

KNOW YOUR RIGHTS

A Guide for Older People



Irish Council for
Civil Liberties

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ABOUT THIS GUIDE

This guide aims to provide older people with information on some of the rights they have when living in Ireland.

These rights come from both Irish and EU law and from regulations which govern services and entitlements. The guide will be useful for older people, people who act as advocates on behalf of older people, and older peoples' representative organisations. The information in the guide is organised using the broad themes of participation, security and health.

The information in this guide covers legal developments up to 2016.

Disclaimer: The aim of this guide is to give general information about your rights. We have done our best to make sure the information is accurate and up to date, but you should not take it as legal advice.

Structure for this guide

There are four main sections in this guide.

SECTION 1

My Right to Autonomy and Participation – outlines your right to make decisions about your care, and provides information about rights and issues that affect your participation in the political, economic, social and cultural life of Irish society.

SECTION 2

My Right to Economic Security – focuses on the economic security of older people and, in particular, on the importance of income and access to pensions in promoting economic security.

SECTION 3

My Right to Health and Wellbeing – focuses on health and wellbeing and identifies some of your rights and entitlements to health and community care services. This section also includes information on your right to long-term nursing home support and to elder abuse supports.

SECTION 4

Useful Contacts – provides contact details for a number of statutory, community and voluntary organisations that may be able to provide additional useful information on issues that matter to older people.

INTRODUCTION

What do we mean by human rights?

Human rights are the basic freedoms and entitlements that all of us have because we are human beings. These rights should be available to everyone, whatever their gender, race, religion, marital or family status, sexual orientation, age, disability and whether or not they are a member of the Traveller community.

Ireland has made commitments under both national and international law to make sure that the rights of everyone living in the State are respected, protected and met.

Who makes sure my rights are respected?

The State must make sure that your rights are respected. This duty comes from sources including:

- the Constitution of Ireland (also known as Bunreacht na hÉireann);
- the European Convention on Human Rights (ECHR); and
- the United Nations (UN) Convention on the Rights of the Child.

All agents of the Government, including An Garda Síochána, schools and health services must respect your rights.



KEY WORDS EXPLAINED

Ageism

A prejudice or discrimination against a person because they are old.

Data Controller

The person who manages the storage and uses of personal data.

Defined benefit pension scheme

A pension scheme where retirement benefits are calculated to a specific formula that creates a set level of income. The amount paid is usually related to each member's length of service and/or their earnings before retirement.

Defined Contribution Pension Scheme

A pension scheme where the retirement benefits paid to each member are not set. The benefits depend on the amount of contributions paid in for that member and the investment earned on those contributions.

Discrimination

When a person is treated in a less favourable way than another person in the same situation. This can happen under any one of the nine grounds of discrimination covered by Irish law. A person can experience discrimination due to their: age, sex, disability, civil status, family status, race, religion, sexual orientation or membership of the Traveller Community.

Elder Abuse

A single or repeated act which causes harm or distress to an older person or violates their human rights. It occurs within any relationship where there is an expectation of trust and can include a lack of appropriate action.

Eligibility and Entitlement

To be 'eligible' means you satisfy certain conditions; to be 'entitled' means you have a right to something. There is an argument that the Health Acts distinguish between eligibility for health services and entitlement to them. The Department of Health takes the view that people are 'eligible' for health services but this is not the same as being 'entitled' to them. An entitlement is a legally enforceable right. The distinction between eligibility and entitlement has never been argued in court.

European Economic Area

Known as the EEA for short. The European Economic Area comprises the 28 member states of the European Union (including Ireland) together with Iceland, Norway and Liechtenstein.

Habitual Residence Condition

A requirement to establish eligibility to certain social welfare payments. The term 'habitually resident' is not defined in Irish law. It is generally accepted to mean that a person has been living in Ireland for some time, and intends to stay for a period into the foreseeable future.

National Treatment Purchase Fund

The organisation authorised by the Minister for Health to negotiate with owners of registered nursing homes to reach agreement on maximum charges for provision of 'long-term residential care services' to Nursing Home Support Scheme residents.

Older Person

A person, defined by the Central Statistics Office, aged 65 years or over. However, there is no internationally accepted agreement about the age at which a person becomes old. The United Nations uses a cut-off of 60 years and over to refer to the older population.

Age discrimination or ageism can be experienced by people who are younger than 65 years of age. There are also significant variations in health status, participation and levels of independence among older people of the same age. In Western countries, old age tends to be associated with the age at which people become entitled to retirement benefits.

Pension Scheme

A type of trust. A trust is an arrangement under which assets are held and looked after on behalf of others, called beneficiaries. A company pension scheme, often called an occupational pension scheme, is a good example of a trust.

Pension Trustee

A person who holds and looks after pension assets for the benefit of members and their dependants. Although assets are held in the name of trustees, they do not belong to them. The conditions of the trust under which the pension scheme is set up are detailed in a legal document called the trust deed and rules. It sets out who can join the scheme, what the benefits are and what contributions are paid.

PRSA

A Personal Retirement Savings Account (PRSA) is a personal pension plan paid for by personal contributions, although employers can also pay contributions to these plans. These plans can be obtained from financial services companies such as insurance companies and banks, and through financial advisers. A PRSA provides a tax-free lump sum and a pension or other benefits at retirement.

Qualified Adult

Adult dependants of social welfare claimants. A payment for a qualified adult may be paid for a person who is wholly or mainly maintained by a social welfare claimant and who is either a spouse, civil partner or cohabitant. For example, a person receiving a State pension may receive a specific payment for their partner as a 'qualified adult'.

Social Care:

Supports people of all ages with certain physical, cognitive or age-related conditions in carrying out personal care or domestic routines.

Treaty:

A legal instrument which sets out the rights and entitlements of the subject of that treaty (for example, women, children, people with disabilities) in a way that can be interpreted by lawyers, judges, the courts and policy makers who must consider the legal implications of these rights.

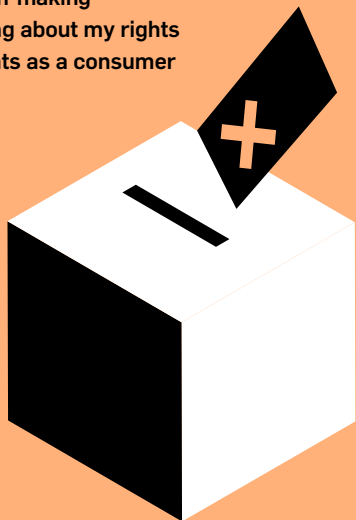
1. MY RIGHT TO AUTONOMY AND PARTICIPATION

What does my right to autonomy mean?

This means that you have a right to make your own decisions about things that concern you – for example, your property, your income and finances, where you live, your health, medical treatment or care.

This section is about some of the key rights you enjoy, and may exercise, as a person living in a democratic country. It begins by highlighting the core principle of autonomy for older people. Information about older people's participation in society is then presented under six headings which are:

- Political participation
- Economic participation
- Social participation
- Decision-making and assisted decision-making
- Knowing about my rights
- My rights as a consumer



Political Participation

Do I have an equal right to political participation?

Yes. All Irish citizens have equal rights to political participation in Ireland.

All citizens aged 18 years and over can exercise their political rights as individuals by voting in elections and referendums. Older people may also stand for election at local, national and European levels in the same way as other candidates.

What do I need to do to exercise my right to vote?

In order to exercise your right to vote, you must make sure your name has been entered in the Register of Electors.

Copies of the Register of Electors are usually available in your post office, public library, Garda Station and local authority. You can also go online to see if you are registered to vote by visiting www.checktheregister.ie.

I am an Irish citizen living abroad. May I vote in Irish elections and referendums?

No. If you are an Irish citizen living abroad, you cannot be entered on the Register of Electors. There is an exception for Irish officials on duty abroad (and their spouses) who can register for a postal vote.

I am not well enough to leave the house but I do want to vote. What can I do?

If you cannot go to the polling station because you have a physical illness or a disability, you are entitled to a postal vote. Application forms for inclusion in the Register of Postal Voters are available from your local authority, post office, public library and Garda Station. Your first application for a postal vote must be returned to your local authority and may need to be accompanied by a medical certificate.

Can I vote if I am in a nursing home or a hospital?

Yes. If you live in a nursing home or a hospital, you have two options if you want to vote.

1. You can register for a postal vote, or
2. You may apply to be entered on a list of special voters who live in hospitals, nursing homes or similar institutions.

Your first application to be entered on the special voters list must be accompanied by a medical certificate.

Politicians visit nursing homes to meet residents. Informal hustings (meetings where candidates speak to the gathering) may be organised in day rooms at election times and, in many nursing homes, presiding officers are present to enable residents to cast their vote in the place where they live.

Do I have other political rights apart from the right to vote?

Yes. You have the right to freely express your views and opinions, and to represent your views and opinions individually and collectively to your public representatives, to the media and to the general public.

You are also free to form and join associations and organisations – for example, trade unions.

Is there any upper age limit on standing as a candidate for election?

No. Older people are free to stand for election at local, national and European levels in the same way as any other candidates. There is no upper age limit.

I am a retired member of a trade union. Does the trade union represent my interests?

Not necessarily. The main focus of trade unions is on representing the interests of their employed members. The law under which trade unions participate in collective bargaining does not provide for the inclusion of retired workers in negotiations.

If your trade union has a retired workers section, this provides a forum for informing retired members about their rights, and identifying and acting on issues of concern. Some unions actively promote the benefits of retired membership and some retired workers sections actively raise issues on behalf of retired workers and retired members of the union.

However, there are grey areas. It is recognised that there are issues on which employed and retired members of a union may have conflicting interests and perspectives. This is an area which some unions are now exploring with their membership.

