**PROFESSIONAL, ETHICAL AND LEGAL BOUNDRIES**

1. **Purpose aims & objectives of this policy**

An understanding of appropriate relationships, professional boundaries and conflicts of interest helps to protect residents, staff members and volunteers. Our residents are potentially vulnerable to influence and coercion from people that they see regularly, especially those who are in a position to exercise power or create added dependency. Conversely, it is possible that residents may seek to influence or obtain special treatment by offering gifts or promises of financial reward.
Neither is acceptable. To guard against these issues, this policy provides guidance for staff and volunteers on the establishment of appropriate relationships at work. It aims to define what is meant by the professional, ethical and legal boundaries involved and to highlight areas where potential conflicts of interest might arise.

Specifically, our policy for staff (including any agency staff or those on temporary contracts) and volunteers is that **they are not permitted to accept money or significant gifts of any sort from residents or their relatives**. To prevent any possible accusations of undue influence or incorrect advice, **they also must avoid being involved in the drawing up of a resident’s will or recommending someone else to do so.**
For the avoidance of doubt, this policy extends to any form of payment in cash or kind which might be considered to constitute a bribe or inducement.

1. **Relationships between staff, volunteers and residents**

The relationships we form with residents should be based on trust, respect and an understanding of the limits of each relationship. These limits or boundaries help to clarify for residents, staff and volunteers, which types of behaviour are appropriate and to guard against the risk of allegations of unprofessional conduct.

**2.1 Inappropriate behaviour**

Actions or behaviours easily defined as being inappropriate include

* Sexual acts, requests for/suggestion of sexual acts
* Physical contact which could be construed as sexually suggestive
* Sexual innuendo and/or insinuation.
* Asking inappropriate questions about sexual habits
* Asking inappropriate questions about hygiene or sanitary issues
* Dressing in a way that may cause embarrassment
* Invasion of personal space
* The use of offensive language

Note that this is not an exclusive list.

**2.2 Inappropriate Personal Disclosure**

Staff must not divulge any inappropriate personal information about themselves, other staff members, volunteers or residents to any person who does not have a legitimate right to access it.

**2.3 Abuse of Power/Creating a Dependency**

Staff members need to discourage over reliance of a resident on themselves, or indeed on any one employee. This will protect against accusations of favouritism, bias or seeking to influence the resident for the employee’s gain.

The following are examples of behaviours that may create a dependency:

* Inviting a resident into their home
* Socialising outside the working relationship
* Using the resident for the employee’s emotional need

**2.4 Acceptance of Gifts and Hospitality**

Acceptance of a gift can lead to a sense of obligation or favouritism and is therefore a boundary issue. Staff and volunteers must not accept any money whatsoever and no hospitality or gifts of a monetary value of more than £25 from a resident. Gifts of a monetary value of £25 or less, whether to a specific individual, to the house, or collectively to the house staff and/or volunteers are permitted.

Any gift offered, or gifts received, should be reported to the appropriate line manager or Trustee.
All gifts will be logged. Action will then be taken if necessary to refuse or return the gift and to explain our policy.

*F*urther information is provided in the Appendix.

**2.5** **Involvement in Resident’s Wills**

Staff and volunteers must not be involved in any way in the drawing up of a resident’s will.
Further information about Gifts and Wills is provided in the Appendix.

**2.6 Misuse of Resident’s Facilities and Property**Staff must not use resident’s property for their own use.
Examples might include borrowing a resident’s TV or eating a resident’s food.

**2.7 Defining professional boundaries**

Defining boundary lines can be difficult, but ask yourself the following questions and, if in doubt, discuss the matter with your line manager or an appropriate colleague.

* Is this in the resident’s best interest?
* Whose needs are being served?
* Will this have an impact on the service I am delivering?
* Should I make a note of my concerns or consult with a colleague?
* How would the resident’s family view this action?
* How would I feel telling a colleague about this?
* Am I treating this resident differently?
* Does this resident mean something “special” to me?
* Am I taking advantage of the resident?
* Does this action benefit me rather than the resident?
* Am I confident in documenting this decision/behaviour in the resident’s personal file?
1. **Conflicts of Interest**

Where an identified risk of potential breakdown of professional boundaries or conflict of interest arises, this should be brought to the attention of the line manager or a Trustee as appropriate.

* 1. **Pre-existing relationships between staff/volunteers or residents**

Conflict can occur if, for example, a resident’s relative is a volunteer or employed in the house. Has a pre-existing personal relationship with a resident, current employee or volunteer should be declared by staff applicants at the application stage. If the applicant is subsequently employed, it will be the responsibility of the individual and their line manager to manage any areas of potential conflict arising. Likewise, if a resident applicant with a pre-existing relationship with a member of staff is offered residency, it is the responsibility of all those concerns to ensure that potential conflicts of interest are avoided or managed.

