

# Sage Advocacy Submission to Joint Committee on Disability Matters

## *Background Information and Issues Arising from Sage Advocacy Casework*

### Introduction

Sage Advocacy welcomes the opportunity to make a presentation to the Joint Committee on Disability Matters on the topic of *Breaking barriers- disability and financial inclusion*.

Sage Advocacy is the National Advocacy Service for Older People and Survivors of Institutional Abuse in Ireland. It also supports vulnerable adults, and healthcare patients in certain situations where no other service is able to assist.

Sage Advocacy provides information, support and advocacy and our work on behalf of clients is independent of family, service provider or systems interests. The Sage team of experienced advocates is available right across the Republic of Ireland and the service is free of charge and confidential. Sage Advocacy ensures that a person's voice is heard, that their wishes are taken into account and that they are involved in decisions that affect them. Its work is guided by Quality Standards for Support & Advocacy Work with Older People. Based on our motto, *Nothing About You/Without You*, Sage Advocacy seeks at all times to uphold the human rights of its clients and consistently identifies blockages to protecting the human rights of older persons.

The Sage Advocacy Presentation to the Committees is informed by its direct experience in supporting clients, many of whom have multi-faceted needs in relation to managing and controlling their finances as well as a range of issues relating to health and social care provision and access to appropriate decision-making supports.

Sage Advocacy, for the most part, does not have direct involvement with younger people with an intellectual disability availing of support services or living with relatives.

At the outset, Sage wishes to draw the attention of the Committee to its publication, *Managing Finances: Supporting adults who may be vulnerable*.<sup>1</sup> It also wishes to note a very important recent Safeguarding Ireland publication, *A Guide to Staying in Control of Your Money, Benefits and Assets*.<sup>2</sup> These documents identify various preventative measures that people can take to maintain control of

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<sup>1</sup> <https://sageadvocacy.ie/wp-content/uploads/2024/08/managing-finances-march-2023.pdf>

<sup>2</sup> <https://safeguardingireland.org/staying-in-control/#>

their finances, for example, creating a power of attorney, planning ahead, availing of the decision-making supports legally available under the Assisted Decision Making (Capacity) Act (ADMCA) and engaging with an independent advocate.

This Submission to the Committee is set out under five main sections:

- 1) Sage Advocacy client data relating to financial matters
- 2) General issues relating to the management of people's finances arising from Sage Advocacy casework
- 3) Overarching issues identified by Sage Advocacy
- 4) Other issues relevant to the Committee
- 5) Key points for consideration by the Committee

## 1. Sage Advocacy client data relating to financial matters

The Sage Information and Support Team provide a phone-line service and is the first point of contact for people seeking support from Sage Advocacy. This is a valuable communication channel for the public.

Information, support and advocacy coordinators (ISACs) provide information and guidance in response to a vast number of queries, including those from or on behalf of people who need support in dealing with financial issues. During 2025, ISACs dealt with a total of 8,946 incoming calls.

The number of cases involving financial matters has increased dramatically over recent years, rising from 309 in 2020 to 1424 in 2025 (803 of them were cases which had financial matters as the main issue).

In addition to providing information and immediate support, ISACs play a pivotal role in shaping the quality and trajectory of engagement in instances where an advocacy intervention is required. A core component of the role of ISACs involves exploratory work aimed at identifying key issues and clarifying how Sage can support the caller.

The ISACs, as well as providing information and advice, triage referrals for representative advocacy. Where appropriate, ISACs forward cases to a Sage regional advocate who then contacts the person directly and engages with them by means of a casework process. Approximately one third of calls logged are associated with advocacy cases.

### 1.1 Some relevant Sage Advocacy statistics (Issued June 2026)



### 1.2 Types of financial issues involved in Sage Advocacy casework

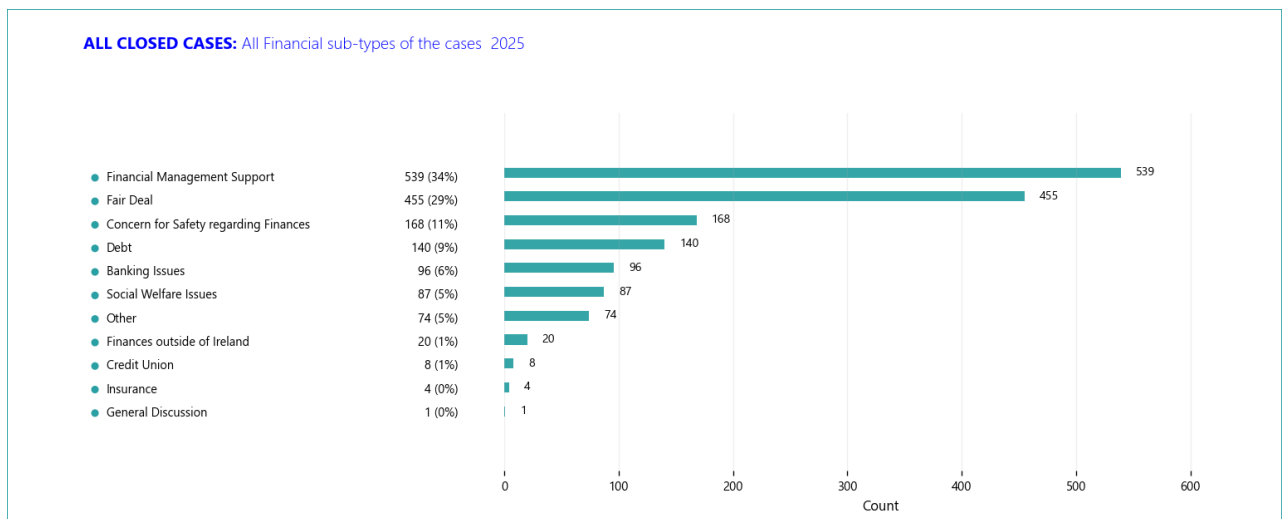
The information presented below represents a preliminary data analysis of Closed Advocacy Cases for 2025. Closed cases are, obviously, only part of the caseload in any given year.