How can I keep track of changes to policy and laws affecting me as an older person?

The Citizens Information Board (CIB) is an excellent source of information on policy and laws for citizens of all ages. Online information is updated regularly – for example, after the Budget each year. The CIB also publishes, both online and in print, a monthly journal called *Relate* which outlines developments in social services, policy and legislation in Ireland.

The added value of *Relate* is that it translates changes in the law into plain English.

- You can read original legislation at www.statutebook.ie.



Economic Participation

Do I have an equal right to participation in the labour force?

Under equality legislation, people are protected against discrimination in employment on nine grounds. Age is one of the nine grounds. However, there are limits to the protection provided by equality legislation due to some of the exemptions permitted under the legislation.

For example, one of those exemptions allows employers to set an employee's retirement age in their contracts of employment.

Is there a mandatory retirement age?

No, there is no mandatory retirement age. However, employers may require their employees to retire at a certain age, for example, 65 years. An employment contract is a private matter between an employer and an employee.

The State pension has recently been raised to 66 years. This means you will not be entitled to receive the State pension before your 66th birthday. In addition, the number of years for which you must work before qualifying for a full State pension is set to increase over the coming years, meaning that you may be older than 66 before you qualify for a pension. This is shown in the table below.

Many retired people might have a gap in income after they retire and before they qualify for a State pension. However, a person who is unemployed for a period of time before qualifying for the State pension may be entitled to receive social welfare payments such as Jobseekers Benefit. For example, a person who is 65 years of age and who has made at least 156 PRSI contributions can continue receive Jobseekers Benefits until they reach their 66th birthday.

In addition, a person who is 62 years or over and claiming Jobseekers Benefit is not required to take part in labour activation programmes (for example, job training) and will not be penalised for not taking part.

What is the State pension age?

Birthday	State pension age	Year new date takes
Born on or after 1 Jan 1949	66	1 Jan 2014
Born on or after 1 Jan 1955	67	1 Jan 2021
Born on or after 1 Jan 1961	68	1 Jan 2028

Social Participation

Do I have an equal right to participate in my community?

Yes. Everyone has an equal right to participate in their community. You can choose to become involved in social, cultural, education and training activities, as well as in public life.

In practice, though, your interaction with others and your involvement in activities might be restricted – for example, if you are not independently mobile or if you do not have independent access to transport.

I am interested in further education. Where should I go?

The National Learners Database, www.qualifax.ie, provides comprehensive information on all aspects of learning. It explains a process called Recognition of Prior Learning (RPL), and gives information on courses and opportunities for students, including mature students.

You can also make contact with the Education and Training Board (formerly the VEC) in your area to find out about local education opportunities. The Boards are currently required to prioritise education and training provision for people who are unemployed and on the Live Register. However, they also offer a range of adult education programmes.

If you are interested, you should contact the Board's community education facilitator who can tell you about community-based learning groups in your area.

Am I entitled to financial assistance for education?

As there is no upper age limit to undertake a full-time third level course, mature students may apply to the Student Universal Support Ireland (SUSI) for grant assistance. These grants are means tested. For further guidance and information, contact support@susi.ie or ring the helpline at 0761 08 7874. You can keep up to date by visiting www.susi.ie where you will find answers to frequently asked questions as well as guidance notes on the grant application process.

I don't have access to a computer and I don't know how to use a computer. What can I do?

As a first step, you could join your local library. Your library will have computer facilities and information about computer training courses in your area, including courses provided by organisations working with older people. Joining the library is a matter of filling in a membership card and providing a copy of your ID.

I have turned 60. What do I need to know about my driving licence?

The period of time for which a driving licence is issued depends on the age of the applicant. There are four age brackets that affect the period of the licence:

1. If you are **under 60**, you may apply for a 10-year licence or a 3-year licence (on medical grounds). Since 19 January 2013, the maximum period for a truck or bus driving licence is 5 years.
2. If you are **over 60 but under 67**, you may apply for a licence that will expire the day before your 70th birthday. The maximum period for a bus or truck driving licence is 5 years.
3. If you are **over 67 but under 70**, you may apply for a 3-year licence.
4. If you are **over 70**, you may apply for a 3-year licence or a 1-year licence, but you will need a certification of fitness to drive from your doctor.

When can I get a Free Travel Pass?

The Free Travel Pass is available to people aged 66 and over. It is also available to certain people with disabilities under 66. What does the Free Travel Pass cover? Your Free Travel pass allows you to travel, free of charge, on public transport and on

a number of private bus and ferry services. There is no restriction on the amount of free travel you use or the times of travel. In most cases, people who are entitled to free travel are also entitled to have their spouse, civil partner or cohabitant travel free with them. Also, if you are unable to travel alone for medical reasons, you may get a Free Travel Companion Pass that allows a person over 16 to accompany you free of charge. You can also use your Free Travel pass on any of the schemes under the Rural Transport Programme.

Information on Rural Transport Programme services in your local community is available on the website of the Rural Transport Network. <http://ruraltransportnetwork.ie/>

Can I travel to Northern Ireland?

Yes. Free Travel pass holders can complete return trips to Northern Ireland free of charge. You can also travel free on journeys that start and end within Northern Ireland. In order to do this, you must have a Senior Smart Pass. You can get an application form for this at your local social welfare office.

Residents of Northern Ireland who hold Northern Ireland concession passes can complete return trips to Ireland free of charge.

As an older person, do I have a right to obtain travel insurance when I travel abroad?

Usually, older people can obtain travel insurance for travelling abroad. However, insurance can cost more for those aged 65 and over. Conditions attached to insurance policies vary depending on your age, the part of the world you're travelling to and the terms and conditions of particular companies. For example, a company may not offer travel insurance to customers aged 80 years and over who are travelling in the USA, Canada or the Caribbean. Customers should check the terms of an insurance policy carefully before buying.

Decision-making and Assisted Decision-making Do I have a right to make my own decisions?

Yes. Unless a court has declared otherwise, all adults have the right to make decisions about their lives, their finances, their personal care and their health care. The majority of older people make these decisions without involving anyone else.

Information on court decisions about capacity is included below. See below **'What is a co-decision making agreement?'**

Can I give someone else the power to make decisions for me?

Yes. You can choose to delegate or grant the power to make decisions on your behalf to another person. This is done by giving them 'power of attorney' to act on your behalf.

What is power of attorney?

A small number of people may have problems making, implementing, or communicating their decisions. If you become incapable of dealing with your affairs, for whatever reason, there are various legal arrangements you can make to have someone else do these things on your behalf.

Your capacity to make decisions may be limited because of an intellectual disability, some form of mental illness, an acquired brain injury, some form of dementia or an inability to communicate decisions. The Dáil has recently enacted the Assisted Decision-Making (Capacity) Act 2015 which puts in place a new system to support decision-making by adults who have lost some or all capacity to make decisions for themselves. When the new laws come into force, these new arrangements will replace the existing Wards of Court system, where the court becomes the decision maker for the incapacitated person.

What are the circumstances in which I might need assistance with decision-making?

You might need assistance with decision-making relating to your personal welfare or property. Personal welfare may include decisions about:

- Where you should live
- People with whom you may have contact
- Your employment, training and rehabilitation
- Your diet and dress
- Inspection of your personal papers
- Whether or not you may travel outside the State
- Granting or refusing consent to new treatment or continued treatment by a healthcare professional

What should I do if I think that my capacity is in question?

Under the new arrangements, if you think that you need assistance to make decisions, you may enter into a 'decision-making assistance agreement' with someone you trust. This trusted person can help you make decisions about your personal welfare or property. This person can also help you access any information you need to make your decision. You can ask this trusted person to speak on your behalf. Under this agreement you still make the actual decision yourself.

What is a co-decision making agreement?

If a court decides that you lack the capacity to make decisions on your own, but that you would have the capacity if another person was helping you, it may make an order approving a 'co-decision making agreement'. This means that decisions would be made jointly by you and the co-decision maker. The Assisted Decision-Making (Capacity) Act 2015 details how these arrangements will be put in place and the procedures to be followed in applying to the courts on matters related to assisted decision-making.

What is the Office of the Public Guardian?

The new law provides for the establishment of the Office of the Public Guardian. The main function of the Public Guardian will be to supervise decision-making assistants, co-decision-makers, decision-making representatives and persons holding enduring powers of attorney.

What is an enduring power of attorney?

An enduring power of attorney is a legal document that you sign at a time when you have mental capacity. The document authorises another person (the attorney) to act on your behalf in the future if your mental incapacity diminishes – for example, if you develop dementia. In order to create an

enduring power of attorney, you must engage a solicitor and follow the procedures for getting a medical assessment and informing family members.

Knowing my Information and Legal Rights

What are my data protection rights?

Under the data protection laws, you have a right to:

- access your personal data,
- find out free of charge if an individual or an organisation holds information about you,
- be given a description of that information, and
- be told the purpose for holding the information.

You must make a request for this information in writing. The Office of the Data Protection Commissioner provides guidelines on how to make this request. www.dataprotection.ie or LoCall 1890 252 231.

How is my personal data protected?

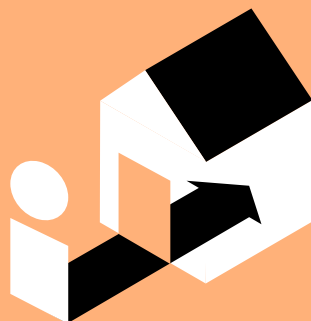
Under the law, if an organisation holds your personal information, it may not make this information available to a third party unless you were told when you gave this information in the first place that it would be shared. There are some very limited exceptions to this rule – for example, where information is required for criminal investigations.

