



Staying in Control

A guide to staying in control of your
money, benefits and assets

Plain English guide

Key tips

Keep control of your money and decisions.



Get help that supports you, not replaces your choices.



Put simple arrangements in place early.



Talk to someone you trust, and get advice.



Safeguarding Ireland

E: info@safeguardingireland.org

W: www.safeguardingireland.org

/ It's your money – keep it safe

The best way to keep your money safe is to stay in control of it. If you don't have control of your own money, you could be at risk of financial abuse.

This guide provides advice on how you can keep control of your money and property – and avoid financial abuse. This is especially important for adults who may have frailty, dementia, an acquired brain injury, a serious illness or a disability.

In this guide, useful contacts are on pages 12-14 and words that are written in bold are explained on page 15.

What is financial abuse?



Financial abuse is when someone takes control of your money or finances without your knowledge or consent.

For example, it happens when someone:

- Spends your money without your permission
- Uses your bank card or online banking without your permission
- Collects and keeps your pension
- Forces you to sign financial documents or loan guarantees
- Puts pressure on you to change your Will, or ownership of a property.

How common is financial abuse?

- About 1,500 cases of financial abuse are reported to the HSE every year.
- 10% of adults in Ireland say they have personally experienced financial abuse.
- 80% say the abuser was known to them or to the person who was abused.



Everyone has a right to control their own money and assets

No-one has the right to use your money without your permission. Family members, **next-of-kin** or carers have no automatic legal right to take charge of your money.

If you have **decision-making capacity** but need some help, you have the right to give control of your money to another person. This means you can choose a person you trust to support you in managing your finances.

If you do not have decision-making capacity, another person can only be given control of your money through a legal arrangement. In this case, a Court will appoint a trustworthy person.

This guide tells you who can legally have control of your finances. It also suggests other **safeguarding** measures that can help to protect you from financial abuse.



/ Ten tips: how to stay in control of your money

1. Remember: Your money should only be used for your needs

Any money you have is yours and any assets or property that you own are yours. You have the legal right to decide what to do with them.

Where needed, there are reliable forms of support, backed up by law, to help you manage your own finances as much as possible.

If someone else is helping you handle your money, they should use it only for your needs. If they don't, it could be financial abuse.

For example, if someone (like a family member) is appointed by the Department of Social Protection to receive social welfare payments on your behalf, all of this money is yours. This person is called an Agent. They must only spend the money on your food, personal care, activities and other things that you choose, and they should keep receipts.



2. Organise your financial information

You should have one document or file where you keep all the information on your financial affairs. Include the details of bank or credit union accounts, pensions, insurance policies and investments. Do not include passwords or the PIN for a bank card.

Keep this information in a safe place where it can be accessed if you become ill or unable to make decisions.

3. Get advice from your financial provider

Banks, An Post and credit unions have staff that are trained to support people who need help with banking. Ask your financial provider for more information on how they can help you.

4. Explore online banking

Consider setting up online banking – so you can manage your accounts from home. It's easy and convenient because you can do most things online, like checking your balance, paying bills and setting up direct debits. If you would like more information or you're not sure how to set up online banking, talk to your bank.



5. Adapt as your needs change

Your needs may change over time – so you should review your finances every year. For example:

- Income from work or social welfare may change
- You might want to choose a different person to manage your money for you
- You may need more support, such as an assisted decision-making arrangement (see Tip 7).

6. Plan ahead: Make an Enduring Power of Attorney

You should consider making an Enduring Power of Attorney (EPA) to keep your money safe in the future.

An EPA names another person to manage your finances, in case you no longer have the capacity to do so in the future. It is a legal document you make with a solicitor. It gives someone you choose and trust the legal authority to manage your affairs.

You can only make an EPA while you have decision-making capacity.

7. Plan ahead: Find out about decision support arrangements

Your capacity (ability) to make decisions may change over time. It's a good idea to find out about decision support arrangements in advance.

These are formal arrangements, recognised by law, where you appoint someone to be your supporter now – or in the future. Different levels of support are available, depending on what's needed, and you can choose who you want to help you.

You can find out more from the Decision Support Service. They have information on:

- Understanding assisted decision-making
- Putting in place a decision support arrangement
- Making an Enduring Power of Attorney (EPA)
- Making an Advance Healthcare Directive (a plan for your future healthcare).



8. Plan ahead: Consider your future care

When you're making big financial decisions, you should think about your future care. For example, you may want to give money or property to family now instead of leaving it to them in your Will. But that might leave you unable to pay for nursing home care or medical expenses in the future.