**3.2 Relationships between employees/volunteers**

Any two people have a right to form a relationship. Our concern is restricted to minimising any adverse impact that such a relationship might have in the workplace. This is particularly so where one person has line managerial responsibility towards the other, or where a line manager may be perceived as having used influence to obtain a benefit (such as employment or promotion) for a partner or close relative.

If you develop a relationship during employment or volunteering which could cause a conflict of interest or constitute a breakdown of professional boundaries, this must be disclosed to your line manager or a Trustee in the first instance. Failure to do so by a staff member may be regarded as misconduct and may be dealt with under the Disciplinary Policy and Procedure; a volunteer may be asked to resign.

 **4. Changes since last version of this Policy**

This generic version of the Policy has been prepared for use by member societies.

The format will have changed significantly compared to the TAS equivalents, but the underlying content is largely unaltered from the 2016 version.

**APPENDIX - GIFTS, WILLS & LEGAL MATTERS**

1. **Gifts to Staff or Volunteers**

None of our staff members or volunteers may borrow or accept money or individual gifts of any description or value from or on behalf of a resident other than small non-monetary gifts as defined below. In this context, throughout this policy the term “resident” is deemed to include any form of service user, their sponsor, relatives, friends, representatives or anyone acting on their behalf or offering money or gifts on their behalf.

Monetary Gifts

If a staff member or volunteer is offered a gift of money they should be thanked, but the offer must be firmly and politely declined. The staff member or volunteer must inform their line manager or supervisor of the offer (and of their refusal) as soon as is reasonably practical and the offer and refusal should be suitably documented.

Other Gifts

Similarly, individuals must refuse gifts, except for small value items (which for this purpose must not be greater than £25). Such gifts should relate either to a special occasion, or to what the resident considers to be exceptional service.
Non-monetary gifts to the House or Home team, such as biscuits or chocolates, may also be accepted where someone wishes to offer a token of appreciation for the team. (In these situations, the gift may be accepted by an individual staff member on behalf of the team). Again, for this purpose the value must be not greater than £25. The value can be estimated if it is appreciably less than £25, but if in doubt our policy should be explained to the donor and the actual value ascertained.
Details of the gift, its value and the reason for giving it should be recorded in a gifts register.
Note that a regular series of small gifts would be inappropriate, and gifts received should not exceed £50 within any one calendar year.

In situations in which it is apparent that a member of staff or volunteer has not complied with this policy, this will be treated as a disciplinary matter and dealt with in accordance with our Disciplinary Policy & Procedures.

1. **Donation to the House/Home/Service**

Where someone wishes to donate a more substantive gift or donate money to the house or home, this must be referred to the Chair who will take a decision as to whether the gift can be accepted. The third party must be formally advised in writing of the basis on which the gift/donation can be accepted, or the offer politely declined.

1. **Residents Property**

Our staff members and volunteers must not benefit financially, or in any other way, from the property or goods of a resident (or other service user).

Staff and volunteers must not:

* Use residents’ property or goods for personal use
* Sell or dispose of property or goods belonging to residents for their own gain.

A member of staff or volunteer who is found to be using residents’/service users’ property or goods for their own benefit will have this treated as a disciplinary matter and dealt with in accordance with our Disciplinary Policy & Procedure.

1. **Residents Wills and Legal Matters**

Staff and volunteers MUST NOT act as witness, executor, trustee or attorney to a resident or other service users will (or any other document which might be construed as a will), or to witness any legal documents concerning a resident/service user’s personal or financial arrangements, for example a Lasting Power of Attorney.

Staff and volunteers MUST NOT offer any advice or assistance to a resident or other service user (or their representative) in connection with their will or other legal matters. If they or their representative raises the subject of a will or other legal matters in conversation with one or more of our staff members or volunteers, they must be politely informed that it is inappropriate to have a discussion in that regard. The resident or service user should be advised to take independent legal advice or advocacy.

If a resident asks a member of staff to contact a solicitor on their behalf, they must advise the resident that they are unable to assist them in doing so. With the resident’s consent, staff members may contact the resident’s sponsor or advocate and inform them of the request. If the resident does not have a sponsor or does not have the capacity to make an informed choice about legal services, social services should be contacted to independently identify a solicitor who can draft or amend the residents will.

Deceased Resident’s Will

If a deceased resident has made a gift in their will to a particular team, member of staff or volunteer without Abbeyfield’s knowledge this must be referred to the Chair to decide the best approach.
Usually this will mean contacting the family of the deceased resident to:

* Inform them, we do not allow staff members to accept gifts.
* Ask the family member whether they would be willing for any gift to be left for the benefit of the house the resident lived in.