Sage processed and closed 3,351 advocacy cases in 2025. Of these closed advocacy cases, one of the most dominant issues at the time of case referral was financial with 1,213 cases. During the casework lifecycle, more cases involving financial issues emerged.

### 1.3 Financial issues arising in casework

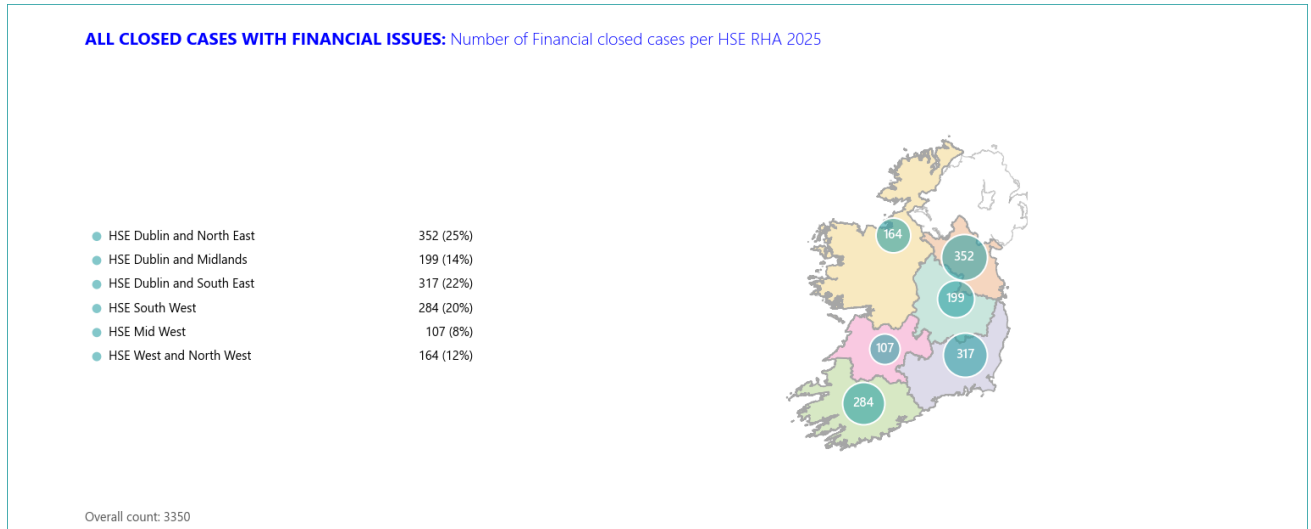
The main financial sub-issues are illustrated in Table 1 below. Many cases involved more than one sub-issue. It can be seen that Financial Support Management and the Fair Deal Scheme were the two most dominant sub-issues, with 539 and 455 cases respectively.

**1.3.1 Table 1: Financial Primary Issue Cases categorised by Sub-Type, 2025**

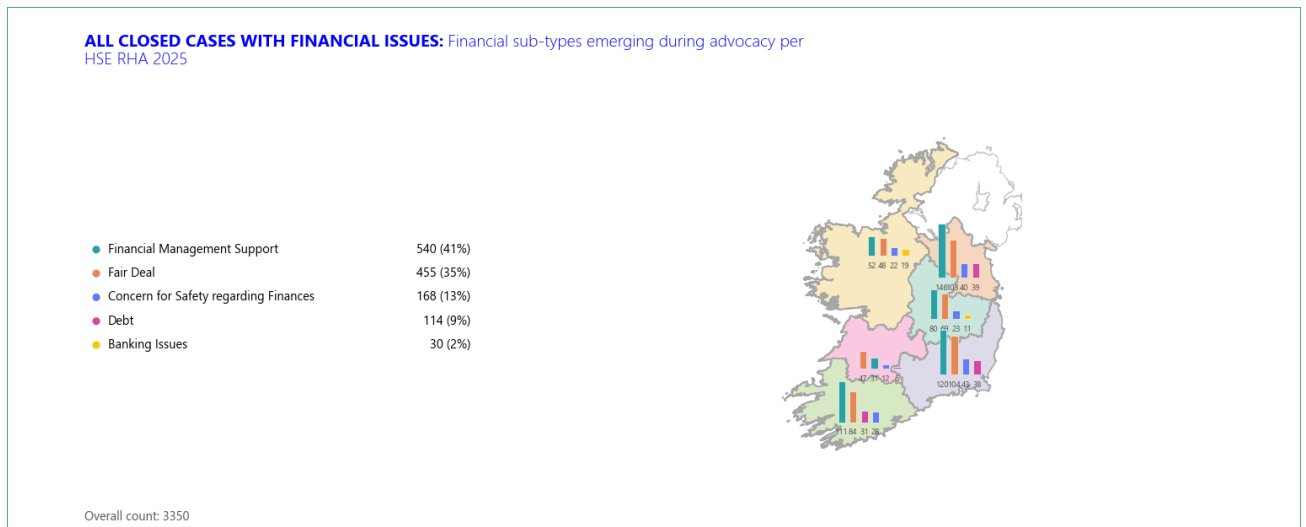


The majority of closed cases in 2025 involve financial management support (34%); Fair Deal scheme issues account for 28%; concerns for safety regarding finances arise in 11% of cases; debt appears in 9% of cases; banking issues in 6% and social welfare issues arise in 5% of cases. Many cases involved multiple complex financial issues. Sage clients experiencing financial issues were based in a variety of settings and in all parts of the country.