I have decided to transfer property to a relative. Can the same solicitor handle the transaction for both of us?

Usually, no. Due to changes in law and regulations, family members can no longer attend the same solicitor, or two solicitors in the same company, to undertake a voluntary transfer of property between them. If, for example, you wish to transfer property to an adult child or to relatives, you and the relative must each obtain independent legal advice and engage separate solicitors to act for each of you.

The purpose of the new arrangements is to protect vulnerable or older people from pressure to transfer property, and to ensure there is no conflict of interest in the advice given to both parties.

But there are some exceptions. The main exception relates to the voluntary transfer of a shared family home from its owner to the joint tenancy of that owner and their spouse or civil partner.



In what circumstances can the Ombudsman help me?

The Ombudsman investigates complaints about public service organisations – for example, government departments, local authorities, the HSE, An Post, Education and Training Boards, third level colleges. The Ombudsman can look at complaints about the actions of public service organisations including their decisions, their refusal or failure to act, and their administrative procedures.

How do I make a complaint to the Ombudsman?

Before you complain to the Ombudsman, you must first make your complaint to the public service organisation in question using its internal complaints or appeals procedures. This is usually done in writing (by letter or email). You are entitled to know if an organisation has an official complaints procedure. You can also ask for the name of a person to whom you can address your complaint in writing.

If you fail to resolve the complaint in this way, then you can ask the Ombudsman to investigate the matter. The Ombudsman is based in Dublin but the office has an outreach service which visits regional offices of the Citizens Information Board to enable people to access the service. The website of the Ombudsman gives clear guidance on how to make a complaint. www.ombudsman.gov.ie

My Rights as a Consumer Do I have rights as an older consumer?

Yes. Under Irish law, the rights of all consumers are protected. This includes the right not to be discriminated against when buying goods or services because of your age. Some services have regulations or codes of practice to protect consumers from bad practices. For example, the **Consumer Protection Code** protects customers who purchase financial services such as banking, loans and other credit facilities.

How is the Consumer Protection Code relevant to me?

The Consumer Protection Code offers you protection as a consumer in your dealings with financial service providers. These include banks, insurance companies and mortgage companies in relation to buy-to-let properties. The Code requires providers to act fairly, honestly and in the best interests of the consumer. A provider who misleads you or puts undue pressure on you to make a financial transaction or buy a product, is breaking the Consumer Protection Code.

The Code sets out very specific requirements that providers must meet. For example, a provider must give you correct information about savings and investments, handling your payments, advertising, and applying charges for the services they provide.

2. MY RIGHT TO ECONOMIC SECURITY

Does the Consumer Protection Code offer specific protections to older customers?

Not as such, but the provisions of the Code are relevant to consumers of all ages. Whereas the Code does not identify older people as a specific group, it does, however, state that when providers identify a personal customer as 'vulnerable', they should ensure that this person "is provided with such reasonable arrangements and/or assistance that may be necessary to facilitate him or her in dealing with the (provider)".

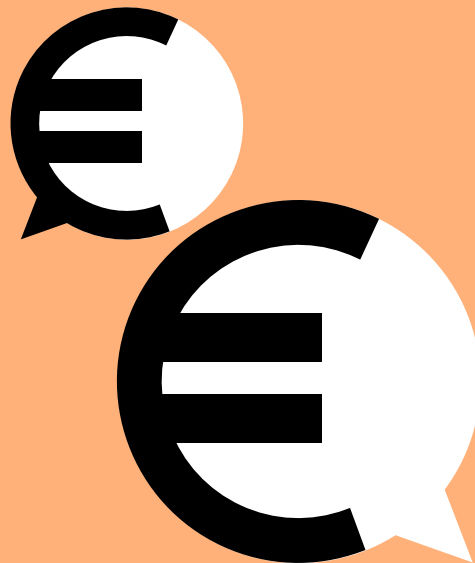
I have a complaint about a financial service I received. What can I do?

You can complain to the financial service provider using their complaints procedure. Under the Consumer Protection Code, financial service providers must have written complaints procedures in place. These procedures set out the time-frame for receiving a response to your complaint. They also ensure that you have a named person to communicate with during the complaints process.

If you want advice on how to make a complaint to a financial services provider, you can get step-by-step guidance from the Financial Services Ombudsman website, <https://financialombudsman.ie>.

What is the Financial Services Ombudsman?

If you have not been able to resolve your complaint with a financial services provider using the provider's complaints procedure, you may take your complaint to the **Financial Services Ombudsman**. The Financial Services Ombudsman offers a free and independent service, and has powers to investigate individuals' complaints regarding banks, building societies, insurance companies, credit unions, stockbrokers and health insurance companies.



What is meant by economic security?

If you are to participate fully in Irish society, you need an assurance of economic security – that is, financial security – in later life. Your income during your later years is likely to be based on your pension, and that is why this section of the guide focuses on pension issues.

This section of the guide examines:

- Pension options
- Access to a State pension
- Private pension options
- Pension levy
- Complaints about pensions

Pension Options

Will the State pension provide income for my retirement?

The State pension will provide a basic level of retirement income if you meet the qualifying conditions. The full single person's State pension (Contributory) is currently (2016) €233.30 a week or roughly €12,130 a year.

Most people's retirement income comes from one or more of the following sources:

- A State pension
- An occupational pension scheme
- A personal pension plan in the form of a Personal Retirement Savings Account (PRSA) or Retirement Annuity Contract (RAC)

How do I access a State pension?

The State pension qualifying age is currently 66. More information on changes to the State pension age are contained in Section 1.

There are two categories of State pension:

- State pension (Contributory), and
- State pension (Non-Contributory).

You apply for contributory and non-contributory State pensions to the Department of Social Protection who will assess your application. They advise that you should apply for your State pension **three months** before reaching the age of 66. If you have paid social insurance contributions in more than one country, you should apply **six months** before reaching the age of 66.

How do I qualify for a State pension (Contributory)?

The State pension (Contributory) is not means-tested. In order to get this pension, you need to meet three conditions.

You need:

- to have paid social insurance contributions (PRSI) before the age of 56;
- to have a certain number of social contributions paid (if you reach pension age on or after 6 April 2012, you need to have 520 full rate contributions – that is ten years' contributions); and
- to have a certain average number of contributions over the years since you

first started to pay social insurance. Your average number of contributions determines the level of pension you receive.

The following table shows how the average number of contributions made effects the weekly pension rate.

2016 weekly rates of State pension (contributory)

Yearly Average Number of Contributions	Weekly Pension Rate*
48 or over	€233.30
40 – 47	€228.70
30 – 39	€209.70
20 – 29	€198.60
15 – 19	€152.00
10 – 14	€93.20

*Figures correct at May 2016

The Department of Social Protection advises that the qualifying conditions for the pension are complex and that, if you have ever paid social insurance contributions, you should apply for a pension so that your eligibility can be assessed.

Up-to-date information on the qualifying conditions is available from the Citizens Information website: www.citizensinformation.ie.

Accessing a State Pension

How do I qualify for a State pension (Non-Contributory)?

The maximum personal rate of State pension (Non-Contributory) is €219.00 for anyone aged between 66 and 79 and €229.00 for anyone aged 80 or over. In order to qualify for a State pension (Non-Contributory), you must meet five conditions. You must:

- live in the State while getting this pension;
- be aged 66 or over;
- have a valid Personal Public Service Number (PPS No);
- satisfy a means test, and
- satisfy the Habitual Residence Condition (meaning that a person has to show that they have been living in Ireland for some time, have links here such as family and employment.

What does the means test involve?

Your 'means' are any income belonging to you or your spouse or partner, and any property (except your own home) or any asset that could provide you with an income. In assessing your eligibility for a State pension (Non-Contributory), a social welfare inspector, acting on behalf of the Department of Social Protection, will assess your means. You will get the maximum personal rate of State pension (Non-Contributory) if your weekly means are €30 or less.

My main occupation has been as a homemaker. How does this affect my access to a State pension?

If you were working in the home as a full-time carer for your children or other family members before April 1994, you will have gaps in your social insurance record. These gaps mean that it is unlikely that you will qualify for a State pension (Contributory) in your own right.

If your partner qualifies for a State pension (Contributory), they may qualify also for a Qualified Adult Allowance on your behalf. With your partner's consent, this allowance may be paid directly to you. You may also apply for a State pension (Non-Contributory) in your own right.

What is the Homemakers' Scheme and is it relevant to me?

Under this scheme, any contribution year spent as a homemaker may be disregarded in the calculation of the yearly average up to a maximum of 20 years. In other words, the fact that you do not have contributions in those years will not affect your entitlement to a State pension.

If you have been working in the home as a full-time parent for your children, or you have been a carer for other family members after April 1994, the provisions of the Homemakers' Scheme are relevant to you. The scheme is of greatest relevance to those

who work outside the home for a number of years, spend a number of years as carers (of children up to age 12 or adults requiring substantial care), and then return to the labour force.

How is my State pension paid?

Your State pension is paid weekly. You may collect the pension from your local post office or arrange to have the pension paid directly into an account in a financial institution.

I cannot get out of the house to go to the post office or the bank. Can another person collect my pension for me?

Yes. You can name and authorise another person to collect your pension on your behalf. This person is known as your 'agent'. You must complete and return a form to the Department of Social Protection if you want to authorise another person to collect your pension.

The form states that you should not be pressurised to authorise another person to act as your agent. The form also states that the agent is obliged to pay the full amount of the pension to you without deduction of any kind.

If an agent is being authorised to collect your pension due to mental frailty or physical incapacity on your part, the form must be signed (and certified) by your GP or a medical practitioner who has examined you within the previous 30 days.

