, the number of applications to the Circuit Court under Part 5 of the ADMCA for assisted/substituted decision-making arrangements has been lower than anticipated, “with some 2,000 completed by December 2025... very few co-decision-making arrangements and assisted decision-making arrangements have been completed, with just 171 co-decision-making arrangements and 194 assisted decision-making arrangements registered with the Decision Support Service (DSS) at year-end December 2025.”²²

The increase in number of inherent jurisdiction applications gives rise to questions as to whether inherent jurisdiction applications are being used in lieu of wardship applications, or in lieu of application for assisted/substitute decision-making orders under Part 5 of the ADMCA, or whether there are other factors at play.

Recent judgments

Recent jurisprudence has considered the scope of capacity assessments required in cases involving inherent jurisdiction applications and applications under Part 5 of the ADMCA. For example, in *HSE and VV*,²³ the Court considered the scope of the capacity assessment pursuant to the ADMCA and the relevance and applicability of the guiding principles set out at section 8 of the Act.

Practice directions

In October 2023, the High Court issued a ‘Practice Direction regarding Inherent Jurisdiction (Capacity) Applications’.²⁴ This provides for the administrative and procedural requirements that must be adhered to when an application for an exercise of inherent jurisdiction is brought before the High Court.

²¹ Correspondence from the Courts Service to Deputy Ciarán Ahern, TD, in response to parliamentary questions (19 January 2026).

²² Law Society Gazette, [Capacity for Change](#) (20 April 2026).

²³ [Health Service Executive and VV](#), Judgment of Mr. Justice Conor Dignam delivered on the 12th day of December 2025, [2025] IEHC 714.

²⁴ Court Service, [High Court Practice Direction 128: Inherent Jurisdiction \(Capacity\) Applications](#) (2023).

UN Convention on the Rights of Persons with Disabilities ('UNCRPD') & the role of the Independent Monitoring Mechanism

The UN Convention on the Rights of Persons with Disabilities ('UNCRPD') is an international human rights treaty which exists to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled persons. The Irish Government signed the Convention in 2007 and ratified it in March 2018, the last EU Member State to do so. The Convention established how human rights principles apply to the situation of disabled people and addresses civil and political as well as economic, social, and cultural rights, and how the Treaty is to be monitored domestically and internationally. It established the role of the Independent Monitoring Mechanism ('IMM), a mandate held by IHREC since 2023.

The [State's first report](#) was submitted to the UNCRPD Committee in November 2021. The review of the State by that Committee is expected to take place in August 2027. In September 2025, the UNCRPD Committee published a '[List of Issues](#)' to be addressed by Ireland in the course of the review. The 'List of Issues' was informed by the [national report, IHREC's List of Issues submission](#) and [submissions from civil society](#).

The UNCRPD Committee's List of Issues included specific queries regarding the use of inherent jurisdiction. The Committee specifically asked the State to provide information about its plans/measures:

- › “to remove the inherent jurisdiction provision in the 2022 Amendment Act which enables the High Court and the Circuit Court to bypass the requirement to have regard to the will and preference of the person and enables courts to make substitute decisions regarding the care, treatment and detention of the person,
- › to develop supported decision-making mechanisms that are in line with General Comment No. 1, including supported decision-making mechanisms for persons with disabilities under the age of 18 to ensure their legal capacity is respected on an equal basis with other children”, and
- › “to abolish legislative provisions, including within the Mental Health Act, Criminal Law (Insanity) Act and Assisted Decision-Making (Capacity) Act and proposed provisions in the Mental Health Bill 2024 that authorise deprivation of liberty on the grounds of impairment and / or based on functional capacity assessments.”²⁵

²⁵ Committee on the Rights of Persons with Disabilities, [List of issues in relation to the initial report of Ireland](#) (2025), paras 10 (c), 10 (d) and 12 (b).

