

Care & Homes

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Safeguarding Vulnerable People from Financial Abuse Policy

Policy Statement

This policy sets out the values, principles and procedures underpinning the supported living care service's approach to all aspects of the handling of the money and finances of the people using their service, including where it needs to investigate and deal with suspected financial irregularities and possible abuse.

The policy aim is to ensure that people's financial interests are fully safeguarded by the care service 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 ensures that Care&Homes 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).

Care&Homes recognises that the people using its service should retain or enhance their financial independence. It will protect them from possible abuse, neglect and self-harm, which includes protection from financial abuse from any source.

Care&Homes considers that people using its service have a right to expect that the organisation will be run in an honest and sound financial basis with robust procedures for dealing with and protecting the financial interests of people receiving care. It is committed to the highest standards of moral and ethical behaviour. It expects its employees to report known or suspected financial irregularities in their dealings with the people who use their services.

To ensure financial probity, Care&Homes maintains robust accounting and financial procedures. It complies with the Data Protection Act 2018 and GDPR where it holds people's financial information on a computer or database.

The policy should be used with reference to other safeguarding policies. It is also in line with the Quality Statement on Safeguarding, which the CQC is referring to from the end of 2023 instead of the KLOE.

Safeguarding

“We work with people to understand what being safe means to them as well as with our partners on the best way to achieve this. We concentrate on improving people’s lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect. We make sure we share concerns quickly and appropriately.”

The care service considers that financial or material abuse/harm could involve the stealing of money or possessions, fraud, interfering with financial documents, holding back or confiscating allowances and bringing pressure to bear over financial agreements or inheritance.

As protection from possible financial abuse, the care provider will not allow its staff to:

- benefit financially from a person receiving care
- be involved in writing the wills of people using the service or the making of bequests
- use the property of people receiving care for personal use
- borrow money from, or lend money to, people receiving care
- sell or dispose of goods belonging to people who use services for their own gain.

Registered Persons and Directors

The care provider is aware the 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. The tests include a review of all registered persons’ financial probity.

Management of Money Belonging to People Who Use the Service

Care&Homes recognises it has a duty to make sure that people’s financial affairs are safe from abuse and exploitation. Any help it provides in respect of the money of the people who use the service is based on a sound, open, honest and transparent basis and the highest standards of probity are followed at all times.

Care&Homes recognises that people who use the service will retain control of their own money and will only turn to staff for help in exceptional circumstances. The agency sees this as people’s right and means of retaining their independence and ability to choose how they live their lives.

Care&Homes also accepts that some of the people who use its services might ask staff from time to time to handle money on their behalf, particularly if they are physically unable to make any financial transactions themselves, eg when shopping or withdrawing money.

It also accepts that some people who use the service might lack the mental capacity to manage their own money and require some help from care staff with their financial arrangements.

These situations could place people at risk from abuse and exploitation from dishonest employees. They also make honest staff vulnerable to misunderstandings and possibly false allegations of misuse, which threaten their sense of probity and integrity.

Standards Expected of Care Staff

Staff employed by this supported living care service are expected to:

- a. always act with the highest standards of care, probity and honesty
- b. respect the rights of people who use the service to spend their own money in the way that they wish to spend it and to keep their own financial affairs private
- c. uphold a person's right to confidentiality regarding their financial information
- d. only ever spend, use, carry, transport or invest a person's money in line with their explicit instructions
- e. never use credit/debit cards belonging to the people who use the service and never accept or try to find out their PIN numbers (unless their use has been agreed and authorised under the care plan, and subject to strict monitoring and accountability)
- f. avoid giving people who use the service financial advice or information other than that which is reasonably required as part of fulfilling their duty of care as set out in the plan of care
- g. declare any financial or business arrangements they have that might cause a conflict with or compromise their ability to handle a person's money honestly and impartially
- h. report to their line manager any discrepancies or problems relating to a person's money or finances immediately, including worries or concerns that a person might be being cheated or defrauded by a third party or has otherwise lost or mislaid money or valuables.

Procedures to be Followed in Supporting a Person to Look After Their Money

To ensure that any financial transactions involving care service staff are completely above board and transparent, the following procedures apply.