### 1.3.2 Table 2: Closed Advocacy Cases, 2025. Financial Issues by Regional Health Area



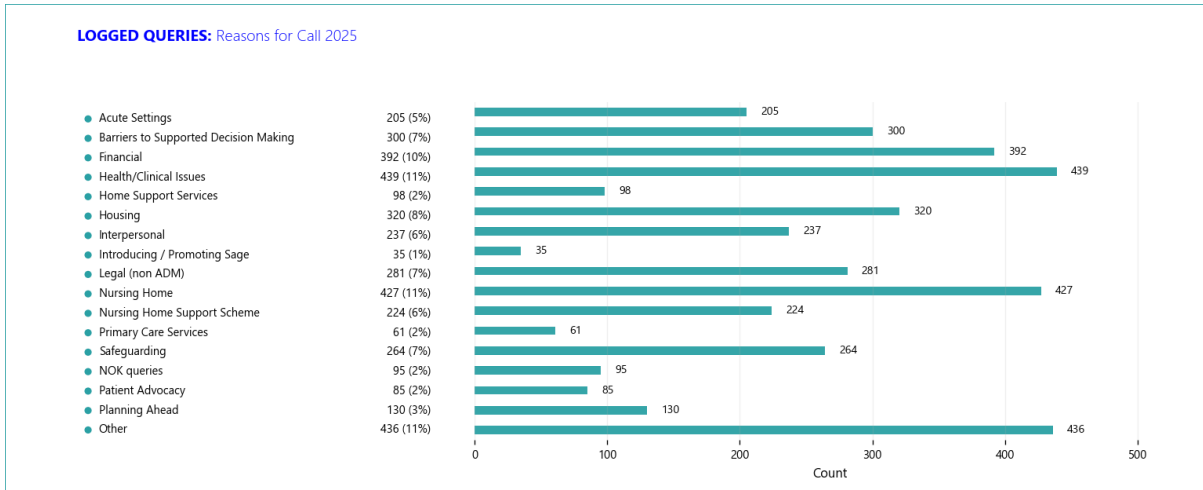
### 1.3.3 Table 3: Closed Advocacy Cases, 2025. Financial Issues by Sub-Type and Regional Health Area



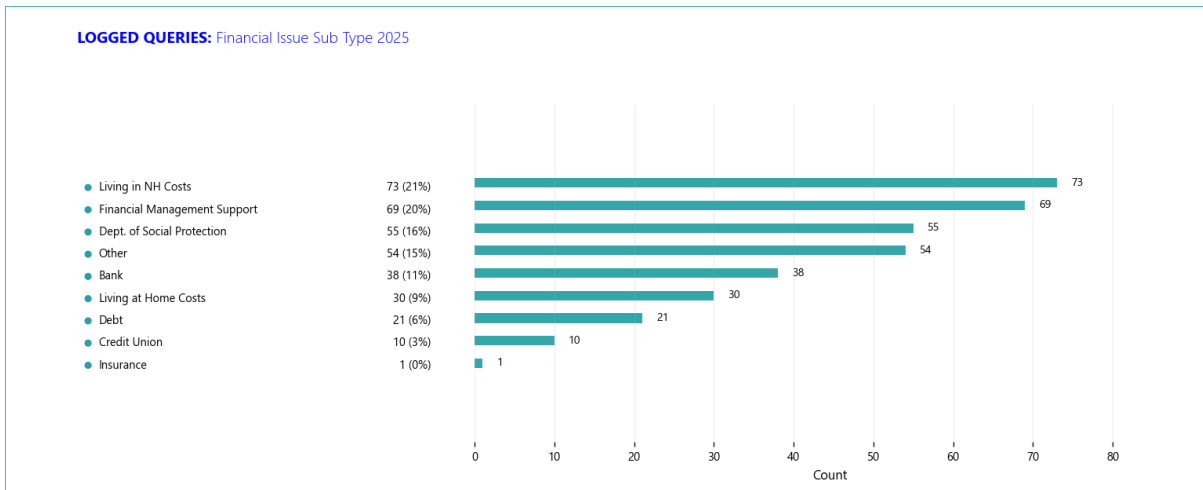
### 1.4 Queries with a financial component to Sage Information and Support Team, 2025 and 2026

Tables 5 and 6 show the wide range of such queries. It should be noted that some of these were queries that were resolved by the provision of relevant information and did not require a more detailed and longer-term casework intervention. In 2025 Sage Advocacy received 392 queries regarding financial issues that were addressed exclusively by the Information and Support team. From January to mid-June 2026, 194 such queries have been received.

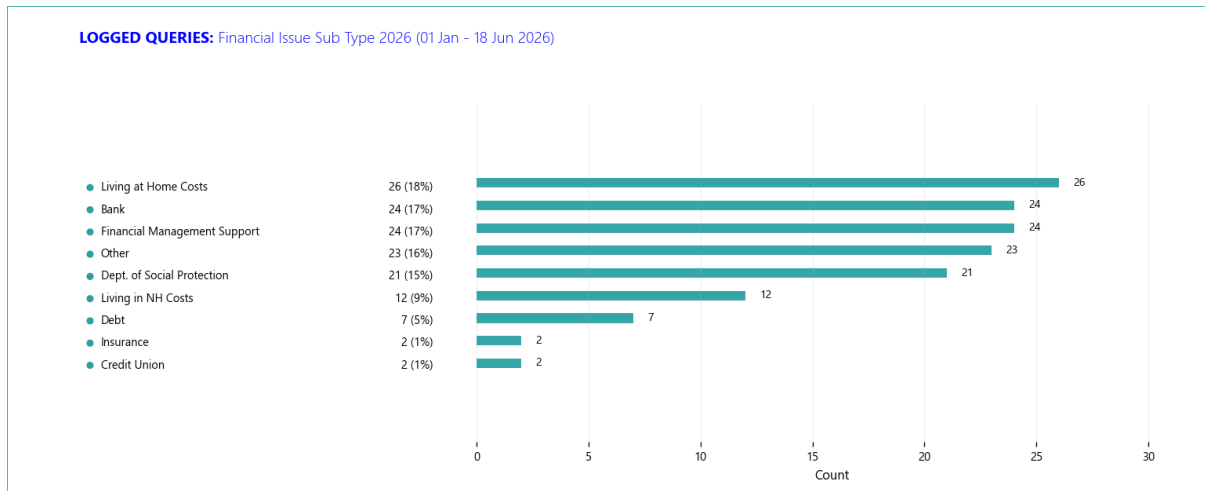
**1.4.1 Table 4: Logged reasons for contacting Sage Advocacy, 2025**



**1.4.2 Table 5: Queries with financial sub-type logged by Information & Support team, 2025**



### 1.4.3 Table 6: Queries about financial issues logged January to mid-June 2026



### 1.5 A more detailed analysis of cases with a financial component

An analysis of records for all closed advocacy cases in 2025 was carried out in order to identify evidence of specific challenges, problematic practices and vulnerabilities that were experienced by Sage clients. The results of this data analysis are presented in detail below, in two related but marginally different configurations (Table 7 and Table 8).