Independent Monitoring Mechanism on UNCRPD

Article 33 of the UNCRPD provides that State Parties must designate an independent mechanism to promote, protect and monitor implementation of the Convention.²⁶ The Commission was designated the Independent Monitoring Mechanism ('IMM') for the UNCRPD by an amendment to its legislation provided by Section 103 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022.²⁷ Section 10(2) of the IHREC Act, providing the Commission's functions, was subsequently amended by the insertion of the additional functions to 'promote and monitor the implementation in the State of the Convention on the Rights of Persons with Disabilities.'²⁸

The role of the IMM includes:

- › Promoting the UNCRPD through awareness raising, capacity building, legislative review and collaborating with international and regional human rights groups and other national institutions.
- › Protecting rights by conducting inquiries, taking part in judicial proceedings, considering individual and group complaints, and issuing reports on complaints received.
- › Monitoring the implementation of the UNCRPD by developing benchmarks and indicators, carrying out impact assessments of relevant laws and policies and gathering information on State activity.
- › Preparing independent reports on the State's performance implementing the UNCRPD and level of compliance achieved.

Coordinating National Preventive Mechanism under the Optional Protocol on the Prevention against Torture

Ireland is expected to give domestic legal effect to the Optional Protocol on the Convention Against Torture ('OPCAT') through the commencement of the Inspection of Places of

²⁶ UNCRPD, Article 33 provides that State Parties must designate a focal point in Government for matters relating to the implementation of the Convention, at least one independent mechanism to promote, protect and monitor implementation and must also ensure the involvement and full participation of civil society, in particular people with disabilities and their representative organisations.

²⁷ Assisted Decision-Making (Capacity) (Amendment) Act 2022, Section 103(a)(ii) by the insertion of the following paragraph after paragraph (h): "(ha) without prejudice to the generality of the paragraph (b) or (h), to promote and monitor the implementation in the State of the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006."

²⁸ Irish Human Rights and Equality Commission Act 2014, Section 10(2)(ha).

Detention Bill, which is listed for priority publication in the [Government Legislation Programme Summer 2026](#).

OPCAT requires States to establish a system of regular, proactive visits by independent National Preventive Mechanisms ('NPM') to places where people are deprived of their liberty, to prevent torture and other cruel, inhuman or degrading treatment or punishment. The scope of OPCAT extends to public or private custodial settings, including prisons, police stations, mental health facilities, care and residential centres, nursing homes and immigration detention facilities.

The 2022 General Scheme of the Inspection of Places of Detention Bill proposes to introduce a multi-body NPM model in Ireland and designates IHREC as the Coordinating NPM. As set out in the General Scheme, the functions of IHREC may include liaising with international bodies and coordinating NPM submissions; advising NPMs on systemic issues arising from their reports; providing guidance to NPMs in carrying out their obligations under OPCAT; and, in consultation with all relevant NPMs, making recommendations to the State on issues relating to places of detention in Ireland.

Third-party research

Some recommended sources of further relevant information for this research include:

- › Publications and commentary of Disabled Persons Organisations, wider civil society groups and expert groups and bodies²⁹ individually publishing research on specific areas.
- › Annual and thematic reports of relevant statutory bodies including, for example, the Health Service Executive, the Mental Health Commission, the Decision Support Service, the Courts Service, the National Advocacy Service, the Legal Aid Board, Tusla-the Child and Family Agency and the National Disability Authority.³⁰
- › Decisions published and made by the relevant courts regarding inherent jurisdiction, wardship, assisted/supported/substitute decision-making, and related issues such as special care.
- › Academic literature.

²⁹ Possible examples: Child Law Reporting project, Law Society, Bar Associations, Law Reform Commission.

³⁰ Reference can also be made to the [implementation plan of the newly established Guardian ad litem National Service](#).

- › Reports, concluding observations and general comments of human rights treaty bodies, and in particular General Comment No 1 of the UNCRPD³¹ and the UNCRPD Guidelines on article 14 of the Convention on the Rights of Persons with Disabilities.³²
- › Reports and research of relevant international bodies.

Please note the above list is not intended to be exhaustive and is indicative only. It is our expectation that the successful tenderer will identify and consider relevant academic analysis, legal analysis and relevant case law. It is our expectation that they will also review and consider relevant international analysis, and in particular guidance, recommendations and commentary of the UNCRPD.