The Fair Deal scheme can help you pay for long-term care at a nursing home. It assesses your income and assets (such as property) to work out how much you have to contribute. If you transfer money or property to someone else in the five years before you apply for Fair Deal, this can affect your eligibility for the scheme.

Be aware: If anyone puts pressure on you to transfer money, investments or property to them, this is likely to be financial abuse.

9. Use a JAM card

Do you ever feel stressed and need more time when you're in the bank or post office? A JAM (Just a Minute) card is for people who have a hidden disability or find it difficult to communicate. It lets others know that you need extra time and patience.

You can get a JAM card as a physical card or as a digital app.

It is recognised by the main banks, some credit unions, An Post and the Department of Social Protection.



10. Get independent advice if you need it

You do not have to make decisions about your finances alone. You should consider getting independent legal and financial advice.

You can get free confidential support and information from MABS (Money and Budgeting Service) and Citizens Information. Or you can talk with an independent financial adviser.

You can also work with an advocate. This is an independent supporter who can help you to access services and to make and voice your own decisions. An advocate can also help you apply for the Fair Deal scheme. See who you can contact on page 13.

Useful contacts

Safeguarding Ireland

This booklet is a summary of our full guide on financial safeguarding: 'A guide to money: managing it and keeping it safe'.

- You can see this summary and the full guide at:
www.safeguardingireland.org
- For more information or for paper copies:
info@safeguardingireland.org

Report adult abuse – including financial abuse

- If the issue is urgent or serious (for example, if money has been stolen from you), call the Gardaí: 999 or 112
- If the issue is an ongoing concern, contact the HSE Safeguarding and Protection Teams:
<https://adultsafeguardingportal.hse.ie>

Support with your money

Financial providers

- AIB: 0818 227 056
- Bank of Ireland: 1800 946 146
- PTSB: 0818 818 721
- An Post: 01 705 8000
- Credit unions: Contact your local branch or see
www.creditunion.ie/credit-union-locator/



Free independent information

MABS (Money Advice and Budgeting Service) provides confidential information and advice on dealing with debt, financial providers and utility companies.

- Helpline: 0818 07 2000 (Monday to Friday, 9am to 8pm)
- Email: helpline@mabs.ie
- Website: www.mabs.ie (with a list of local offices)

Citizens Information has general information on benefits and legal rights.

- Phone: 0818 07 4000 (Monday to Friday, 9am to 8pm)
- Website: www.citizensinformation.ie (with a list of local offices)

Advocacy support

Find out how independent advocacy can support you to make choices about your financial affairs.

National Advocacy Service, for people with disabilities:

- Phone: 0818 07 3000
- Email: info@advocacy.ie
- Website: www.advocacy.ie



Sage Advocacy, for older people and survivors of institutional abuse:

- Phone: 01 536 7330
- Email: info@sageadvocacy.ie
- Website: www.sageadvocacy.ie

State supports

The Department of Social Protection has information on social welfare payments, such as disability payments and pensions.

- Phone: 071 919 3259
- Website: www.mywelfare.ie

Fair Deal Scheme

The HSE has information on the Fair Deal scheme of financial support for nursing home care.

- Phone: 1800 700 700 / 01 240 8787
(Monday to Friday, 8am to 8pm / Saturday, 9am to 5pm)
- Website: www2.hse.ie/services/schemes-allowances/fair-deal-scheme

Planning ahead

The Decision Support Service supports people who may need help making decisions on financial matters, now or in the future.

- Freephone: 01 211 9750
- Email: queries@decisionsupportservice.ie
- Website: www.decisionsupportservice.ie

What does it mean?

Adult abuse happens when a person's rights, independence or dignity are not respected. In some cases, it is a serious crime.

Decision-making capacity

is your ability to understand that a decision is being made and also to understand the consequences of that decision. If you lack capacity, or if you have limited capacity to make decisions, you may need a decision support arrangement.

Decision support

arrangements are legal arrangements that authorise a chosen person to help someone with limited capacity to make decisions for themselves, including financial decisions. Different arrangements are available, depending on a person's level of need.

An **Enduring Power of Attorney (EPA)** is a legal arrangement where you give authority to someone you trust to manage your money if you lack capacity (become unable to make decisions for yourself) in the future.

A **next-of-kin** is a person who is named as a contact point but has no legal authority. They have no right to make any decisions for you about your financial affairs. Next-of-kin simply means they are the person to be contacted in an emergency.

Safeguarding means putting measures in place to uphold your rights, support your health and wellbeing, and protect yourself from risk of harm (such as financial abuse).

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