



Safeguarding Service Users from Financial Abuse Policy

Policy Statement

This policy sets out the values, principles and policies underpinning the care home's approach to the handling of service users' money and finances, including where it needs to investigate and deal with suspected financial irregularities and possible abuse.

The policy aim is to ensure that service users' financial interests are fully safeguarded by the care home by taking all reasonable measures to prevent possible abuse and by dealing with it promptly and correctly if it occurs or there are suspicions of it occurring.

The policy has been developed to ensure that the home complies with its safeguarding responsibilities under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and the statutory guidance for the Care Act 2014 (Chapter 14: Safeguarding)

The goal of the home is to ensure that service users retain or enhance their financial independence for as long as possible. The home will also take all possible steps to ensure that, where practicable, service users are protected from abuse, neglect and self-harm, including protection of service users' money and financial arrangements.

The home considers that its service users have a right to expect that the service will be run in an honest and sound financial basis with robust procedures for dealing with and protecting the financial interests of service users. It is committed to the highest standards of moral and ethical behaviour. All employees are expected to report known or suspected financial irregularities.

Registered Persons and Directors

Registered persons (including the registered manager) and any Directors appointed to the organisation are subject to the fit and proper person's tests described in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, which amongst other matters will establish and review their financial probity.

Management of Service Users' Money and Financial Arrangements

The home believes that keeping your own money, and spending it on whatever you want, is an important element in maintaining our human dignity and in being able to exercise choice and autonomy. The home believes that this is just as important in care homes as it is outside, and service users should therefore have the same rights to manage their own financial affairs and handle their own money as anybody else.

Principles Followed in this Home

- Service users have the right to spend their own money how they wish to spend it.
- Service users have the right to keep their financial affairs private. This includes where they might already have appointed or seek to appoint a Lasting Power of Attorney.
- Staff ensure that service users retain effective control of their own money except where they state that they do not wish to.
- Service users who might lack capacity to manage their own money are always assessed in line with the Mental Capacity Act 2005 and their best interests are met as outcomes of the assessment.
- The home will comply with all legal requirements imposed by the Courts in connection with the control of service users' financial affairs.

Assessment of Service Users' Capacity to Manage their Own Financial Arrangements

When a new service user enters a home, their ability to manage their finances will be assessed and any concerns about their capacity discussed fully with the service user, their relatives, GP and social services key workers.

Any person lacking mental capacity will have an agreed plan to secure their best interests in these matters. The plan will be formulated to ensure as much independence and choice that the person is able to make. In taking these actions the home will act fully in line with the Mental Capacity Act 2005, which states that individuals must be regarded as capable to take a decision unless it is proved otherwise.

Any help provided will be fully documented in their care plan and reviewed on a regular basis.

The principles of the Mental Capacity Act governing the home's approach to assessing service users' capacity to manage their own money are as follows.

- Individuals must be assumed to have capacity (to take their own financial decisions) unless it is established that they lack capacity.
- Individuals are not to be treated as unable to make a decision unless all practicable steps have been taken without success to help them take the decision.

- Individuals must not be treated as unable to make a decision just because they might or have been known to make an unwise decision in the past.
- When people take a decision on behalf of someone else who lacks capacity they must act in that person's best interests.
- If anyone takes a decision on behalf of someone lacking capacity at the time, they must act so as to minimise any restriction to that person's rights and freedom of action.

Safeguards and Security

Management Responsibilities

1. The management will ensure that adequate safeguards are in place to protect the financial interests of service users, particularly in respect of any who have been assessed as lacking capacity under the Mental Capacity Act 2005. No service user will be deprived of the right to control and spend their money as they want to without the necessary legal safeguards being in place.
2. The home will keep secure written records of all transactions with service users.
3. The registered manager will ensure that residents' personal allowances are not pooled, and that each resident has a personal account.
4. The home will take the appropriate action where a service user's money is controlled by someone who is acting as their legal representative but who is suspected of abusing their position. This could involve alerting the local Safeguarding Board or referring the matter to the police if there is evidence that the person is committing a criminal act by eg defrauding the service user.
5. To avoid any conflicts of interest the registered manager is permitted to act as an agent or appointee for a service user only where no other individual is available. In such extreme and rare cases, the manager will ensure that: the CQC is notified on inspection; records are kept of all incoming and outgoing payments and if the manager is to be an appointee for Department of Work and Pensions' purposes; the proper agencies are given appropriate notice.
6. Before that situation arises all alternative means of obtaining an appointee — where there is no evident conflict of interest — including consulting relatives, trusted friends or the local authority, will be sought.
7. The home will provide secure facilities for the safe-keeping of service users' money and valuables. All items placed in secure facilities will be recorded and signed for.
8. The home will keep records and receipts of all possessions handed over to it for safe-keeping.