Data Protection

The protection and security of an individual's personal data is of the utmost importance to the IHREC. All suppliers of service should have in place policies, procedures and processes that comply with their obligations under the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (EU 2016/679). Where the supplier is acting as a data processor, the supplier will be expected to enter a data processor agreement with IHREC.

Tenderers are required to confirm their compliance in this regard.

Specification of Requirements

IHREC is seeking proposals and quotations from suitable qualified individuals or organisations who wish to be considered to undertake research regarding the use of the inherent jurisdictions with respect to cases involving people lacking, or potentially lacking, capacity, and its intersection with the UNCRPD.

This proposal should take account of the upcoming review of the State by the UNCRPD Committee in 2027; the review of the functioning of the ADMCA that the State must complete by April 2028;³³ and IHREC's specific mandates as IMM and prospective coordinating NPM pursuant to OPCAT.

Specifically, the research would include the following:

³¹ Committee on the Rights of Persons with Disabilities, [General Comment No. 1 \(2014\) Article 12: Equal recognition before the law](#), CRPD/C/GC/1.

³² Committee on the Rights of Persons with Disabilities, Guidelines on article 14 of the Convention on the Rights of Persons with Disabilities: The right to liberty and security of persons with disabilities (2015).

³³ [Assisted Decision Making \(Capacity\) Act 2015](#) Part 12, para 146.

Legal analysis and data collection

A review of applications, decisions and judicial comment in respect of inherent jurisdiction cases and a documenting of **patterns and trends** regarding:

- › Reasons for and factors contributing to the use of inherent jurisdiction instead of provisions providing for supported decision-making under Part 5 of the ADMCA or other statutory frameworks. Consideration in the analysis should be given to geographic variance and the circumstances of the applications including, where feasible, their scope and outcomes.
- › The factors explaining recent increase in inherent jurisdictions applications. Consideration in the analysis should be given to: (i) any evidence that cases that would heretofore have amounted to applications for wardship are the subject of inherent jurisdiction applications (ii) any evidence or indicators that these cases could be dealt with appropriately under the provision of Part 5 of the ADMCA; and (iii) any evidence that anticipated statutory schemes such as the Protection of Liberty Safeguards legislation could provide appropriate legal basis and process for matters currently dealt with through inherent jurisdiction applications, including more legal clarity and certainty and therefore reduce the requirement or demand for inherent jurisdictions applications.
- › The role of the Guardian Ad Litem and the Decision-Making Representative in respect of inherent jurisdiction applications, and if any parallel obligations arise, and the implications of this.
- › The format and approach to assessing functional capacity in the applications for inherent jurisdiction orders and alignment with the Guiding Principles of the ADMCA and the UNCRPD.
- › The extent, where arising, of reviews of declarations made involving inherent jurisdictions powers (including trends regarding frequency of reviews, nature of review and substantive issues considered in reviews, and methods being used in review).

Analysis and recommendations

The legal analysis and data collection should generate an evidence base from which to provide observations and recommendations in relation to legislative, policy and practical measures as appropriate that would advance the full implementation of the UNCRPD in Ireland – including the specific legal and practical measures are required to ensure that inherent jurisdiction is used only in exceptional circumstances and that its use is rights-base -

and with a view to providing evidence and analysis to respond to the queries set out by the UNCRPD Committee as referenced above.

The final report would provide robust analysis and recommended actions which will support IHREC to engage with government and any relevant State bodies regarding legislative and policy reform (with particular regard to the planned ADMCA review, the commitment of the Government to publish legislation to safeguard the rights of persons deprived of their liberty, the anticipated Inspection of Places of Detention Bill, and with regard to the implementation of the Mental Health Bill 2024 once enacted).

The report should draw attention, where applicable, to what type of data should be collected, analysed and made publicly available to ensure compliance with UNCRPD and OPCAT obligations.

It is our expectation that this research will require a mixed method approach, including desk research and qualitative and quantitative data collection and analysis, including potentially observation of judicial proceedings where appropriate and feasible.