**1.6 Table 7: Specific financial issues identified in Sage Advocacy casework**

<b>Issue</b>	<b>No. Cases</b>	<b>% of Cases</b>
Main financial difficulties	756	53%
Third Party access to client’s accounts	254	18%
Agents	254	18%
Difficulty in opening and accessing accounts	254	18%
Safeguarding and Protection Team involvement	173	12%
Digital banking and processes	168	12%
Family issues with financial matters	152	11%
Interpersonal family conflict	118	8%
Financial abuse	108	8%
Financial controls	104	7%
Decision-making barriers specific to the family	55	4%
Enduring Power of Attorney	23	2%

When the total number of unique cases were examined, a number of cases presented with multiple issues in addition to financial issues.

### 1.6.1 The categories used in Table 7 above explained

#### *Main financial difficulties*

This category includes general financial difficulties faced by clients in dealing with their finances – banking, debt, social welfare issues, concerns for financial safety.

#### *Third Party access*

A third person who accesses a clients' accounts (children, or any other third party) sometimes take money from clients' accounts against their will or knowledge because they can, given that they are – in many instances registered as third parties to accounts.

#### *Agents*

Where the agent is a person or relative appointed by the client to receive the financial aid that the client is entitled to receive through Post Bank, and they misuse the position.

#### *Difficulties in opening and accessing accounts*

Clients face difficulties opening and accessing their accounts and/or in opening accounts mainly due to procedures that they have difficulty in complying with.

#### *Involvement of Safeguarding and Protection Teams (SPTs) in financial cases*

Involvement of SPTs - pre, during or after involvement of Sage Advocacy. Cases may be referred to Sage by SPTs, by other parties to SPTs, or by Sage to SPTs.

#### *Digital banking and processes*

Cases where clients were impeded from accessing financial services as a result of their inability to cope with certain digital services, by their lack of access to the necessary technology and/or supports, or by the absence of user-friendly digital mechanisms.

#### *Family issues with financial matters*

Cases that involved either interpersonal family conflict or decision-making barriers specific to the family situation and dynamic.

#### *Interpersonal family conflict*

Family conflict with financial issues arising in interpersonal relationships, either involving the client or impacting – directly or indirectly – on the client.

#### *Financial abuse*

Cases in which the finances and/or property of the client was misappropriated by an unauthorised person.

*Financial controls*

Financial controls are rules and requirements that financial institutions impose, resulting in situations where it is difficult or impossible for clients to access services.

*Decision-making barriers specific to the family*

Barriers to decision-making that are specific to the client's family and that impacted on the client's ability to conduct their financial affairs.

*Enduring Power of Attorney*

Cases in which the client was faced with difficulties arising from the existence of unsatisfactory arrangements connected with an Enduring Power of Attorney or Power of Attorney.

**1.7 Table 8: Other financial issues identified by Regional Advocates in Sage Advocacy casework**

<b>Issue encountered</b>	<b>No. of cases (minimum number).</b>	<b>% of Cases</b>
Problems accessing bank details	264	29.6%
Resistance to the advocate's role	175	19.6%
Issues with main banks	145	16.3%
Failure to pay nursing home costs	123	13.8%
Problems with joint ownership of property	118	13.2%
Pension problems involving a third party	110	12.3%
Joint bank account involved	36	4%
Forced transfer of assets by family or neighbours	34	3.8%
eBank interaction	17	1.9%
Bank demand for capacity assessment	4	0.4%

As in Table 7, while the total number of unique cases was examined, a number of cases presented with multiple finance-related issues.

## 2. General issues relating to the management of people's finances arising from Sage Advocacy casework

Many Sage Advocacy clients face significant challenges in opening and managing bank, credit union, and post office accounts, particularly those in nursing homes or those living at home without good social support networks. The issues are multi-faceted and broadly arise because of one or more of the following reasons.

### *2.1 Access to accounts and finances*

Sage advocates report a number of problems arising with some frequency involving access by clients to their accounts and finances in financial institutions. These include –

- Problems for clients in coping with security questions, especially in using online or telephone access;
- Perceived assumption by some financial services staff that poor memory equates with lack of capacity;
- Lack of private spaces at some financial institutions;
- Accessibility issues related particularly to physical and/or sensory disability;
- Client lacking standard forms of ID;
- Challenges connected with telephone queuing;
- Challenges with follow up calls received for verifications, when a person no longer have the support of an independent advocate;
- Assumption that residence in a nursing home indicates lack of capacity;
- Inability on the part of some clients to physically attend at a bank, credit union, or post office branch; due, for example, to lack of transport or prohibitive costs for same or non-availability of a support person to accompany them;
- Reluctance on the part of some financial institutions to permit assistance by a Sage advocate;
- Clients not possessing digital devices or not being able to use them;
- Demands by some financial institutions for capacity assessment because, for example, a person is living in a nursing home;
- Some financial services refuse to engage with a Sage advocate even when a written consent form and specific authorisation to act is presented.

Sage advocates report examples of best practice by some staff in financial institutions in addressing these issues. However, advocates have found that practice depends to a large degree on the firm's staff member involved, with considerable variation in practices.

## *2.2 Inconsistent practices across financial institutions*

The experience of Sage advocates is that there is something of a 'postcode lottery' in the supports provided by financial services, with significant variation not only between banks, credit unions, and post offices, but also between branches of the same institution. While some services are accommodating of people with additional support needs, for example, doing outreach visits to nursing home residents, others are less so and rely entirely on written documentation or require a person to visit a branch (which may not always be physically possible). It may also be the case that a bank decides to carry out a phone verification at a time when an advocate is not available to support the client. Understandably, a person may mistrust a caller seeking to discuss sensitive information, particularly if they experience hearing or communication issues and the necessary supports are not available. This can be perceived by firm's representatives as indicating questions about a person's capacity and, occasionally, a bank not progressing a request initiated by a client with support from their advocate.

