

Submission from the Department of Health and Children

Dear Ms Fitzgerald,

Thank you for your invitation to comment on the Second Consultation on Review of Consumer Protection Code Consultation Paper CP 54.

The Department of Health welcomes the inclusion of the additional protections relating to vulnerable consumers. As you may know the Health Service Executive (HSE) led National Financial Abuse of Older Persons Working Group has made a submission in relation to the Second Consultation Report. The Department would like to add its support to this submission, particularly in relation to disclosure of information in certain circumstances.

The 2010 Study on the prevalence of elder abuse in Ireland found financial abuse to be the most common form of abuse while the analysis of 2008 referrals to the HSE elder abuse service found allegations of financial abuse most likely to be found inconclusive. Disclosure of information, where such disclosure is made with the express or implied consent of the customer, and made in the best interest of the customer could play an important role in proving or disproving allegations of financial abuse.

While I realise that you have asked for comments in relation to specific issues, this Department would again recommend inclusion of a definition of financial abuse. This may assist staff of regulated entities recognising unusual activities being carried out by vulnerable customers.

If you have any queries please do not hesitate to contact my colleague, Ms Maria Stanley at (01) 635 4050 or Maria.Stanley@health.gov.ie.

Yours sincerely,

Marie Kennedy

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