



Plan Ahead

Safeguard your Finances, Property and Welfare

Make an Enduring Power of Attorney (EPA)

Plan Ahead



Safeguarding Ireland promotes safeguarding of adults at risk to protect people from all forms of abuse by persons, organisations and institutions and is developing a national plan for promoting their welfare. The organisation's main funder is the HSE.

Safeguarding means living safely and free from abuse or neglect. This includes that our important decisions – particularly if we are not able to make these for ourselves – are clear and can be made by persons we trust.

Plan Ahead your important decisions

The best step to safeguard your important future decisions is to plan in advance. Start by talking with your most trusted family member, or friend and / or professional. Choose who you would like to act on your behalf, and have your preferences recorded for them to follow.

This brings peace of mind to you and clarity for family and professionals. Planning ahead safeguards against future misuse of your money, property or welfare.

You can do this by putting in place an **ENDURING POWER OF ATTORNEY (EPA)**.

Safeguarding Ireland research found that just 6% of Irish adults had in place an EPA, which is very low by international standards.

Who is most at risk?

An EPA is recommended for all adults and it is never too early to put one in place. It is especially important for adults who are:

- Older and frail
- Have less ability to understand and make decisions for themselves
- Have a serious, sudden, or life-changing illness
- Have an intellectual, or physical disability
- Live under the control of a person who is abusive.



Making an Enduring Power of Attorney

An EPA means discussing your affairs with a person (or more than one person) who you choose, and appointing them with legal authority to make your financial, property and personal welfare decisions if in the future you no longer have decision-making capacity.

An EPA is a legal document so to make one you must make an appointment with a Solicitor and work with them. If you need financial assistance with legal fees, you may qualify for legal aid.

What decisions are included

In an EPA, you can give authority for two types of decisions: 1) Property and Affairs decisions and 2) Personal Welfare decisions.

Property and Affairs decisions include:

- Controlling and managing your property and finances
- Managing, buying, selling, renting or mortgaging any property
- Making sure your bills are paid including paying your taxes and entering into contracts
- Housing, social welfare or other benefits.

Personal Welfare decisions include:

- Accommodation
- Participation in employment, education or training
- Participation in social activities
- Decisions on social services.

However, future healthcare decisions such as consent and refusal of medical treatment are not included in an Enduring Power of Attorney. It is also recommended to plan ahead these decisions, but in a different document called an Advance Healthcare Directive. It is also important to set out your wishes on Place of Care.

There is more information on this on page 7 of this booklet.



Selection of a trusted person

It is a serious matter to appoint a person to make decisions about your finances, property and personal welfare. Firstly, your Solicitor must ensure that you fully understand that you will be giving control over your assets to your chosen person, for a time when you are no longer able to make those decisions yourself.

Making an EPA includes setting out what decisions you are giving your trusted person the authority to make, and also guidance for them on wishes and preferences you have.

The person that you appoint is called an 'Attorney' (not a legal person) and your Attorney can be a family member, or a good friend.

Statement as to Decision-Making Capacity

A statement from a medical practitioner is required to clarify that at the time of making your EPA, you have capacity. Once completed by your Solicitor, your EPA must be registered with the Decision Support Service (DSS)*, which your Solicitor can advise you on.

Steps for an EPA to come into force

If in the future you lack capacity it is then necessary to get a statement from a medical practitioner, who has assessed you, to confirm that you now lack decision-making capacity.

Your Attorney must then notify the DSS*. When the DSS accepts that notification – at that point – your Enduring Power of Attorney would come into force.

* Note: the role of the DSS in EPAs as outlined is subject to finalisation and to apply from late 2022.



Reduce the risk of Adult Abuse



Putting in place an EPA can be challenging and requires thought and discussion with those you trust, but it is a very important safeguard to ensure that to the greatest possible extent you retain legal control of your finances, property and personal welfare into the future.

A lack of clarity can create confusion, tension and also temptation among family and loved ones who may not know, or respect your wishes.

Some people use a situation to their own advantage. International research has shown that up to 10% of people are dishonest in their use of another person's money or property.

'Next of Kin' is misunderstood

It is often incorrectly thought that nearest family or 'next of kin' automatically assume control of a parents or relatives finances when they lack capacity. However, this is not true.

Available family may be asked by professionals to help with decisions when no EPA is in place, but they do not have legal power or status.

Without an EPA these important decisions can become unclear, difficult and prone to misunderstanding and confusion. Family members may have differing views, problems can arise, and unfortunately it happens that money is stolen and property used in ways never intended.

Making an EPA is important for all adults and it is never too early to plan ahead.

To reduce adult abuse and to safeguard – all adults should make an EPA.



Plan Ahead healthcare

There are also other important ways to Plan Ahead, particularly future healthcare.

Advance Healthcare Directive

To plan future healthcare it is recommended to put in place an Advance Healthcare Directive. This is a specific document in which to record future healthcare refusals and requests (what you do not want under any circumstances and what you would like) on treatment approaches, surgery, medicines and resuscitation.

An Advance Healthcare Directive is recognised in law – and you can talk with your Doctor about making one.

An important aspect to include is your wishes on Place of Care. Would your request be to remain at home with supports, live in a nursing home, stay in a hospice, remain in a hospital, or live with a family member or friend?

Think Ahead

You can address all important 'Plan Ahead' needs, including the details of your EPA and Advance Healthcare Directive by completing the Think Ahead form available at www.thinkahead.ie.

It is one document in which you can record personal information, emergency contacts, health insurance, medications, cultural preferences, religious beliefs, place of care wishes, resuscitation preferences, organ donation wishes and financial information.

It can also include details of where your EPA, Advance Healthcare Directive and Will are located and the key contacts.

Think Ahead is an initiative of the Irish Hospice Foundation and a Solicitor is not required to complete a Think Ahead Form.

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Safeguarding Ireland
www.safeguardingireland.org

Think Ahead
www.thinkahead.ie

Decision Support Service
www.decisionsupportservice.ie

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Promoting the Rights of Adults at Risk

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