This can present major difficulties for people who have a sensory disability or who have reduced decision-making capacity. For example, some financial services require a capacity assessment or a doctor's letter for a person residing in a nursing home before they will engage. This often results in an impasse and a long delay, in accessing a person's money, for example, to pay nursing home fees. As further outlined below, this also points to a direct contradiction to the statutory requirement to presume a person's capacity under the ADMCA legislation.

Difficulties arise where, despite a Sage advocate providing evidence of valid consent and detailed information, a financial service provider does not permit them to act on behalf of a client.

## *2.3 Barriers to opening a Bank Account*

Some Sage Advocacy clients, for example, older people living in nursing homes or survivors of institutional abuse, those with mobility issues or clients who have never had a bank account before, experience difficulties in opening bank accounts due to strict identification requirements and inflexible procedures, with some financial services showing more flexibility than others. For example, many clients do not have a valid Driver's Licence or Passport, which are typically required to open accounts. Alternative forms of ID such as age cards or EU national ID cards are not always accepted or are not always available to people.

## *2.4 People whose decision-making capacity may be in question*

People who may have reduced decision-making capacity (for any reason/s) face significant challenges in accessing bank accounts and financial information and appropriate support. Access often depends on navigating systems not designed for vulnerable users. Standard security processes (e.g., ID requirements, memory-based questions) clearly exclude some people.

### *2.5 Inadequate attention to the needs of individuals*

Notwithstanding a focus by financial institutions on tailoring their products to customers' needs, the experience of Sage Advocacy is that some financial institutions often require clients to fit into existing processes rather than adapting to individual needs of their customers.

Outreach options (meeting people in their own homes or in a nursing home) are, in the experience of Sage Advocacy, highly effective. However, these are not universally available and typically only occur after a sustained intervention by a Sage advocate.

There is a lack of provision for personal privacy in some financial services settings (e.g., Post Offices located in local shops). This creates clear difficulties for some people, for example, people with hearing or literacy difficulties or people who require additional time to have matters explained to them.

### *2.6 Lack of access to cash*

Nursing home residents often lack access to their accounts and cash, making it difficult for them to know how much money they have, being able to purchase basic daily living necessities or make small gifts to a child relative. This is an issue regularly encountered by Sage advocates when supporting clients.

### *2.7 Financial abuse and safeguarding risks*

Many individuals rely heavily on family members or carers to manage their finances. This often involves risky workarounds such as pin and card sharing, reliance on others to do shopping or pay bills with cash or reliance on third party on trusting them with online banking credentials without fully understanding the potential implications.

Sage Advocacy staff frequently encounter cases of misuse of money or property by family members or others (neighbours and carers). Examples from Sage Advocacy casework include inappropriate use of a person's bank cards or neighbours/friends subtly manipulating an individual to make a will in their favour in exchange for support. Some Sage clients have reported willingly giving money or their bank card to people but later regretting that decision. Many individuals do not report abuse due to fear, reliance on somebody for care and support, or not wishing to upset family relationships.

### *2.8 Coercive control*

Sage Advocacy clients, both in long-term care and in their own homes, can be subject to coercive control by family, carers and 'friends'. This can take the form of pressure to transfer finances; to cede control over premises and assets; to make 'gifts'; to provide accommodation at low or no charge; to act as guarantor on loans; to passively accept misuse of the client's finances to the benefit of the abuser.

A feature of these cases is the reluctance of the coerced/abused client to confront, report or challenge these illegal forms of behaviour. The client often believes that any challenge will result in the withdrawal of essential support on the part of the abuser. A sense of helpless dependency can exist.

In a proportion of cases the client believes or is led to believe that they have an obligation to help out their adult children or other family members, or occasionally, carers, even where this results in the creation of situations in which they themselves are placed in financial jeopardy.

### *2.9 Social welfare agents*

Advocates continue to note situations in which social welfare payments – notably pension payments – are collected but not handed over to the rightful beneficiary. In such cases the agent frequently behaves in a manner that suggests that they believe that they are entitled to manage the funds involved as opposed to simply being the person who should collect the pension and hand it over to the beneficiary.

This prevalent attitude can unfortunately give rise to practices that can escalate from minor irregularities to significant financial abuse and misappropriation of money.

While DSP requirements in respect of agency for social welfare payments provide some protection in that the Department will act promptly to investigate any case of alleged non-compliance by an agent with the obligations set out in its legislation (which the nominated person/agent will have undertaken to comply with), there is a basic issue in respect of if and how the Department monitors compliance. There is no publicly available information as to the oversight arrangements that the Department has in place to proactively monitor general compliance as distinct from responding when an alleged non-compliance case is brought to its attention. It would be helpful for the DSP to design systems and protocols that more proactively prevent and detect abuse.

A Control Survey carried out by the Department of Social Protection in 2024<sup>3</sup> stated that ‘... claimants considered vulnerable due to advanced age, will continue to be selected for a SWI visit to ensure continuing eligibility to pension and additional allowances and to establish they are satisfied with any Agent arrangement that may be in place.’

While this approach is laudable, there needs to be a stronger focus on oversight by the Department of Social Protection in respect of the actual practice of agents.

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<sup>3</sup> <https://assets.gov.ie/static/documents/state-pension-non-contributory-control-survey-2024.pdf>

It is understood that the DSP is in the process of reviewing and revising the widespread use of Agents for receiving the State payments of adults who may be at risk in the context of ensuring best practice and in order to meet the requirements of the Assisted Decision-Making (Capacity) Act 2015.

#### *2.10 Digital exclusion*

There is clear evidence from Sage Advocacy casework that digitalisation and the move to online banking affects older people and people with disabilities in an inequitable manner. Lack of digital skills, mistrust, and reduced in-person services create significant barriers and increases the risk of vulnerability, discrimination and exploitation.

Many Sage Advocacy clients lack the skills, ability or willingness to use online banking, leading to dependence on others and feelings of exclusion, as described by a Sage client as feeling like an '*outsider in the game of life*'.

Increasing reliance on online banking excludes those without digital skills or access to technology. Having to rely on others for assistance with on-line banking increases the risk of financial abuse. There is also an issue where nursing homes in some instances makes internet access difficult for people with high support needs.