These requirements for third party signatures are built into the process to protect older people who may be vulnerable to financial abuse on the part of an agent.

I am not sure about my social insurance record. What can I do?

You can request a copy of your social insurance contributions record by completing an online form on the website of the Department of Social Protection, www.welfare.ie.

You can also write to or telephone the Records Section in the Department of Social Protection and request a statement of your records. The address is:

PRSI Records

Department of Social Protection
McCarter's Road,
Ardaravan, Buncrana,
Donegal

Private Pension Options

I want to find out about the different types of private pensions and options for saving for my retirement. What should I do?

The Pensions Authority has produced a booklet called 'What are my pension options? A guide on pension provision and the types of pension plans you can use to save for your retirement.'

This guide describes all the options in plain English, and provides a glossary explaining key pension terms that you need to understand if you are to make informed choices.

You can find the guide at your local library, Citizens Information Centre or download it from the Pensions Authority website at www.pensionsauthority.ie (under Publications, then Information Booklets).

I want to understand how my occupational pension scheme works. What should I do?

The Pensions Authority has produced a booklet called 'How does my pension scheme work? A guide for members of occupational pension schemes.'

This guide explains all aspects of occupational pension schemes in plain English. It is available to download from the Pensions Authority website at www.pensionsauthority.ie (under Publications, then Information Booklets).

Occupational pension schemes may be either 'defined benefit pension schemes' or 'defined contribution pension schemes'. Both are explained on page 22.

The Pension Levy

What is the Pension Levy?

The Government introduced a pension levy – a deduction – of 0.6% in 2011 to pay for

the Jobs Initiative. At the end of 2014, the amount of the levy was changed to 0.15% and it continues to apply.

The levy applies to all forms of private pensions: defined benefit, defined contribution, Additional Voluntary Contributions (AVCs). It does not apply to public sector pensions. Some of the proceeds of the levy will be used to meet any funding shortfall when defined benefit occupational pension schemes are being wound up in cases where the employer is bankrupt.

Complaints about Pensions

I have a complaint about my pension. What can I do?

What you can do depends on the type of pension concerned. There are different complaints procedures for the State pension, an occupational pension or a personal pension plan. Each is explained in the following paragraphs.

I have a complaint about my State pension. What steps should I take?

The first step is to contact the Social Welfare office dealing with your pension benefit. If you cannot resolve the issue at this level, the next step is to take an appeal to the Social Welfare Appeals Office (SWAO) which operates independently of the Department of Social Protection. If you are not satisfied with the outcome of this process or the manner in

which it was handled, you may bring the issue to the Ombudsman, www.ombudsman.ie.

I have a complaint about my occupational pension scheme. What steps should I take?

If you have a complaint about your occupational pension scheme, you should begin by raising the issue with the person in your organisation who deals with the pension scheme. If this does not resolve the issue, you then follow up with the administrator of the scheme, moving onto the trustees if necessary.

If you follow the internal procedure and you still can't resolve your complaint, you can then contact the Pensions Ombudsman. The Pensions Ombudsman decides individual complaints where there is both poor scheme administration and financial loss. You can also contact The Pensions Authority for advice and guidance. The Pensions Authority regulates occupational pensions and PRSAs (Personal Retirement Savings Accounts), and can investigate the state and conduct of pension plans. It can also take court action against trustees for the protection of scheme members and their rights.

I have a complaint about my PRSA. What should I do?

If you have a complaint about the management of your PRSA, you should first of all contact the PRSA provider directly and try to resolve the issue with them. Failing

3. MY RIGHT TO HEALTH AND WELLBEING

that, you can bring your case to the Pensions Ombudsman who has investigative powers in relation to PRSAs where there is poor administration and financial loss. Also, the Pensions Authority regulates all PRSA products, and will provide advice if you contact them for help.

The Government has announced that it intends to merge the Office of the Pensions Ombudsman with the Financial Services Ombudsman's Bureau. At the time of publication, the merger has not yet taken place.

What is the difference between a defined benefit and defined contribution pension scheme?

Under a **defined benefit scheme**, your pension income will be based on years of service and salary. You may also have the option to exchange some of your retirement income for a lump sum payment at retirement.

Under a **defined contribution scheme**, you and your employer together contribute to build up your retirement account. This retirement account should grow over the course of your working life through investment growth and ongoing contributions. The retirement account can be used to provide you with retirement benefits, such as a lump-sum payment on retirement, and an income for life. However, the value of benefits available will depend on the size of the retirement account when you retire.

What is the significance of the new 'priority order' for defined benefit pension schemes?

When a defined benefit scheme is being wound up, its assets are distributed in a specific order of priority. For example, existing pensioners have higher priority than future pensioners. If the scheme is fully funded, then all liabilities are met. If the scheme is underfunded or insolvent, then people with a lower priority do not get what they expected from the scheme.

New rules were introduced in law on 25 December 2013 reducing the rights of existing pensioners and improving the priority given to 'future pensioners'. Future pensioners are people currently in employment or deferred members of the scheme. A deferred member is someone who is entitled to a pension payment at a future date. Normally this would be an early leaver but the term can also be used to describe someone whose retirement has been postponed.

Before these new rules were introduced, existing pensioners were prioritised and their benefits safeguarded as far as possible. Under the new rules, existing pensioners still receive priority, but with a cap or limit on the amount of benefit payable to them. The guaranteed minimum payment is €12,000 a year of their occupational pension for existing pensioners. If the scheme is insolvent and cannot meet this payment, the State will be required to do so.

What kind of health supports can I expect as I age?

The network of health and social care services to which older people have access as they age is a fundamental part of a supportive and age-friendly environment. This section of the guide focuses on clarifying older people's rights and entitlements in accessing services that support health, wellbeing and care.

The sections are:

- Access to health and community care
- Private health insurance
- Access to nursing home care
- Making decisions about healthcare
- Health records
- Giving feedback and receiving support
- Elder abuse

Access to Health and Community Care

What are my basic healthcare rights?

Under health legislation, the Health Service Executive (HSE) is obliged to provide certain services for everyone who is ordinarily resident in Ireland. The HSE must also provide hospital services for everyone.

Other services may be provided by the HSE. Community care services such as home help, home care packages, physiotherapy,

occupational therapy, chiropody and psychological services are available at the discretion of the HSE.

Can I access healthcare free of charge?

If you are a medical card holder, you can access the following services free of charge:

- **GP Services:** Medical card holders can access GP services free of charge.
- **Prescription Charges:** As a medical card holder, you are entitled to prescribed drugs and medicines, subject to a small charge per item prescribed.
- **Hospital in-patient care:** Medical card holders are entitled to access treatment and maintenance free of charge in public beds in HSE hospitals and voluntary hospitals.
- **Nursing Services:** The HSE is obliged to provide a free nursing service to medical card holders. This service is provided by public health nurses who frequently act as a point of contact for other community care services in their area.
- **Community Care Services:** In general, medical card holders may access community care services free of charge.

Other free schemes

Apart from medical card holders, there are two other groups who may access some services free of charge:

- People with a **GP Visit Card** are entitled to free GP visits. Everyone aged 70 or over and ordinarily resident in Ireland, is eligible for free GP care regardless of income.
- People who qualify for the Long Term Illness Scheme are entitled to drugs, medicines and surgical appliances for the treatment of their illness free of charge. The scheme is open to individuals with specific illnesses including diabetes, multiple sclerosis, epilepsy and Parkinson's disease.

What happens if I am not a medical card holder?

If you are not a medical card or GP Visit Card holder, you must pay for GP services. You do, though, have access to the Drug Payment Scheme. Under this scheme, there is a cap of €144 a month on the amount you and your family are required to pay for prescribed medicines, drugs and certain appliances. Also, you are entitled to maintenance and treatment in public beds in HSE hospitals and voluntary hospitals subject to an overnight charge of €75 a night up to a maximum of €750 in one year.

How can I get a medical card?

You apply online or by post to the HSE. This is different to a GP Visit Card (see above under "Other Free Schemes").

Everyone aged 70 or over who applies for a medical card is subject to a means test. The means test for a medical card is based on gross income from all sources except compensation awards and income from a certain amount of savings and investments. The gross weekly income limit is €500 if you are a single person, and €900 for a couple. Currently, the savings limit is set at €36,000 for a single person and €72,000 for a couple.

Medical and social circumstances are not considered in deciding access to the over-70s medical card.

What are community care services?

Community care services are designed to enable people to remain living in their communities especially when they have difficulty doing so because of illness, disability or age.

Examples of community care services include public health nursing, home help, home care packages, occupational therapy, chiropody, respite care and daycare centres. Services may be provided by the HSE, by voluntary organisations or by private care providers.

How do I access community care services?

Unlike the medical card system, there is no central application for access to community care services.

The HSE advises people to contact their GP, public health nurse or local health office if they wish to access community care services. People about to be discharged from a hospital or hospice may be assisted to access community services by hospital or hospice staff who can make contact on their behalf.

Will I be able to access health and community care services when I need them – for example, specialist treatment?

In general, GP services are available between 9am and 6pm depending on the practice. Normally, there is no problem with access during the working day, and generally a same-day service is provided. GPs are obliged to provide out-of-hours services and usually do so through a co-operative (for example, North Doc, South Doc, and so on). Patients should contact their GP for details of out-of-hours services in their area.

In terms of access to consultants, diagnostics, hospital beds, treatment, surgical and other procedures, delays are common and these affect public patients in particular. People with private health

insurance have generally had faster access to consultants, diagnostics and surgical procedures.

Access to community care services is severely limited and not provided for equally in all parts of the country.

What is palliative care?