Engagement with experts by experiences, including disabled people and people who support them, may be considered as part of the research process and its findings. Any such engagement must have due regard for relevant ethical and practical considerations. Good practice in research ethics recognises that research studies should ‘do no harm’; that studies are conducted with the full and informed consent of participants, confidentiality is protected and that the collection, storage, use and disclosure of data must comply with the Data Protection Acts 1988 to 2018. Prospective individuals and organisations should demonstrate how they will adhere to international standards with regards to ethics in research.

To effectively communicate and disseminate the findings of the final report, the successful Tenderer will be required to present the report’s findings to IHREC staff and relevant stakeholders including presenting and obtaining input from the Disability Advisory Committee convened by IHREC. The presentation to staff and stakeholders could take the form of a workshop or information dissemination presentation and should be accompanied by an information note that communicates the overarching findings and recommendations arising from the legal analysis. The event can take place at IHREC’s event space and, if so, costs associated with running the event (such as event space fees, catering and ISL interpretation) will be covered directly by IHREC and these expenses do not need to be included in Tenders.

As noted below, costs associated with travel and incidentals borne by the research team must be included in the daily rate and will not be reimbursed separately.

Responding Tenderers should have the following experience:

- Excellent legal knowledge of the areas relevant to the research including wardship, assisted decision making, and inherent jurisdiction;

- Relevant professional experience, with a strong track record in providing the required services preferably to organisations working in equality and human rights, including in the area of disability, and/or public sector bodies with relevant statutory mandates;
- Excellent research skills and a demonstrated ability to source, analyse, evaluate, and synthesise information and evidence from multiple sources;
- Excellent written drafting skills including the ability to communicate complex and technical information in an accessible manner suitable for publication; and
- Knowledge of the UNCRPD and in particular expertise in areas related to access to justice, equality before the law and the rights of people deprived of their liberty.

Proposals must address all of the following matters in the order in which they are set out.

Award Criteria

Marks will be awarded according to the award criteria outlined in the Table below. The total number of marks available is one thousand (1,000). Marks will be rounded to the nearest whole number. Tenderers who do not meet the minimum marks per criterion will be eliminated.

Award Criteria	Maximum Marks Available	Minimum Marks per Criterion
A: Cost	400	N/A
B: Timing of completion	50	20
C: Relevant experience, expertise and samples of previous work	300	120
D. Approach and methodology to service delivery	250	100
Total	1,000	N/A

A: Cost Criteria (400 marks)

A detailed cost schedule, with a detailed breakdown of the following rates for the proposed individual/individuals is required. Failure to provide all rates requested below may result in your elimination from the competition.

Resource	Daily rate (Excluding VAT)	Half-day rate (Excluding VAT)	Estimated No. of Days Required
Proposed Individual			

Tenderers must include the daily/half-day rates for the proposed individual/s and may add new rows for additional individuals if required. Tenderers should include the specific title for each proposed team member.

Tenderers should state a total fixed cost for providing all of the required services (including a daily rate, if appropriate). Submitted quotations should confirm that quoted costs hold good for 90 days after the closing date for receipt of quotation.

Specifically, tenders should state the fixed cost for carrying out all of the work required to satisfy the requirement specification. This sum shall include all costs e.g.

The daily rate and number of days being charged in respect of each individual to be involved in the project.

- (a) The costs must be in euro.
- (b) Travel costs, travel time, subsistence and other incidental expenses are not reimbursed by IHREC.
- (c) The costs shall be exclusive of all taxes including VAT. VAT and other appropriate taxes shall be quoted separately where appropriate and at the appropriate rate. Where VAT is not applicable this should be explicitly stated.
- (d) Unquantified costs will not be accepted.
- (e) Tenderers should indicate clearly any discounts to which the Commission may be entitled, including:
 - Public sector discounts
 - Any other discounts
- (f) Tenderers should provide an itemised breakdown of the cost of any options being proposed beyond the minimum requirements.
- (g) IHREC will not be responsible for any errors on the calculation of the costs provided in response to this Request for Quotation. It is the responsibility of bidders to ensure that the costs quoted are correct and properly calculated.

Please note that it is expected that intutional overheads should not exceed 10% of the overall budget for this project.

The total indicative budget for this project is not expected to exceed €15,000 including VAT.