#### *2.11 Application of ADMCA principles*

The Sage Advocacy experience is that frontline financial services staff often lack awareness of or full understanding of the provisions of the ADMCA which results in situations where there is not an automatic presumption of capacity as required under the legislation or where a Decision Making Representation Order (DMRO) is sought in order for the financial institution to act rather than initially exploring less restrictive options provided for in the legislation – a co-decision-maker or a decision-making assistant.

The Sage Advocacy experience is that financial institutions do not always consistently apply the presumption of capacity principle as required by legislation. For example, it is sometimes the case that Individuals in nursing homes may be regarded as lacking capacity on the basis of their place of residence without any formal assessment of capacity having been carried out. This is contrary to the legislation and the obligations of the State to comply with the requirements of the UNCPRD particularly in relation to equal recognition (Article 12) and non-discrimination based on disability.

#### *2.12 Role of trusted support persons*

While the concept of a Trusted Contact Person has been introduced by the Central Bank for people with additional financial support needs and while systems may assume that such persons exist in all situations, the reality is that many people do not have a trustworthy person in their lives. For

example, a relative who is willing to act in such a role may not necessarily be a trustworthy person in respect of financial matters and decisions.

Sage advocates report that a substantial number of clients do not have access to a trusted person when it comes to managing financial matters. This may be due to social isolation, previous unsatisfactory experiences, or unavailability of trustworthy family members. Such situations place the client in a vulnerable and difficult position when struggling to cope with sometimes complex financial issues.

It should be noted that the Trusted Contact Person role as framed by the Central Bank does not fully address this deficiency. The Central Bank provision means that a person can nominate a Trusted Contact Person to their financial services provider. This is someone a firm can communicate with if they have difficulty reaching or supporting the customer, or if they suspect that the client/customer is a victim of financial abuse. However, it is important to note that the Trusted Contact Person cannot make decisions on the customer's behalf about their finances. The difference between a contact/communications person and an agent with authority to act on behalf of the customer is an important differentiation.

#### *2.13 Role and effectiveness of Vulnerable Customer Units within Financial Services*

Some vulnerable customer units provide effective support due to well-trained staff and established relationships, while others fail to meet expectations, often due to lack of training or high staff turnover.

The Sage Advocacy experience is that the effectiveness of vulnerable customer units within financial institutions, depends very much on individual staff members – some are very well trained in engaging with people with complex support needs while others appear to be less so. (It is reasonable to assume that as the new Central Bank Consumer Protection Code takes root in practice, this situation is likely to change).

The experience of Sage advocates is that where an advocate has a direct contact within a bank, credit union or post office, this can lead to a quick resolution of issues. However, this type of personal relationship clearly may not always exist and, therefore, effective and timely resolution of difficulties should not have to rely on such contacts and must be available in an accessible manner.

#### *2.14 Joint accounts and financial abuse risks*

Joint accounts have traditionally been viewed as a convenient method of providing access to a person's account by another person – often a person in a caring role. However, the default form of joint account assumes that all deposited funds belong equally to all co-holders, regardless of who originally deposited the money. Likewise, all account holders are equally liable for debts, overdrafts,

or negative balances incurred, even if only one person caused them. This arrangement can and does open the door to abuse and mismanagement of a vulnerable person's finances, for example, if their decision-making capacity becomes compromised, as well as having implications for the administration of a person's finances and estate after their death.

Advocates have noted cases where one account holder has cleared out an account; where family gains full access without any clear right to do so; and where financial institutions appear to not be particularly alert to the dangers involved in these instances.

Advocates have noted cases where a vulnerable person was not able to remove another person as a co-account holder, making it difficult to prove ownership of funds and resolve disputes when relationships broke down.

There are clear risks associated with joint accounts where the money in the account belongs solely to one person. Sage Advocacy has experience of difficulties in removing a second account holder in cases where there is financial abuse and/or where a relationship has broken down with accounts sometimes having to be frozen pending legal proceedings, resulting in debts, e.g., nursing home fees accruing.

#### *2.15 Accommodating people with disabilities*

Some banks operate a flexible approach where they will visit a person in their home or in a nursing home. This face-to-face contact is regarded by Sage Advocacy as highly important but, as already stated, it is not universal. It is clearly an approach that should be replicated by all financial services.

### 3. Overarching issues identified by Sage Advocacy

#### *3.1 Need to address the ingrained issue of financial abuse of vulnerable adults in Ireland*

*The Central Bank*<sup>4</sup> has defined financial abuse as the wrongful or unauthorised taking, withholding, appropriation, or use of a consumer's money, assets, or property. It also includes any act or omission by another person to gain control over a consumer's assets through deception, intimidation, or undue influence, or to interfere with or deny the consumer's ownership, use, or benefit of their money and assets. While it is likely that the majority of persons supporting people to manage their finances (e.g., those acting as agents for social welfare payments for people unable to process the payments themselves) act out of a genuine caring disposition and in good faith, there is an increasing awareness and evidence of the financial abuse of adults at risk in Ireland which has been highlighted by various agencies – Sage Advocacy, Safeguarding Ireland, the National Advocacy Service for People with Disabilities (NAS) and the HSE National Safeguarding Office.

Financial abuse frequently remains under the radar and is often perpetrated by people known to the victim – relatives, neighbours, friends and professional carers. It can include keeping change, taking cash, misusing bank cards, being dishonest about handing over social welfare payments to the rightful beneficiary, using property without permission, and pressuring people to make changes to property deeds, Power of Attorney, or a Will.