Palliative care is an approach to care which aims to give the best quality of life to patients and their families when they are faced with life-limiting or life-threatening illness. Palliative care takes a 'holistic' approach – it considers what is best for the complete person rather than simply treating the symptoms of the illness they have. This approach aims to help people cope with the physical, emotional, psychological and spiritual challenges they face in the course of their illness, and to help them die well and with dignity.

The usual healthcare professionals such as GPs, public health nurses, hospital nurses and doctors can take a palliative approach to patients' care. If a patient has more complex needs or hard-to-control symptoms, the medical team may involve specialist palliative care services – often known as hospice care services.

Specialist palliative care is available in the home (hospice homecare nurses), in acute hospitals and in specialist, in-patient units (hospices).

How can I access palliative care?

Your GP or hospital doctor can refer you to specialist palliative care services if they feel that you need specialist input. There are community-based hospice homecare teams in every county in the country. There are specialist in-patient units in:

Dublin	Our Lady's Harold's Cross, St. Francis Raheny and Blackrock Hospices
Kildare	St. Brigid's Hospice
Galway	Galway Hospice
Sligo	Northwest Hospice
Cork	Marymount University Hospice
Donegal	Donegal Hospice, Letterkenny
Limerick	Milford Care Centre

More information is available from the Irish Hospice Foundation at Tel: 01 679 31 88, or www.hospicefoundation.ie

Can I get help if I need to make home adaptations due to disability or frailty?

There are three schemes under which an older person or a person with a disability may apply for financial assistance to make home adaptations.

These are:

- the Housing Aid for Older Persons Scheme,
- the Housing Adaptation Grant for People with a Disability, and
- the Mobility Aids Grants Scheme.

The schemes are operated by local authorities. However, budgets for the schemes are limited, waiting lists are used, access is means-tested and each of the three schemes has different qualifying conditions. The best approach is to contact the Housing Department in your local authority to find out more about the schemes operating in your own area.

Do I have any rights to health care if I am travelling in Europe?

Yes. If you are an EU/EEA national travelling in or staying temporarily in another state of the European Economic Area (EEA) or Switzerland, you are entitled to receive free medical care if you become ill or have an accident.

You must carry a European Health Insurance Card (EHIC) to avail of this entitlement. The EHIC is free and enables you to access State-funded care in the country you are visiting but it does not cover the costs of your transport home. You can apply online to the HSE for an EHIC, or get an application form from your HSE Local Health Office. You should make the application at least one month before you leave Ireland.

Private Health Insurance

What happens when I become an in-patient in a public hospital if I have private health insurance?

Regardless of your health insurance status, you have a right to treatment and maintenance in public beds in HSE and voluntary hospitals. However, you must make a choice between being a public or a private patient.

If you opt to be treated as a private patient in a public hospital, you are deemed, under legislation enacted in January 2014, to have waived your right to in-patient hospital services. That means you are then required to pay as a private patient for all aspects of your care including your occupancy of any category of hospital bed. Depending on the level of health insurance you have, some or all of these costs could be covered.

People who are not covered by private medical insurance can still opt to be treated as a private patient if they have the means to do so.

How do I know if my private health insurance plan will cover all my costs in a public hospital?

The extent to which your private insurance will cover the costs of your hospital stay if you opt to be treated as a private patient depends on the nature and scope of your specific health insurance plan.

If you already have private health insurance, the paperwork that came with your policy should give you details of the costs your health plan covers. At any stage, you can contact your insurance provider and ask them about your cover. Sometimes, if you know you are going to have certain procedures carried out, it can be reassuring to contact your provider to check that you are covered for those procedures.

If you are shopping for private health insurance, it's important to examine the different plans offered by different providers to choose the one that suits you best. There are currently four private health insurance companies (Aviva, GloHealth, Laya and VHI) offering a very large number of in-patient hospital plans to customers. Comparing and contrasting the benefits offered under this number of plans can be time-consuming and difficult.

The Health Insurance Authority has an up-to-date online tool that helps you to compare health insurance plans. You can visit their website to compare health insurance plans at www.hia.ie.

What is community-rated health insurance?

Ireland has a community-rated health insurance system which means that everyone is charged the same rate for the same product regardless of their age, sex or health status.

Access to Nursing Home Care

Do I have a legal right to nursing home care?

Unfortunately, it is not clear.

The Department of Health and HSE are of the view that, since the Nursing Home Support Scheme (NHSS), also known as the Fair Deal Scheme, was introduced in 2009, people do not have a legal right to nursing home care. The Ombudsman has disagreed, suggesting that a right to nursing home care continues to be the case under the Health Act 1970.

So, what happens if I need long-term nursing home care?

If you need long-term nursing home care, you can apply for financial assistance towards the costs under the Nursing Home Support Scheme (NHSS). Under the NHSS, you make a contribution towards the costs of your care and the State pays the balance.

The scheme covers care in approved private nursing homes, voluntary nursing homes and public nursing homes. Anyone who is ordinarily resident in Ireland and who is assessed as needing long-term care can apply for the scheme. There is a cap on the annual budget for the NHSS, and applicants may be placed on a waiting list.

How do I go about choosing a nursing home?

You can arrange to visit a nursing home and see everything for yourself. There is also a website www.myhomefromhome.ie which provides information on private, public and voluntary nursing homes in Ireland, including details on levels of care and services available.

The Health Information and Quality Authority (HIQA) inspect nursing homes and publish nursing home inspection reports on their website www.hiqa.ie.

What is involved in my assessment for the Nursing Home Support Scheme?

There are two steps to the assessment. The first is a Care Needs Assessment which is carried out by a healthcare professional appointed by the HSE. You will be given a copy of the report and the reasons for the decision on your care.

The second step is a financial assessment which looks at your income and assets in order to work out what your contribution to your nursing home care will be. This is explained in more detail in the next paragraph.

What does the financial assessment for the Nursing Home Support Scheme involve?

For the financial assessment, you are asked to provide information on your income and assets. Income includes any earnings, pension income, social welfare benefits or allowances, and any income that you would have been entitled to but didn't claim in the five years leading up to your application.

Broadly speaking, an asset is any material property or wealth, including any property or wealth outside of the State. If you have a spouse or partner, the assessment will be based on half of your combined income and assets as a couple. For example, if your income as a couple is €600 per week, your assessment will be based on €300.

How much will I have to pay towards the costs of my care under the Nursing Home Support Scheme?

Following the financial assessment, you will be told what your contribution to care costs will be. You will contribute 80% of your assessable income and 7.5% of the value of any assets every year for a maximum of three years. However, the first €36,000 of your assets, or €72,000 for a couple, will not be counted at all in the financial assessment. The valuation of assets for the Nursing Home Support Scheme includes the valuation of your principal residence – that is, your home.

Your principal residence will only be included in the financial assessment for the first three years of your time in care. This is known as the **'three-year cap'**. It means that you will pay a 7.5% contribution towards the cost of your care based on your principal residence for a maximum of three years. After three years, even if you are still getting long-term nursing home care, you will not pay any further contribution based on the principal residence.

What are the implications of the Nursing Home Support Scheme for my family home?

The payment of the 7.5% contribution to the costs of your care based on land and property assets in the State, including your family home, may be deferred and collected from your estate after you die. This is optional and is known as the 'Nursing Home Loan' element of the Nursing Home Support Scheme. It means that you do not have to find the money to pay this part of the cost of your care while you are alive. The loan is then repaid to Revenue when your property is sold following your death. Alternatively, you may choose not to take out a Nursing Home Loan and to pay your 7.5% contribution, capped at 22.5% of the value of your assets, while you are alive.

The three-year cap applies whether you decide to opt for the nursing home loan or not.

What happens in the case of a couple when one person is remaining in the family home and the other is going into a nursing home?

In the case of a couple, the contribution based on the principal residence will be capped at 11.25% where one member of the couple remains in the home while the other enters long term nursing home care. The three-year cap still applies. If you opt for the nursing home loan for the principal residence, your spouse or partner can also apply to have the repayment of the loan deferred for their own lifetime.

What care does the Nursing Home Support Scheme cover?

The scheme covers “long-term residential care services”. According to the National Treatment Purchase Fund, long-term residential care services are defined as:

- bed and board;
- nursing and personal care appropriate to the level of care needs of the person;
- bedding;
- laundry service; and
- basic aids and appliances necessary to assist a person with the activities of daily living.

What is not included in “long-term residential care services”?

According to the National Treatment Purchase Fund, “long-term residential care services” do not include:

- daily delivery of newspapers;
- social programmes;
- all therapies (see next section);
- incontinence wear;
- chiropody;
- dry cleaning;
- ophthalmic and dental services;
- transport (including Care Assistant costs);
- specialised wheelchairs; and
- hairdressing and similar services.

What if I need access to specialised therapies?

The Nursing Home Support Scheme (NHSS) does not cover the cost of specialised therapies and services such as physiotherapy, occupational therapy and chiropody. Patients with medical cards in public nursing homes may receive these services from the HSE. However, patients with medical cards in private nursing homes do not have access to these services from the HSE.

What is the ‘contract of care’?

Before you go into a nursing home, a ‘contract of care’ is agreed between you and the nursing home. This is an important document setting out details of the services to be provided to you and the fees to be charged.

Take time and care before signing the contract to ensure that you are clear about what is, and is not, covered by the fees you are paying; and to verify that you will not face unexpected fees in the future.

How will my rights be protected in a nursing home?

All nursing homes, public and private, must now be registered with the Health Information and Quality Authority (HIQA). HIQA conduct regular inspections to ensure that nursing homes comply with national quality standards, and homes must re-register every three years.

The inspections are a mixture of both announced and unannounced visits, which could happen during the day, in the evening, at weekends or at night. During the inspections, inspectors meet with residents in the nursing homes and listen to their views on the home.

