

**Finances Support Policy**

**[Date of Issue]**

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| Policy Lead: | [Policy Lead] |
| Version No. | 1 |
| Date of Issue: | [Date of Issue] |
| Date for Review: | [Date of Review] |

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# Introduction

[Company Name] will always practice in the best interests of its clients. All staff are expected to be honest, professional and follow all policy regulations to the letter. The following policy aims to protect the clients and staff from allegations, misfortunes and legal proceedings.

# Policy Statement

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

[Company Name] follows the general rule that clients that have capacity should retain control over their finances. [Company Name] views this as a right of the client, and a means for them to retain their independence and the ability to choose how they live their lives.

# Scope

The policy applies to all working for and at [Company Name]. The Registered Manager will take responsibility for the policy.

#  Procedures

[Company Name] also accepts that some of its’ clients might ask staff from time to time to handle money on their behalf, for example in buying an item from a shop. It also accepts that some clients might lack the mental capacity to manage their own money and require some help from staff with their financial arrangements. These situations could place clients at risk from abuse and exploitation from dishonest staff members. They also make honest staff vulnerable to misunderstandings and allegations of misuse, which can threaten their sense of probity and integrity.

[Company Name] has considered the implications of the *Mental Capacity Act 2005* in respect of any of its clients who might lack capacity to take decisions over their financial transactions and affairs. Some clients might already have handed over powers of attorney to others to act on their behalf and to manage their financial affairs. Other clients 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 company 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 client, whose capacity is in doubt, involves a staff member and others in a financial decision. For example, the person might ask the staff member to help withdraw a large amount of money from their account and to spend it on some item that seems to be unsuitable. Staff members must be very careful how they respond. They should always report the issue and seek management advice on how to proceed.

The response of [Company Name] to situations where clients 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 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

**Standards Expected of Staff**

Staff working for [Company Name] are expected to:

* Act with the highest standards of care, probity and honesty at all times
* Respect a client’s right to spend their money according to their wishes and to keep their financial affairs private
* Uphold a client’s right to confidentiality regarding their financial information
* Only ever spend, use, carry or transport a client’s money according to the client’s explicit instructions
* Never use credit or debit cards belonging to a client and never accept, or try to obtain, their PIN for these cards
* Avoid giving a client financial advice or information other than what is reasonably required as part of fulfilling 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 client’s money honestly and impartially
* Report to their line manager any discrepancies or problems relating to a client’s money or finances immediately, including worries or concerns that a client may be being cheated or defrauded by a third party or has otherwise lost or mislaid money or valuables.

**Procedures to Be Followed in the Handling of client’s Money and Financial Arrangements**

To ensure that any financial transactions involving [Company Name] staff are completely above board and transparent, the following procedures apply:

* The Registered Manager is responsible for ensuring that safeguards are always in place to protect clients’ financial interests.
* [Company Name] expects its staff to work on the basis that clients retain effective control of their own money in all cases except those for which the care plan explicitly states that they need help.
* The client’s wishes and mental capacity to manage their money and finances form part of the initial needs’ assessment.
* Any concerns that either, render the client vulnerable to abuse and exploitation, which might incriminate staff; or make staff vulnerable—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 company staff and any safeguards that need to be put in place to protect both client and staff member.
* These arrangements are regularly reviewed, with re-assessment occurring if the circumstances or needs have changed.
* If the reassessment demonstrates that a client needs new or additional help from [Company Name]’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 that staff who handle client’s money or help with any financial transactions check that they have been given receipts and any other written records of the transactions; they should seek duplicates (one to be retained by the client, one by themselves).
* These procedures apply to all instances where staff are involved in handling a client’s money or expenditure, e.g., during (un)accompanied shopping, collecting pensions or paying bills.
* Clients are encouraged to keep their money in a safe for security where they can access it at any time.
* When purchases are made for the client, two staff signatures must be obtained when making the transaction.
* Staff who enter any financial transaction with clients, next of kin or advocates must inform [Company Name].

**Clients lacking capacity**

[Company Name] considers the potential role and responsibilities of the company’s workers in providing assistance to the client to take the financial decision when they are lacking capacity.

* [Company Name] ensures that the client’s capacity to take that decision is assessed in accordance with the Code of Practice issued with the *Mental Capacity Act 2005* so that their best interests are fully considered.
* It ensures that any conflicts of interest over the decision are fully recorded and discussed and the company’s position is always made clear.
* Such issues might need to be discussed at a meeting in which the client’s views must always be considered (using an advocate if needed).
* [Company Name] 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 is able to make.
* [Company Name] 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.
* In taking these actions [Company Name] tries to act fully in accordance with the *Mental Capacity Act 2005* which states that individuals must be regarded as capable to take a decision unless it is proved otherwise.
* [Company Name]’s staff are expected to ensure that safeguards are always in place to protect the financial interests of the client, particularly in respect of any who has been assessed as lacking capacity under the *Mental Capacity Act 2005*.
* [Company Name] 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 or acting fully on behalf of a client lacking capacity.

**Investigation of Allegations of Financial Irregularities**

Staff employed by [Company Name] inevitably work with vulnerable people where trust is fundamental to the relationship. Any potential breach of that trust is considered a very serious matter and any allegations or complaints relating to financial irregularities, the mishandling of client’s money or financial affairs, dishonesty, theft or fraud are investigated thoroughly.

All substantiated cases of dishonesty, theft or fraud are treated 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 client’s financial arrangements and transactions.

# Monitoring

To ensure this policy remains both useful and current, regular auditing processes will take place.

Any unwanted issues related to this policy will be investigated and recorded.

# Related Policies

* Safeguarding Policy
* Governance and Risk Policy

# Legislation and Guidance

**Guidance**

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

# Summary of Review

|  |  |
| --- | --- |
| Version | 1 |
| Last amended | [Date of Issue] |
| Reason for Review |  |
| Were changes made? |  |
| Summary of changes |  |
| Target audience | Care staff, Managers |
| Next Review Date | [Date of Review] |