

Decision-making and Consent

– Supporting decision-making in the absence of a legal framework

Department of Social Protection – Appointment of Agents

The Department of Social Protection advises that where a customer is unable to manage their own financial affairs an agent may be appointed to collect the payment and act on behalf of the claimant or beneficiary.

The payment will be made electronically to a nominated bank account. It is recommended that a separate account be set up for this purpose.

In all cases a medical practitioner must certify that the customer is unable for the time being to manage his or her own financial affairs for reasons which may include one of the following: an inability to understand the basis of possible entitlements to benefit; an inability to understand and complete the claim form; an inability to understand and deal with correspondence and enquiries concerning the claim; an inability to manage benefit payments received.

The Agent: A close family member, or a person appointed to be a care representative are among those who can be appointed agent. The agent must be over the age of 18 years. Where the customer is resident in a care centre for a continuous period of four weeks or more, and where no other suitable person is available and willing to be appointed, a representative of the care centre may be appointed to act as agent.

The agent is responsible for ensuring that the payment is used for the benefit of the customer; monies are not spent on items or services that the customer has an entitlement to and are available; The payment is lodged to an interest bearing account for the benefit of the customer; any changes in the customers circumstances are reported to the Department. The agent must also keep a record of all sums received and all transactions made in relation to the benefit payment, and produce the

records if requested to do so by the customer, his or her nearest relative, or an officer of the Department. The Department may cancel an agency arrangement at any time where it has reason to believe that the arrangement is not working satisfactorily or that the payment is not being used for the benefit of the customer. If this occurs, the agent must, where appropriate, return the payments on request.

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<http://www.welfare.ie/en/Pages/Appointment-of-Agents.aspx>