HIQA conduct the inspections in relation to a set of 32 standards. These standards set out what a quality, safe service for an older person living in a residential care setting should be. The standards are grouped into seven sections covering:

- the rights of residents;
- protection of residents;
- health and social care needs;
- quality of life;
- staffing;
- the care environment; and
- management and governance.

There are also extra conditions that apply to residential care settings that specialise in the care of people with dementia.

What if I need support to make my views known when I go into the nursing home?

An organisation called Third Age manages a volunteer programme that provides support to residents in nursing homes. Volunteers are matched with residents, and they meet regularly. They develop trusting relationships and the volunteer undertakes to represent a resident’s views and wishes at all times.



Making Decisions about Health Care

Who makes decisions about my health care?

In general, you make the decisions. Medical and surgical procedures may not be carried out without your informed consent. Adults who are capable of making decisions have the right to refuse any medical or surgical treatment, and to insist that such treatment be discontinued – even if the inevitable consequence is severe pain or death. The views of your family may be sought, but they have no legal right to give or withhold consent for medical treatment on your behalf.

What is an Advance Healthcare Directive (AHD)?

An Advance Healthcare Directive, sometimes known as a 'living will', is a statement made by a person with capacity. This means the person has the ability to understand information and make a decision. In an AHD, you will set out your will and preferences about medical treatments that may arise in the future at a time when you no longer have capacity and so cannot make decisions.

Anyone over 18 who has capacity can prepare an AHD. Your preferences must be expressed in writing and witnessed. You can change your AHD at any time, verbally or in writing.

Is an Advance Healthcare Directive legally binding?

The Government has included a provision for Advance Healthcare Directives in the new law governing mental capacity – the Assisted Decision Making (Capacity) Act 2015. The law is expected to be active soon. When this law becomes active, it will be possible to make AHDs that will be legally binding. You should check with your healthcare provider about the requirements for making an AHD.



Health Records

May I access my health records?

Yes. You may access your personal data held by a doctor, a hospital or a consultant that is treating you in a private capacity.

However, it is possible sometimes for health professionals to withhold information. This could happen if, in the opinion of the health professional or medical facility, releasing the information to you could potentially damage your physical or mental health. In those circumstances, your health record should be made available to your GP who will then talk you through it.

May I access my deceased relative's health records?

The right to access personal data only applies to the personal data of living individuals. Access to medical records of deceased relatives is also generally restricted. The Irish Medical Council has produced strict guidelines for healthcare professionals on when they can and cannot release patient information to relatives of a deceased patient.

However, there are some circumstances in which a healthcare professional (or hospital) may disclose confidential medical records to others – for example, if the patient consents when living or when it is required by a court, for example in medical negligence cases.

Giving Feedback and receiving Support

How do I give feedback or make a complaint about a health or social care service?

The most useful single point of contact is www.healthcomplaints.ie if you want to give feedback or make a complaint about a health or social care service in Ireland. This online resource has been built by a group of organisations chaired by the Ombudsman. It provides information for people (and their families, carers and advocates) who use health and social services. This information sets out options, guidelines and links to complaints procedures for 15 organisations providing health and social care services.

Where can I get additional information about services?

The Citizens Information website www.citizensinformation.ie provides information to the public on their rights and entitlements including health and social welfare benefits. Citizens Information Centres (CICs) and the Citizens Information Phone Service (CIPS) provide assistance and advice to older people who are applying for State pensions. CICs and CIPS also provide information on appealing HSE decisions on medical cards and other health and social care benefits. In many CICs, advice and assistance is provided to older people appealing HSE decisions and to those who are going through a social welfare appeals process.

Elder Abuse

When might elder abuse be relevant to me?

Elder abuse is relevant to you if you are experiencing abusive treatment from another person or if you are concerned about a relative or friend who is being abused. There are several different forms of elder abuse and there are signs and indicators that it is good to be aware of, in your own case, or in the case of a friend, neighbour or relative. The forms of elder abuse include:

- psychological abuse;
- neglect;
- financial or material abuse;
- physical abuse;
- sexual abuse; and
- discrimination.

What are the signs of psychological elder abuse?

Consider the possibility of psychological abuse if:

- someone else's behaviour makes you feel afraid;
- you are experiencing feelings of hopelessness or helplessness because of the attitude or behaviour of others;
- you are made to feel tearful and agitated.

What are the signs of neglect?

Consider the possibility of neglect if:

- you are not getting enough to eat and drink;
- your clothes are not being washed when required;
- you are not being provided with appropriate clothing for the weather conditions;
- you are being denied the aids you need, for example, glasses, hearing aid, dentures;
- you are being left alone for long periods when you cannot move about easily or prepare meals without assistance;
- you are bed- or chair-bound and you experience significant discomfort which is not alleviated when you bring it to someone's attention.

What are the signs of physical abuse?

Consider the possibility of physical abuse if:

- you have been treated roughly – enough to leave marks or bruises;
- you have been treated violently which caused broken bones, sprains, dislocations or other injuries;
- someone has inflicted pain on you,
- Your spouse or partner is abusing you.

What are the signs of sexual abuse?

Consider sexual abuse if someone has forced you to be intimate with them without your consent.

What are the signs of financial abuse?

Consider the possibility of financial abuse if:

- someone else has access to your accounts without your full permission;
- you feel pressured to allow someone else access to your accounts;
- someone else makes decisions about your money without speaking with you;
- you feel you have lost all control over your money;
- your money is being spent by someone else for things other than your bills, clothes, food and necessities;
- you feel pressured to give money to someone else.

What should I do about elder abuse?

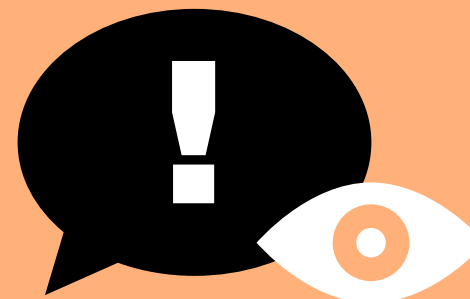
If you are experiencing elder abuse, or you think a relative or friend is suffering, you can speak with your GP or public health nurse.

The HSE now has a dedicated Elder Abuse Service with senior case workers who are located in each Local Health Office area of the HSE. Their names and contact details are available and they will want to hear from you if you are concerned about elder abuse.

If you are concerned about elder abuse, call save the **HSE Information Line. Call 1850 24 1850**

The HSE Information Line is open Monday to Saturday from 8am to 8pm. This service will provide you with details of the HSE staff in your local area that can help you.

Elder abuse is a very serious matter and may be a crime. If you believe you have been the victim of a crime, you should contact the Gardaí.



4. USEFUL CONTACTS

Complaint and Redress Bodies

There are a number of organisations and bodies that can provide older people with useful information or assistance. They are grouped together by theme and listed here in alphabetical order along with a short description of what they do and how they can help you.

If you wish to make a complaint, you should first raise the issue with the organisation or person that you feel has breached your rights to give them a chance to fix the problem. You can do this informally or use their complaints form if they have one. If you are dissatisfied with the response or you feel that the matter has not been resolved, one of the following bodies may be able to help you.

Data Protection Commissioner

The Data Protection Commissioner investigates complaints by individuals who feel their right to privacy has not been adequately protected or their personal details have been wrongly used.

If you give any personal details or information to an organisation or individual, that organisation or person has a responsibility to respect your right to privacy by keeping your information safe and private.

The Commissioner's website has a plain English guide on your rights under data protection law.

Canal House, Station Road,
Portllington,
Co Laois
Tel: 057 868 4800
LoCall: 1890 252 231
Email: info@dataprotection.ie
www.dataprotection.ie

Financial Services Ombudsman

The Financial Services Ombudsman deals independently with unresolved complaints from consumers about their individual dealings with all financial service providers, for example, banks, building societies, credit unions, insurance companies, stockbrokers, health insurance companies. To fill out an online complaints form, please visit the website.

3rd Floor, Lincoln House,
Lincoln Place, Dublin 2
LoCall: 1890 882 090
Tel: 01 662 08 99
Email: enquiries@financialombudsman.ie
www.financialombudsman.ie

Garda Síochána Ombudsman

You can make a complaint to the Garda Síochána Ombudsman (GSO) about the behaviour of a Garda if:

- it has affected you directly,
- you were a witness to the behaviour, or
- you want to do so on behalf of someone else and you have his or her permission.

You must complain within six months of the incident taking place, unless you have a good reason for the delay. Your parent or guardian can also make a complaint on your behalf. The GSO will decide if they can consider your complaint (if it is 'admissible'). If it is admissible, the Ombudsman may refer the complaint for mediation – a process to give you and the person or organisation

you are complaining about a chance to work towards a satisfactory solution, or the Garda Commissioner may investigate your complaint.

If the complaint is upheld, disciplinary measures may be taken against the Garda in question or it may, if more serious, be referred on for criminal prosecution.

150 Upper Abbey Street, Dublin 1
Local: 1890 600 800
Email: info@gsoc.ie
www.gardaombudsman.ie

Irish Human Rights and Equality Commission (IHREC)

The Irish Human Rights and Equality Commission (IHREC) works to protect and promote human rights, and to make sure that discrimination does not occur in relation to any of the nine areas outlined in equality legislation: age, gender, marital status, family status, disability, race, sexual orientation, religious belief or membership of the Traveller Community.

You can complain to IHREC if you feel that you have been discriminated against. IHREC can provide you with information on equality law. It may provide legal assistance if you have been unlawfully discriminated against in employment or when accessing a service. You can also ask IHREC to carry out an enquiry or to give you legal advice or assistance to take a case if you feel that your human rights have been breached or ignored. However, it will

only consider your request for an enquiry or take a legal case where there is no other more appropriate body to deal with your complaint.