Sage Advocacy casework shows that people can be at risk of financial abuse because of various (sometimes interrelated) factors:

- A high reliance on others (relatives, neighbours and carers) to manage daily living;
- Frailty and/or reduced mobility associated with the ageing process;
- Reduced decision-making capacity;
- A physical/sensory disability and/or reduced mobility; or because of an accident or stroke;
- A lack of understanding of the fact that next-of-kin have no legal rights relating to a person's money and assets;
- A belief by some older people (socially and culturally generated) that they should make their financial assets and property available for inheritance by their children rather than use it for their own care and welfare;
- Established practice over many years where a family has regarded a person's disability payment as a payment to the household rather than to an individual;

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<sup>4</sup> <https://www.centralbank.ie/regulation/consumer-protection/consumer-protection-code/section-48-regulations/part-1-preliminary-and-general>

- A widespread practice of agents for social welfare payments (for example, relatives), collecting a person's payment but not giving it to the recipient or only handing over some of it;
- Subtle coercive control over a person's finances or assets by someone who has 'befriended' them;

While financial abuse may frequently not be obvious, there are several possible indicators:

- Money held in a bank account not been made available to, for example, pay nursing home fees;
- Joint accounts being controlled and managed by only one of the joint account holders;
- People being pressurised by a person who will be a beneficiary of their will/estate to transfer money or assets during their lifetime
- Unexplained debt accumulation, e.g., backlog in the payment of nursing home fees and charges;

### *3.2 The right of each individual to own money and assets and to control these to the greatest extent possible*

Sage Advocacy suggests that, in considering the matter of financial inclusion and equality of access to banking, the Committee should begin with the premise that each individual, irrespective of their decision-making capacity, level of mobility, age or level of frailty have a basic human and legal right to own money and property and to manage it to the greatest extent possible. This is a matter that may not always be well understood by the public generally or by financial services.

The Committee should also take cognisance of the important point that financial abuse is under-identified, under-reported and under-prosecuted<sup>5</sup> and that there has been a failure to date by society to recognise certain conduct as abusive due to long-held assumptions regarding 'family' property, anticipation of inheritance, expectations of financial support provision to family members, and a sense of entitlement on the part of family members. Issues such as dependency on adult children, low financial literacy and lack of knowledge can explain why older people tolerate, fail to recognise and fail to resist financially abusive situations. People can be financially exploited through the use of psychological manipulation or misrepresentation, coercion or undue influence, particularly in the context of family dynamics.

The recent Safeguarding Ireland publication, A Guide to Staying in Control of Your Money, Benefits and Assets<sup>6</sup> sets out various preventative measures that people can take to maintain control of their

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<sup>5</sup> Phelan A, O'Donnell D, McCarthy S. Financial abuse of older people by third parties in banking institutions: a qualitative exploration. *Ageing and Society*. 2023;43(9):2135-2156. doi:10.1017/S0144686X21001574

<sup>6</sup> <https://www.cambridge.org/core/journals/ageing-and-society/article/financial-abuse-of-older-people-by-third-parties-in-banking-institutions-a-qualitative-exploration/8CB9EF01B3A1DC261D0DE177A89E671B>

finances, for example, creating an enduring power of attorney, planning ahead, availing of the decision-making supports legally available under the ADMCA and engaging with an independent advocate.

### *3.3 Impact of embedded social and cultural attitudes*

Advocates continue to encounter cases where the prevailing attitude is one that assumes that a client's finances and assets are 'family property' and are therefore rightly available to family members regardless of the right of the client to be in control of their own money and assets. The persistence of this culture results - in many cases - in clients finding it difficult to protect themselves, their finances and assets, and their right to financial self-determination, sometimes leading to poor outcomes for their welfare and living conditions.

These attitudes also lead to a situation in which other family members can exploit an older person's resources without any reservations or recognition of their actions as being abusive, inappropriate or illegal.

The reasons observed by Sage advocates for family members and others effectively taking over aspects of a vulnerable person's finances range from a 'well-intentioned' perspective on the part of relatives, to blatant financial abuse and theft.

The level of financial abuse reported to the HSE's National Safeguarding Office relating to older persons gives rise to concern. It is also almost certainly the case that many cases of financial abuse or exploitation go unreported either because the person being exploited does not perceive what is happening as abuse and/or is relying on the perpetrator for care and support.

### *3.4 Absence of a presumption of capacity in some instances*

Some people face additional barriers to financial inclusion, especially those in nursing homes and residential facilities for people with an intellectual disability, due to assumptions about capacity because of their place of residence. The Sage Advocacy experience is that on some occasions, clients in nursing homes were presumed to lack capacity solely based on their residence. This led to unnecessary requests for documentation and, on some occasions, refusal of banking services to a person who had decision-making capacity. The Sage experience is that clients with communication difficulties (and on one occasion a physical disability) are often deemed to lack capacity, despite being able to manage their finances when given appropriate tools and support.

### *3.5 Addressing the digital divide*

The Committee has very importantly prioritised digitalisation as a matter for consideration in the context of financial inclusion.

The inexorable move to online and digital banking by all financial institutions creates considerable challenges for a significant cohort of Sage Advocacy clients. In addition to poor access to the required technology and necessary skills, the effective removal of face-to-face contact with financial institutions' staff means that the opportunity for resolving problems – that are sometimes difficult to define or explain – is being denied to a person. Arguably, the absence of reasonable accommodation being available to access or use such services, could amount to discrimination under the Equal Status Acts.

The growing use of digital-only banking services poses a new set of challenges in that many of these financial products and services are provided with zero or minimal access to physical branches or – in some cases – without even telephone access, depending fully on online mechanisms. Advocates have noted that, despite the challenges involved with ebanking, some clients have either opened or – more probably – had digital-only accounts opened for them. In a small number of cases clients struggled to access their accounts as a result of the ebank's requirements regarding identification and consent.

Despite significant progress in Ireland during the past decade in addressing the digital divide, there continue to be cohorts of people who, for various reasons remain digitally isolated.

While a focus has evolved in both public services and financial services on digital access as the default option and, while there is clear merit in this, it clearly needs to be accompanied by an assisted or alternative route to financial services for those who cannot or do not want to access them digitally. Sage Advocacy is strongly of the view that there will continue to be a need for the provision of non-digital alternatives by financial services and that such alternatives would need to be provided by way of ensuring equal access.

Such provisions need to take account of the need to maximise people's ability to control and manage their finances and assets and to provide the supports necessary to enable this. It should be noted that this matter is dealt with extensively in a recently published Safeguarding Ireland Issues Paper, *Adults at Risk: Staying in Control of Their Money, Benefits and Assets*.<sup>7</sup>

Financial services need to give greater attention to the concept of delivering services in a holistic, inclusive and individually-tailored manner, which would include standardised provision of outreach services to people's homes and to nursing homes in instances where people clearly require face-to-face communication and related support to make financial transaction and to understand their finances.