Cost Criteria Scoring

IHREC reserves the right to evaluate the pricing based on a blended rate or any combination of the pricing table supplied using the cost criterion formula below. Pricing will be evaluated in the same manner across all submissions received.

The following formula will be used:

Lowest tendered cost multiplied by the max number of marks available (400)

This is then divided by the cost under evaluation

Qualitative Criteria (600 marks)

B: Timing of Completion (50 marks)

Tenderers should set out how they plan to deliver the required outputs in the required timeframe. We anticipate delivery of this project by **November 2026**. Tenderers should also provide a detailed breakdown of allocated time. Risks and mitigants should also be considered.

C: Relevant experience, expertise and samples of previous work (300 marks)

Tenderers should provide comprehensive detail regarding their suitability for this project and subject matter expertise. This should include setting out relevant expertise, skills and experience in matters related to disability law and policy. Tenderers are required to demonstrate a strong understanding of the UNCPRD and familiarity with the ADMCA as well as with the Irish judicial system and Courts. Tenderers are asked to provide CVs and should reference relevant examples of previous work particularly work which has culminated in the publication robust analysis and policy recommendations.

D: Approach & Methodology to Service Delivery (250 marks)

Tenderers are asked to provide comprehensive detail as regards their Proposed Approach & Methodology to the delivery of the project outlined to the IHREC from inception to completion. Proposals should outline the proposed approach to project planning, literature and evidence review, stakeholder engagement and the preparation of the final report.

Qualitative Criteria Scoring

Scoring of the Qualitative Award Criteria will be based on an assessment of the information provided by the Tenderer in their response document.

The Evaluation Panel will assess the information provided for each criteria and marks will be awarded using the following scoring methodology:

Scoring Methodology Award Criteria B,C,D

Weighting	Meaning
80%-100%	An excellent response, with very few or no weaknesses, that demonstrates a complete understanding of requirements and provides comprehensive and convincing assurance that the Tenderer will deliver to an excellent standard.
60%-79%	A very good response that demonstrates real understanding and fully meets the requirements and assurance that the Tenderer will deliver to high standard.
40%-59%	A satisfactory response which demonstrates a reasonable understanding of requirements and gives reasonable assurance of delivery to an adequate standard but does not provide sufficiently convincing assurance to award a higher mark.
20%-39%	A response where reservations exist. Lacks full credibility/convincing detail, and there is a significant risk that the response will not be successful.
1%-19%	A response where serious reservations exist. This may be because, for example, insufficient detail is provided, and the response has fundamental flaws, or is seriously inadequate or seriously lacks credibility with a high risk of non-delivery.
0-0%	Response completely fails to address the criterion under consideration

Application Process

Tenderers must include the following with their response:

1. Proposal for providing the service, including a response to each award criteria as outlined above.
2. Tax clearance information.

Failure to provide the above may result in your elimination from this competition.

Submitting your application

Please forward an application before 12 noon on Friday 5th June 2026 by email to procurement@ihrec.ie with “RFQ Inherent Jurisdiction” in the subject line.

Requests for clarification can be submitted via email to procurement@ihrec.ie before 12 noon on Friday 29th May 2026.

Acknowledgements

An acknowledgement email will be issued within 48 hours for all RFQ submissions received.

If you do not receive an acknowledgement of your RFQ submission, please telephone the procurement office on 01 859 2524/ 2642 to ensure your submission has been received.

This procurement competition (the “Competition”) will be conducted in accordance with [Circular 05/2023](#) of the Department of Public Expenditure NDP Delivery and Reform.

Publication of Contract

IHREC is required to publish certain contracts to the eTenders platform. IHREC reserves the right to award the contract subject to the successful tenderer completing the acceptance process through eTenders.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

The Irish Human Rights and Equality
Commission.
16 – 22 Sráid na Faiche,
Baile Átha Cliath, D07 CR20
16 – 22 Green Street,
Dublin, D07 CR20

Guthán / Phone +353 (0) 1 858 3000

Riomhpost / Email info@ihrec.ie

Idirlíon / Web www.ihrec.ie

Instagram: [irishhumanrightsequality](https://www.instagram.com/irishhumanrightsequality)

LinkedIn: Irish Human Rights and Equality
Commission