16 – 22 Green Street, Dublin 7
Tel: 01 858 9601
LoCall: 1890 245545
Email: info@ihrec.ie
www.ihrec.ie

Office of the Information Commissioner

If you have applied for any of your records from a public body under Freedom of Information legislation and have been refused, then you may appeal this decision to the Information Commissioner.

You must have asked the public body to review its original decision before you can ask for a review by the Information Commissioner. The review is free if it relates to personal records.

18 Lower Leeson Street, Dublin 2
Tel: 01 639 5689
LoCall: 1890 253238
Email: info@oic.gov.ie
www.oic.gov.ie

National Consumer Agency

If you think a business has breached your consumer rights, you can report the business to the National Consumer Agency. This agency can also provide you with information on consumer rights, how to manage your money and product safety.

4 Harcourt Road, Dublin 2
Tel: 01 402 5555
LoCall Helpline: 1890 432 432
www.consumerhelp.ie

Office of the Ombudsman

The Office of the Ombudsman examines complaints from members of the public who feel they have been unfairly treated by certain public bodies.

18 Lower Leeson Street, Dublin 2
Tel: 01 639 56 00
Lo-call: 1890 223 030
Email: ombudsman@ombudsman.gov.ie
www.ombudsman.gov.ie

Pensions Authority

The Pensions Authority is the regulator for occupational pension schemes, Trust Retirement Annuity contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) in Ireland. Enquiries about pension schemes can be made by writing or calling the Authority at the following details:

The Pensions Authority, Verschoyle House,
28 – 30 Lower Mount Street, Dublin 2
Tel: 01 613 1900
Email: info@pensionsauthority.ie
www.pensionsauthority.ie

Pensions Ombudsman

The Pensions Ombudsman investigates and rules on complaints from members and beneficiaries regarding Occupational Pension Schemes, Personal Retirement Savings Accounts (PRSAs) and Trust Retirement Annuity contracts.

4th Floor, Lincoln House,
Lincoln Place, Dublin 2
Tel: 01 676 60 02

e-mail: info@pensionsombudsman.ie
www.pensionsombudsman.ie

Workplace Relations Commission

If you are in employment, and you feel that your employer has not respected your employment rights, then you may make a complaint on your behalf to the Workplace Relations Commission.

The Workplace Relations Customer Services (WRCS) is part of the Department of Jobs, Enterprise and Innovation. The WRCS can deal with all employment and workplace enquiries. It can also refer complaints to the appropriate authorities.

The Commission also deals with discrimination concerning access to goods and services. If you have been discriminated against by an organisation or an individual when trying to access goods or services the

Commission will try to help you to come to an arrangement with the person or organisation through mediation. If this is not successful, then the case may be heard by an Equality Officer who can make a legally binding decision.

O'Brien Road Carlow
Tel: 059 9178990.
Lo-call: 1890 80 80 90

www.workplacerelations.ie

Legal Bodies

You can seek legal advice from a solicitor if you have a legal query, need legal guidance or representation in legal proceedings, or help with legal documents. You might need to get legal assistance for matters such as divorce, separation and custody; employment law; immigration status; contract law or for any other legal matter.

You have a right to a lawyer if you are brought to court by the Gardaí. If you cannot afford a lawyer, the judge will provide a lawyer for you free of charge.

Below are some useful contact details.

Bar Council of Ireland

This is the representative and regulatory body for barristers. If you are looking for a barrister or have a complaint about your barrister, you can contact the Bar Council.

Bar Council Administration Office
Four Courts, Dublin 7
Tel: 01 817 5000

Email: barcouncil@lawlibrary.ie
www.lawlibrary.ie

Free Legal Advice Centres (FLAC)

This non-governmental organisation works towards achieving access to justice. The organisation works across a range of issues and provides some basic, free legal services to the public.

13 Lower Dorset Street, Dublin 1
Information and Referral Line: 1890 350 250
Tel: 01 874 5690
www.flac.ie

The Law Society of Ireland

This is the representative and regulatory body for solicitors. If you are looking for a solicitor or have a complaint about your solicitor, you can contact the Law Society.

Blackhall Place, Dublin 7
Tel: 01 672 4800
Email: general@lawsociety.ie
www.lawsociety.ie

Legal Aid Board

The Legal Aid Board is responsible for legal aid if you can't afford to pay for legal assistance. It provides legal aid in relation to civil matters – for example, personal injuries or applications for asylum. It does not deal with criminal issues.

The Legal Aid Board also provides mediation in family disputes, and civil legal aid and advice to people who cannot afford a solicitor.

Head Office:
Quay Street, Cahirciveen, Co Kerry
Tel: 066 947 1000

Dublin Office:
47 Upper Mount Street, Dublin 2
Tel: 01 644 1900

LoCall: 1890 615 200
Email: info@legalaidboard.ie
www.legalaidboard.ie

Information on Public Services

Citizens Information Board

The Citizens Information Board is a public information service that provides detailed information about your rights to healthcare, housing, social welfare and education.

The Board provides information through a network of over 250 Citizens Information Centres (CICs) around the country and through their website. CICs can provide you with information or direct you to another appropriate body or mechanism which may be able to help you. You should call the helpline or visit their website to find the closest centre to you.

Tel: 0761 07 4000
www.citizensinformation.ie

Government Agencies

Department of Health

This is the government department responsible for matters relating to health policy in Ireland.

Hawkins House, Dublin 2
Tel: 01 635 4000
www.health.gov.ie

Department of Social Protection

This department is the government department that provides income supports, benefits, employment services, and advice to members of the public.

The department's website contains information about available benefits and supports, and how to access them. It also has information on the location of your nearest Social Protection office.
www.welfare.ie

Older People

Active Retirement Ireland

Active Retirement Ireland (ARI) is a voluntary organisation for older people. It has 25,500 members and 550 local groups around the country. All the activities are aimed at keeping older people active and well. A list of local groups is available from the website.

124 The Capel Building, Mary's Abbey, Dublin 7
Phone: 01 873 3836
Email: info@activeirl.ie
www.activeirl.ie

Age Action Ireland

Age Action is a national not for profit organisation working to improve the lives of older people. Age Action provides a number of services to older people including 'Care and Repair' – a service for carrying out minor repairs for older and vulnerable people free of charge, computer training and information, and also campaigns for older people at a national level.

30/31 Lower Camden Street, Dublin 2
Tel: 01 475 6989
Email: info@ageaction.ie
www.ageaction.ie

Age & Opportunity

Age & Opportunity is a national organisation that inspires everyone to reach their full potential as they age.

It promotes opportunities to engage in arts and cultural activities, sport and physical activity and opportunities to learn and be involved as active citizens. Age & Opportunity is responsible for the Bealtaine Arts Festival for people aged 50 and over, and Go for Life – the national sports programme for older people.

Marino Institute of Education,
Griffith Avenue, Dublin 9
Tel: 01 805 7709
E-mail: info@olderinireland.ie
www.ageandopportunity.ie

Sage

Sage promotes support and advocacy services for older people in Ireland. It works to expand access to support and advocacy services in all care settings, in the community and wherever ageing poses a challenge for individuals. Sage provides information and advice on how to access independent support and advocacy services. Sage is a service of Third Age.

Tel: 1850 71 94 00
8am – 10pm daily

Third Age

Third Age is a national voluntary organisation celebrating the third age of life when people may no longer be in paid employment, but can remain healthy, fulfilled and continue to contribute to society. Third Age organises a number of activities and services for older people including the Senior Helpline and Sage Support and Advocacy Services for Older People.

Summerhill, Co Meath
Tel: 046 955 77 66
www.thirdageireland.ie

LGBT Older People

Gay and Lesbian Equality Network (GLEN)
This non-governmental organisation campaigns for equality for lesbian, gay and bisexual people in marriage, at home, at school, at work and in the wider community.

2 Exchange Street Upper, Dublin 8
Tel: 01 672 8650
Email: info@glen.ie
www.glen.ie

Traveller Older People

Irish Traveller Movement

The Irish Traveller Movement is a national network of groups and individuals that work within the Traveller community. Its regional networks aim to increase Traveller participation and provide support to Travellers at local level. Its National Working Groups address policy issues concerning Travellers, including those affecting young Travellers.

4 – 5 Eustace Street, Dublin 2
Tel: 01 679 6577
www.itmtrav.com

Pavee Point

Pavee Point aims to improve the living circumstances and quality of life of Irish Travellers.

46 North Great Charles Street, Dublin 1
Tel: 01 878 0255
Email: info@pavee.ie
www.paveepoint.ie

Hotlines

Alzheimer National Helpline

Helpline Advisers and trained Helpline Volunteers are available to talk to you in confidence about issues relating to dementia including:

- Different causes of dementia
- How a diagnosis is made
- Accessing services and supports
- Practical tips for living well day-to-day
- Legal and financial affairs

Tel: 1800 341 341
Open 6 days a week, Monday – Saturday

Aware

Call Aware for support and information for people who experience depression or bipolar disorder and their concerned loved ones.

Free Phone: 1800 80 48 48
Lines are open every day 10am – 10pm

Sage Information and Advice / Rapid Response Service

Sage provides information and advice on how to access independent support and advocacy services for older people.

Tel: 1850 71 94 00
Email: 1850@sage.thirdageireland.ie

Senior Help Line

A confidential listening service for older people provided by trained older volunteers for the price of a local call.

LoCall: 1850 440 444
Line are open every day 10am – 10pm

Dublin Rape Crisis Centre National Helpline

This is a free, confidential, listening and support service for people who have been raped, sexually assaulted, sexually harassed or sexually abused at any time in their lives. It is open 24 hours a day, 365 days a year.

