#

 **Promise Care Services Ltd**

# HANDLING OF SERVICE USERS MONEY

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Policy Statement

This policy is intended to set out the values, principles and policies underpinning the company’s approach to service users who require help with the use of their money or finances as part of their care. Any help it provides in respect of service users’ money is based on a sound, open, honest and transparent basis and the highest standards of probity are followed at all times.

This organisation follows as a general rule that service users will retain control of their own money and will only turn to the company staff for help in exceptional circumstances. This organisation sees this both as the right of service users and as a means of retaining their independence and ability to choose how they live their lives.

This organisation also accepts that some of its service users might occasionally ask staff to handle money on their behalf, for example, in buying an item from a shop. It also accepts that some service users might lack the mental capacity to manage their own money and therefore require some help from staff with their financial arrangements. These situations could place service users at risk of abuse and exploitation from dishonest employees. They also make honest staff at risk of misunderstandings and possibly false allegations of misuse, which threaten their sense of probity and integrity. This organisation has considered the implications of the Mental Capacity Act 2005 in respect of any of its service users who might lack the capacity to make decisions over their financial transactions and affairs.

Standards Expected of Staff

Staff working for this organisation are expected to:

* Act with the highest standards of care, probity and honesty at all times.
* Respect service users’ rights to spend their own money in the way that they wish and to keep their financial affairs private.
* Uphold service users’ rights to confidentiality regarding their financial information.
* Only ever spend, use, carry, transport or invest a service user’s money according to the service user’s explicit instructions.
* Never use credit/debit cards belonging to the service user and never accept, or try to obtain, their PIN.
* Avoid giving service users financial advice or information, except what is reasonably required to fulfil their duty of care as set out in the plan of care.
* Declare any financial or business arrangements that they have which may cause a conflict with or compromise their ability to handle a service user’s money honestly and impartially.
* Report to their line manager any discrepancies or problems relating to service users’ money or finances immediately, including worries or concerns that a service user may be being cheated or defrauded by a third party, or has otherwise lost or mislaid money or valuables.

The Policy

Procedures to be followed in the handling of service users’ money and Financial Arrangements

To ensure that any financial transactions involving company staff are completely above board and transparent the following procedures apply:

* Company managers are responsible for ensuring that safeguards are in place at all times to protect service users’ financial interests.
* The organisation expects its staff to work on the basis that service users retain effective control of their own money in all cases, except where it is explicitly stated in the care plan that they require help.
* The service users’ wishes and mental capacities to manage their money and finances form part of the initial needs assessment.
* Any concerns that: a) render the service user at risk to abuse and exploitation and that might incriminate company staff, or b) make company staff at risk (e.g., to false allegations), are fully discussed with the parties involved.
* The outcomes of the discussions are recorded on the care plan. This will describe any help to be provided by the company’s staff and any safeguards that need to be put into place to protect both service user and company staff. These arrangements are regularly reviewed and the arrangements re-assessed if the circumstances or needs have changed.
* Where a reassessment indicates that service users require new or additional help from the company’s staff, the company maintains transparency by discussing all relevant issues with the parties involved and ensuring that the outcomes are recorded as revisions to the care plan.
* The company requires staff who do handle service users’ money or help with any financial transactions, to check that they have been given receipts and any other written records of the transactions. If necessary, staff should obtain duplicates (one to be retained by the service user, one by themselves).
* These procedures apply to all instances where staff are involved in handling service users’ money or expenditure, for example during accompanied shopping, unaccompanied shopping, collecting pensions or paying bills.
* In all circumstances, staff are expected to make sure that they record the amount and purpose of the financial transactions undertaken on behalf of the service user on the visit record held in the service user’s home. The record should be signed and dated by the staff and checked by the service user, if able to do so, or else their relative or representative on their behalf as appropriate.
* This organisation asks all service users and representatives to keep money and valuables in a secure place at all times and not to leave money or valuables lying about when its staff visit the home.

Procedures to be followed in the handling of money for service users who are lacking capacity.

Some service users might already have handed over powers of attorney to others to act on their behalf and to manage their financial affairs. Other service users whose capacity can be questioned might still retain control over their financial transactions. They might then seek to involve their care and support staff in the taking of the decisions as well. It is this second group that present particular issues for the organisation and its staff. Other people such as family members may or may not be involved in the decision taking, so care staff will have to determine their position in relation to them as well.

There are occasions when a service user, whose capacity is in doubt, involves a staff member and others in a financial decision. For example, the person might ask the worker to help withdraw a large amount of money from their account and to spend it on some item that seems to be unsuitable. Workers must be very careful how they respond. They should always report the issue and seek management advice on how to proceed.

The response of this organisation to situations where service users of questionable capacity seek to involve its staff, with or without others, in financial decisions is governed by the five principles of the Mental Capacity Act:

* Individuals must be assumed to have the capacity (to make 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 make 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 make a decision on behalf of someone else who lacks capacity they must act in that person’s best interests.
* If anyone decides on behalf of someone lacking capacity at the time, they must act to minimise any restriction to that person’s rights and freedom of action.

The organisation considers the potential role and responsibilities of the staff member in assisting the service user to take the financial decision.

It ensures that any conflicts of interest over the decision are fully recorded and discussed and the organisation’s position is always made clear. Such issues might need to be discussed at a meeting in which the user’s views must always be considered (using an advocate if needed).

The organisation ensures that the service user’s capacity to take that decision is assessed following the Code of Practice issued with the Mental Capacity Act 2005 so that their best interests are fully considered.

The organisation ensures that any person lacking capacity to take the decision has a plan to secure their best interests in these matters. The plan should offer as much independence and choice as the person can make. The organisation will follow the agreed decision-makers instructions and discharge any agreed plan to the best of its ability as long as the decision is in the person’s best interests.

In taking these actions the organisation tries to act fully following the Mental Capacity Act 2005 which states that individuals must be regarded as capable to make a decision unless it is proved otherwise.

The organisation’s staff are expected to ensure that safeguards are always in place to protect the financial interests of the service user, particularly in respect of any who has been assessed as lacking capacity under the Mental Capacity Act 2005.

This organisation ensures that it keeps secure written records of all financial transactions in which staff have some part to play. Even if the worker is only indirectly involved, e.g. in acting as an escort, it insists that the situation is fully recorded. It also ensures that appropriate records and receipts are kept whenever staff spend any money on behalf of service users who lack capacity.

The service supports and helps service users who have difficulties dealing with their finances or with money, regardless of whether they have the capacity or not, to manage their finances as effectively as possible and in their best interests.

Any such help offered (e.g., accompanied shopping) is recorded and exact details of all money spent placed on record.

Investigation of Allegations of Financial Irregularities

Staff employed by this organisation inevitably work with at risk people, where trust is of fundamental importance to the relationship. The organisation views any potential breach of that trust as a very serious matter and investigates thoroughly any allegations or complaints relating to financial irregularities, dishonesty, theft, fraud, or the mishandling of service users’ money or financial affairs.

We consider 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.

Staff are informed that they could be subject to a 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.

If found guilty of gross misconduct in relation to the above, a referral will be made to the Disclosure and Barring service which could lead to the person being barred from working with adults or children.

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.

Related Policies

Adult Safeguarding

Financial Irregularities

Gifts and Legacies

Good Governance

Related Guidance

Mental Capacity Act Code of Practice**:** https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice

Training Statement

All staff, during induction, are made aware of the organisation’s policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervisions.

Date Reviewed: May 2023

Person responsible for updating this policy: **IFEYINWA ODOEMENAM**

Next Review Date: May 2024