9. The home will offer service users who have difficulties dealing with their finances or with money, whether they have capacity or not, support and help to manage their finances as effectively as possible and in their best interests.
10. Any such help offered (e.g. accompanied shopping) will be recorded and exact details of all money spent placed on record.
11. Any advocates or volunteers who help service users to manage their money will record their help and transactions so that there is adequate monitoring and reviewing of these activities.
12. Where the home is responsible for managing individuals' money, staff will ensure that all income is spent or saved by individual service users according to their instructions
13. All service users can always obtain independent financial advice and information in a private, discreet and confidential manner
14. Where service users' financial information is held on a computer or in a database, the regulations of the Data Protection Act 1998 will be followed.
15. To ensure financial probity the home maintains robust accounting and financial procedures with all individual accounts being regularly reviewed and audited.

Staff Responsibilities

1. Staff who deal with service users' finances and money are required to keep written records of all transactions, including receipts, which must be kept securely and in line with the home's confidentiality and record keeping policies.
2. Any member of staff who suspects that a service user is being cheated, defrauded or robbed from any source (which could include service users' representatives) or that a service user no longer has the mental capacity for managing their own finances is required to report their suspicions to their line manager or supervisor so that the common established procedures for investigating abuse can be applied.
3. Any member of staff who suspects financial irregularities or corruption by other staff or managers must report their suspicions immediately to the registered person, or to the Care Quality Commission if it is thought that there are questions about the probity of the registered care provider.
4. All staff are encouraged to raise any genuine concerns about any malpractice, suspected crime, breach of legal obligations, miscarriage of justice, danger to health and safety or the environment, financial malpractice, fraud, corruption and breach of regulations, or any cover-up of these, that they come across that affects the care home, its service users or other staff.
5. All staff who so disclose information have statutory protection in line with the Public Interest Disclosure Act 1998 and the care home's whistleblowing policy, provided that concerns are raised in the right way and they are acting in good faith.

Gifts and Legacies

It is not uncommon for service users who have developed sometimes long and close relationships with individual staff to offer gifts or gratuities or to seek to include a member of staff in their will. However, such activities can lead to accusations of coercion, exploitation and fraud.

It is vitally important to the home that its staff at all times uphold the highest standards and always act in an honest manner with the best interests of service users in mind. Therefore, in this home the following applies:

1. Personal gifts should never be accepted by a member of staff if the value of the gift is estimated to be more than £5.
2. Staff should never, under any circumstances, accept valuables belonging to a service user or monetary gifts.
3. Any gift given to a member of staff must be declared as soon as is reasonably practicable and details recorded in the gifts record in the office; this must include the date that the gift was given, and its monetary value and it must be signed by the recipient.
4. Staff should never become involved with the making of service users' wills or with soliciting any form of bequest or legacy from a service user and should never agree to act as a witness or executor of a service user's will nor to become involved in any way with any other legal document.
5. If a service user does need help with making a will or requests help from staff then they should be referred to an impartial or independent source of legal advice such as the local citizens advice bureau or local law society, which will hold lists of local solicitors.
6. Failure to declare a gift, the accepting of a gift in excess of £5, or involvement in a will, or attempting to solicit money or items through a service user's will or legacy, will be considered a disciplinary offence and subject to the home's disciplinary procedures.
7. Service users who might lack the mental capacity to take informed decisions about the making of gifts and legacies will be assessed in line with Mental Capacity Act 2005 procedures and the appropriate "best interests" procedures will be followed in their cases.

Investigations of Allegations of Financial Irregularities

1. Care staff employed by this home work with vulnerable people where trust is of fundamental importance to the relationship. The home views any potential breach of that trust as a very serious matter and investigates thoroughly any allegations or complaints relating to financial irregularities, the mishandling of service users' money or financial affairs, dishonesty, theft or fraud.

2. All financial irregularities or suspected financial irregularities will be fully investigated as per the disciplinary policy, or by an outside body where relevant eg following an alert being made to the local Safeguarding Adults' Board or even the police in some cases.
3. Any evidence of fraud or criminal activities will be immediately reported to the police.
4. All members of staff are expected to co-operate fully with, and make any documents available to, the police and/or their appointed auditors upon investigation of any allegations of financial irregularities.
5. The home considers all substantiated cases of dishonesty, theft or fraud as Gross Misconduct and the staff members involved will be subject to summary dismissal and possibly criminal proceedings.
6. Staff are clearly informed that they could be subject to disciplinary procedure or even criminal investigations if they fail in their duty to be open and honest at all times in their involvement in service users' financial arrangements and transactions.
7. If found guilty of misconduct in relation to these, they could be placed on one or both of the Disclosure and Barring Service's lists, which would bar them from working in a care role again. Other professional staff who have been found guilty of financial misconduct will similarly be reported to their relevant professional bodies such as the Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC).

Training

New staff are required to read and understand the policies on handling service users' money and on gifts and legacies as part of their induction process. They are expected to know the signs of financial abuse and how to report them as part of their general safeguarding training in line with Care Certificate standard 11 Safeguarding Adults.

Established staff are provided with regular training updates, which could reflect local Safeguarding Adults Boards requirements.

It is extremely important for the organisation's management to impress upon staff through training and supervision the importance of maintaining high standards in dealing with service users' money as a key part of the home's overall safeguarding strategy.

Signed:

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April 2018

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April 2019

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