Tel: 1800 77 8888
Email: counselling@rcc.ie

Samaritans

Samaritans provide a telephone service that operates day and night if you are in distress. Volunteers help you talk through whatever is troubling you, find the answers that are right for you, and offer support. The service is free and confidential, and you don't have to give your real name or any personal information if you don't want to.

4-5 Usher's Court
Usher's Quay, Dublin 8
Free 24 Hour line: 116 123
www.samaritans.org

Women's Aid Helpline

This free phone helpline offers confidential information, support and understanding to women in the Republic of Ireland, who are being physically, emotionally, financially and sexually abused by their boyfriends, husbands and partners.

Open 7 days a week from 10 am – 10 pm
(except Christmas Day): 1800 341 900

On the Web

Irish Internet Hotline

The Irish Internet Hotline provides you with a way to securely and confidentially report child pornography and other forms of illegal online content and activity. You can make a report by email, post, telephone or by using an app (available on their website).

Unit 25 Sandyford Office Park, Blackthorn Avenue, Dublin 18
Tel: 1890 610 710
Email: info@hotline.ie
www.hotline.ie

Health

Drugs.ie – Drug and Alcohol Information and Support

Drugs.ie is an independent website managed by The Ana Liffey Drug Project. The website aims to help individuals, families and communities prevent and or deal with problems related to drug and alcohol use. It provides information on support, training, counselling, rehabilitation and treatment.

48 Middle Abbey Street, Dublin 1
HSE Drug and Alcohol Helpline: 1800 459 459
Email: info@drugs.ie
www.drugs.ie

Health Service Executive (HSE)

The HSE provides health and social services to everyone living in Ireland. HSE services are delivered in hospitals, health facilities and in communities across the country.

The HSE provides a wide range of services for older people in Ireland. More information on these services is available on the HSE website.

For questions about health services, your entitlements, or how to access HSE health or social services in your area call the HSE infoline from 8am – 8pm, Monday to Saturday.

Callsave: 1850 24 1850
Tel: 041 685 0300
Email: infoline1@hse.ie
www.hse.ie

Irish Osteoporosis Society

The Irish Osteoporosis Society provides information to the public and health professionals on all aspects of the disease and offers support to people with Osteoporosis, their families, and everyone at risk from the disease.

33 Pearse Street, Dublin 2

Tel: 01 677 4267

E-mail: info@irishosteoporosis.ie

www.irishosteoporosis.ie

Mental Health

Aware

Aware provides support and information for people who experience depression or bipolar disorder and their concerned loved ones.

72 Lower Lesson St, Dublin 2

Tel: 01 661 7211

Free Phone: 1800 80 48 48

Let Someone Know

A website that provides information on mental health, and on how to seek help.

www.letsomeoneknow.ie

MyMind

MyMind provides mental wellbeing services in Dublin, Cork and Limerick.

1 Chelmsford Road, Ranelagh, Dublin 6

Tel: 01 4433964

Email: info@mymind.org

www.mymind.org

National Office for Suicide Prevention

This HSE department is responsible for the National Strategy for Action on Suicide Prevention. It also co-ordinates suicide prevention efforts around the country.

Stewart's Hospital, Mill Lane,

Palmerstown Dublin 20

Tel: 01 620 1672

Email: info@nosp.ie

www.nosp.ie

Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. They are the representative, umbrella body for Rape Crisis Centres who provide free advice, counselling and support for survivors of sexual abuse.

The Halls, Quay Street, Galway

Tel: +353 91 563676

Email: admin@rcni.ie

www.rcni.ie

St Patrick's Mental Health Services Support and Information Service

This is a telephone and email service run by experienced mental health nurses. It also has an answering and call-back facility outside of these hours. It provides advice and support if you are worried about any aspect of your own mental health or that of a friend or family member.

Helpline: 01 249 3333

9 am – 5 pm Monday to Friday

Email: info@stpatsmail.com

Online form: www.stpatricks.ie/support-information-service

Disability

Alzheimer Society of Ireland

The Alzheimer Society of Ireland is a dementia specific service provider in Ireland.

National Office

Temple Road, Blackrock, Co Dublin

Tel: (01) 207 3800

Alzheimer National Helpline: 01 1800 341 341

Email Helpline: helpline@alzheimer.ie

www.alzheimer.ie

Disability Federation of Ireland

The Disability Federation of Ireland (DFI) is a national support organisation for over 130 voluntary disability organisations in Ireland who provide services to people with disabilities. The DFI provides a range of services, including information, training, research and advocacy.

Fumbally Court, Fumbally Lane, Dublin 8

Tel: 01 454 7978

Email: info@disability-federation.ie

www.disability-federation.ie

Enable Ireland

Enable Ireland provides free services to children and adults with disabilities and their families from 40 locations in 14 counties.

32F Rosemount Park Drive, Rosemount

Business Park, Ballycoolin Road, Dublin 11

Tel: 01 872 7155

Email: communications@enableireland.ie

www.enableireland.ie

Family Carers Ireland

This organisations was formerly known as The Carers Association and Caring for Carers. Family Carers Ireland is a national voluntary organisation supporting family carers in the home. There is a network of Family Carers Resource Centres across Ireland. These centres are listed on the Family Carers Ireland website.

Contact the Family Carers Careline on:

Free Phone: 1800 240 724

www.familycarers.ie

HSE Disability Services

The Health Service Executive (HSE provides a range of services for people with intellectual, physical and sensory disabilities or autism.

These services include basic health services as well as assessment, rehabilitation, income maintenance, community care and residential care. Some services are provided directly by the HSE.

Information on disability services in your county is available on the HSE website – just search for 'disability services'.

www.hse.ie

Inclusion Ireland

Inclusion Ireland represents over 160 organisations and campaigns for changes in services and legislation that will improve the quality of life and participation of people with an intellectual disability in Irish society.

Unit C2, The Steelworks, Foley Street, Dublin 1

Tel: 01 855 9891

Email: info@inclusionireland.ie

www.inclusionireland.ie

National Disability Authority

The National Disability Authority is the independent state body that provides expert advice on disability policy and practice to the Government.

25 Clyde Road, Dublin 4

Tel: 01 608 0400

Email: nda@nda.ie

www.nda.ie

Office of the Disability Appeals Officer

The Disability Appeals Officer is an independent officer appointed by the Minister for Health. The Officer provides an appeals service to people who are not satisfied with the outcome of appeals against HSE disability needs assessments.

Freepost, 3rd Floor Hawkins House,

Hawkins Street, Dublin 2

LoCall: 1850 211583

Email: appeal@odao.ie

www.odao.ie

Homelessness

Focus Ireland

Focus Ireland works with people who are homeless or are at risk of losing their homes. It offers advice, support, education and housing to help people to have and keep a home. Focus Ireland has offices in Dublin, Waterford, Limerick, Kilkenny, Cork and Sligo.

For a full list of their offices, and to make contact, visit the Focus Ireland website.

9–12 High Street, Christchurch, Dublin 8
Tel: 01 881 5900

www.focusireland.ie

Peter McVerry Trust

Peter McVerry Trust offers a range of services to address homelessness. Services include drop-in centres in the Dublin area for young homeless people, drug treatment, temporary accommodation and housing.

29 Mountjoy Square, Dublin 1
Tel: 01 823 0776

Email: info@pmvtrust.ie

www.pmvtrust.ie

Simon Communities in Ireland

The Simon Communities work throughout Ireland to provide care, accommodation and support for people experiencing homelessness and those at risk. To find the nearest Simon office to you, please go their website.

National Office: St. Andrews House,
28–30 Exchequer St, Dublin 2
Tel: 01 671 1606

Email: info@simoncommunity.com

www.simon.ie

The Justice System

An Garda Síochána

The Irish police service.

Garda HQ: Phoenix Park, Dublin 8

Tel: 01 666 0000

Garda Confidential Helpline: 1800 666 111

Emergencies: 999

www.garda.ie

(For complaints about the Gardaí, see the Garda Síochána Ombudsman above at page 36).

Courts Service

The Courts Service manages the courts in Ireland. It provides information on the courts system to the public.

15–24 Phoenix Street North
Smithfield, Dublin 7

Tel: 01 888 6000

www.courts.ie

Crime Victims' Helpline

The Crime Victims Helpline supports and helps victims of crime and all those affected by crime. It provides information about the criminal justice system and referrals to other resources that may help.

Opening hours:

Monday: 10 am – 7.30 pm

Tuesday to Friday: 10 am – 5 pm

Saturday and Bank Holidays: 2 pm – 4 pm

Sunday: Closed

Outside of these hours you can leave a message and your call will be returned.

Free phone: 116 006

Email: info@crimevictimshelpline.ie

Text: 085 133 7711

www.crimevictimshelpline.ie

Director of Public Prosecutions (DPP)

The DPP is in charge of prosecutions on behalf of the State and the people of Ireland.

14–16 Merrion Street, Dublin 2

Tel: 01 678 9222

www.dpp.ie

KNOW YOUR RIGHTS:

A Guide for Older People

Know Your Rights is a public information project of the Irish Council for Civil Liberties (ICCL), designed to inform people in clear and accessible language about their rights under various key areas of the law in Ireland.

This is the seventh guide in the Know Your Rights series. This, and other guides in the Know Your Rights series, are also available for print and download free of charge on our webpage, www.knowyourrights.ie. This guide provides information in plain language about your rights as an older person in Ireland.

Topics covered in the guide include:

- Voting and Elections
- Pensions
- Consumer Rights
- Data Protection
- Health and Community Care
- Private Health Insurance
- Elder Abuse

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