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<sup>7</sup> See <https://safeguardingireland.org/staying-in-control/#>

## 4. Other issues relevant to the Committee

### *4.1 Branch closures and reduced in-branch services*

The closure of local bank branches has resulted in some people having to travel long distances to branches which can incur costs (e.g. taxi) or having to rely on digital services, which often they are unable to access without help. Many Sage Advocacy clients would not have a trustworthy person in their lives to provide such assistance. It is also the case that a hitherto trustworthy person no longer fulfils that role and may even now be perpetrating financial abuse.

### *4.2 HSE Safeguarding and Protection Teams (SPT)*

A significant number of cases closed in 2025 involved interaction by Sage advocates with SPTs. Of 286 such cases in 2025, 173 (61%) were related to financial issues, notably concerns or allegations regarding abuse or threats to a client's finances or assets.

### *4.3 An Garda Síochána*

A lesser but significant number of finance-related cases involve situations in which An Garda Síochána (AGS) are either already involved or become involved at the request of Sage. Sage Advocacy case records indicate that approximatively 3% of all closed cases in 2025 necessitated interaction with AGS. In many instances AGS involvement does not result in criminal proceedings due to a number of factors, notably reluctance of the client to proceed with a case against a family member on whom they feel dependent; lack of decision-making capacity on part of the client; and cases more properly involving civil rather than criminal matters.

### *4.4 Enduring Power of Attorney (EPA) and General Power of Attorney (POA)*

In a small number of cases involving financial matters, issues around EPAs have arisen. These can involve a client wishing to revoke an EPA in order to reestablish control over their finances. Cases involving POAs are considerably more frequent, involving, in many instances, dissatisfaction or allegations regarding the mismanagement or abuse of clients' financial interests by an attorney.

### *4.5 Inappropriate use of Decision-Making Representative Orders (DMROs)/Default to DMR Orders*

The Sage Advocacy experience is that financial institutions frequently resort to DMROs where a person manifests some reduced decision-making capacity as the default option rather than exploring less restrictive supports—co-decision-making or a decision-making assistant, resulting in people unnecessarily losing control over their money. This is contrary to the Guiding Principles of the Assisted Decision-Making (Capacity) Act 2015 requiring not only the presumption of capacity but also the pursuance of the least restrictive intervention only to the extent that is proportionate and necessary. The Code of Practice issued by the Decision Support Service for Financial Service

Providers<sup>8</sup> sets clear guidance for such providers but the implementation or indeed knowledge of this appears limited.

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<sup>8</sup> [https://www.decisionsupportservice.ie/sites/default/files/2023-04/11.%20COP\\_for\\_financial\\_service\\_providers.pdf](https://www.decisionsupportservice.ie/sites/default/files/2023-04/11.%20COP_for_financial_service_providers.pdf)

## 5. Key points for consideration by the Committee

- There are various forms of financial abuse, many associated with misappropriation of money or property and coercive control by family members. There is also evidence of financial exploitation by non-family members, with many victims reluctant to report abuse due to dependence on the abuser.
- Family conflict is a frequent feature of finance-related Sage Advocacy cases. Such conflicts can involve disagreements between family members – other than the client – regarding the management of the client’s assets and finances; allegations of mismanagement and abuse of finances; and conflict between the client and – in many cases – their adult children. In a number of cases Sage advocates have noted situations in which the client experiences hardship and difficulty by being placed in the middle of disputes between their adult children.
- People resident in nursing homes or who have communication difficulties are often presumed by financial services to lack capacity based on their circumstances or appearance, rather than being assessed formally as lacking decision-making capacity.
- Family members, acting as agents for social welfare payments, withholding funds or coercing vulnerable individuals into handing over money, often going unreported due to the victim's reliance on the abuser.
- While some financial services are experienced by Sage advocates as being more accommodating of people who do not meet normative banking requirements, and/or have additional financial support needs, regarding, for example, proof of address, good practice remains inconsistent and often requires the intervention of an advocate to find an institution willing to engage.
- A key point that sometimes remains under the radar is that any financial abuse is essentially theft and a basic denial of people’s right to control all of their assets and to have such assets used only for their benefit;
- It is critically important that there is no departure from the legal requirement provided for in the ADMCA legislation that decision-making capacity in relation to financial and property matters is presumed for all adults unless formally assessed otherwise;

- Financial abuse frequently involves the theft of money or property from an individual and most financial abuse involves someone the person knows and trusts – mainly a relative. In practice, some people have no choice but to engage in risky workarounds in order to manage their money which include shared PINs, shared passwords, and informal joint account arrangements;
- Under the Equal Status Acts, a financial service provider must not discriminate in the provision of its services to protected cohorts of people, including disabled people or based on a person's age. They are also required to provide reasonable accommodation to a person to enable them to access the services.

In conclusion, Sage Advocacy wishes to note that there is much Guidance now in place for financial services in how to deal with people who require additional support to stay in control and manage their finances , including the new Central Bank Code of Practice and the Banking and Payments Federation of Ireland publication, *Guide to Safeguarding your Money Now and in the Future*<sup>9</sup>, the Safeguarding Ireland publication, *Staying in Control of Your Money, Benefits and Assets* and the Decision Support Service Code of Practice for Financial Services (under the ADMCA legislation) . However, the reality is that unless such Guidance and Codes are fully implemented, there will continue to be a cohort of people who will be financially excluded and unable to access and control their finances. Many such people are currently Sage Advocacy clients and require independent advocacy support to manage their money to the greatest extent possible.

Notwithstanding the emergence of new rights-based discourse about the right of all individuals to own money and to be supported to manage and control it to the greatest extent possible, it is the case that many will remain financially excluded and will require independent advocacy support to establish and enforce this right.

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<sup>9</sup> <https://bpfi.ie/wp-content/uploads/2024/02/BPFI-Guide-to-Safeguarding-your-Money.24.pdf>