1. Care managers are responsible for putting safeguards in place to protect people's financial interests.
2. The care service expects its care staff to work on the basis that people who use the service retain effective control of their own money in all cases except where it is explicitly stated in the care plan that they require help.
3. The person's wishes and mental capacities to manage their money and finances form part of the initial needs assessment.
4. Any concerns that render the person vulnerable to abuse and exploitation and that might incriminate staff or make staff vulnerable, for example, to false allegations are fully discussed with the parties involved.
5. The outcomes of the discussions are recorded on the care plan. This will describe any help to be provided by the care staff and any safeguards that need to be put into place to protect both the person using the service and care staff. These arrangements are regularly reviewed and the arrangements reassessed if the circumstances or needs have changed.
6. Where from any reassessment people who use the service appear to need new or additional help from care staff, the care service maintains transparency by discussing all relevant issues with the parties involved and ensuring that the outcomes are recorded as revisions to the care plan.
7. The care service requires staff who do handle people's 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 seek duplicates (one to be retained by the person using the service, one by care service).
8. These procedures apply to all instances where care staff are involved in handling people's money or expenditure, for example, during accompanied shopping, unaccompanied shopping, collecting pensions or paying bills.
9. In all circumstances, care staff must record the amount and purpose of the financial transactions undertaken on behalf of the person on the visit record held in the person's home. The record should be signed and dated by the care worker and checked by the person, if able to do so, or their relative or representative on their behalf as appropriate.
10. The care staff asks all people who use the service and representatives to keep money and valuables in a secure place and not to leave money or valuables lying about when its staff visit the home.

Assessment of Mental Capacity to Take Decisions About the Handling of Money

The care service has considered the implications of the Mental Capacity Act 2005 in respect of any of the people who use the service who might lack capacity to take decisions over their financial transactions and affairs.

There are occasions when a person whose capacity is in doubt involves a care worker 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. Care workers must be very careful how they respond. They should always report the issue and seek management advice on how to proceed.

Some people who use the service might already have handed over powers of attorney to others to act on their behalf and to manage their financial affairs. Others 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 who present particular issues for the care service and its staff.

Other people such as family members also might or might not be involved in the decision taking so care staff will have to work out their position in relation to them too.

The principles of the Mental Capacity Act governing the care service's approach to assessing people's 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.

Actions

1. The care service considers the potential role and responsibilities of care workers in providing support over financial decision.
2. It will fully record and discuss any conflicts of interest over the decision and in doing so make the care service's position clear.
3. 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).

4. The care service will assess the person's capacity to take any financial decision in line with the Code of Practice issued with the Mental Capacity Act 2005 so that their best interests are fully considered.
5. The care service will form a plan for any person lacking capacity to take the decision to secure their best interests in these matters. The plan should offer as much independence and choice as the person is able to make.
6. The care service will follow the agreed decision-maker's instructions and discharge any agreed plan to the best of its ability as long as the decision is in the person's best interests.
7. In taking these actions, the care service tries to 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.
8. Care staff are expected to apply the safeguards in place to protect the financial interests of the person, particularly in respect of anyone who has been assessed as lacking capacity under the Mental Capacity Act 2005.
9. The care service will keep securely written records of all financial transactions in which staff have some part to play. Even if the care worker is only indirectly involved, eg in acting as an escort, it insists that the situation is fully recorded. It also requires appropriate records and receipts to be kept whenever staff spend any money on behalf of a person who lacks capacity.
10. The care service offers appropriate support and help to people who use the service who have difficulties dealing with their finances or with money, whether they have capacity or not, so that they can look after their money as effectively as possible and in their best interests.
11. Any such help offered (eg accompanied shopping) is recorded and exact details of all money spent placed on record.

Gifts and Legacies

It is not uncommon for people who use a care service 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 care service that its staff at all times uphold the highest standards and always act in an honest manner with the best interests of the people who use the service in mind. Therefore, in this care service:

- a. personal gifts should never be accepted by a member of staff if the value of the gift is estimated to be more than £5

- b. staff should never, under any circumstances, accept valuables belonging to a person using the person or monetary gifts
- c. 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
- d. staff should never become involved with the making of people's wills or with soliciting any form of bequest or legacy from a person using the service, and should never agree to act as a witness or executor of a person's will nor to become involved in any way with any other legal document
- e. if a person 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
- f. 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 person's will or legacy, will be considered a disciplinary offence and subject to the agency's disciplinary procedures.

Investigation of Allegations of Financial Irregularities

The care provider will enquire into any indications or suspicions that people receiving care might be subject to financial abuse and exploitation. As soon as it has direct evidence, it will immediately raise a safeguarding alert or in a serious case refer the matter to the police.

Care staff inevitably work with vulnerable people where trust is of fundamental importance to the relationship. The care service 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 people's money or financial affairs, dishonesty, theft or fraud.

The care service 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.

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 people's financial arrangements and transactions.

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

The care service requires new staff to read and understand the policies on handling the money of the people using the service 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 people's' money as a key part of the overall safeguarding strategy.

Review

Signed: Agnieszka Kazmierczak

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