



Review Sheet



Last
Reviewed
2 May 2025

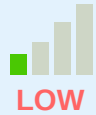


Last
Amended
13 Feb
2025



This policy will be reviewed as needs require or at the following interval:
Annual

Business
Impact:



Minimal action required. Circulate information amongst relevant parties.

Reason for
this Review:

Scheduled review

Changes
Made:

No

Summary:

This Gifts, Donations, Wills and Bequests From Service Users Policy and Procedure has been reviewed with no significant changes and references have been checked and updated.

Relevant
Legislation:

- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Public Interest Disclosure Act 1998
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

Underpinning
Knowledge:

- Author: AGE UK, (2024), What is financial abuse? [Online] Available from: <https://www.ageuk.org.uk/information-advice/health-wellbeing/relationships-family/protection-from-abuse/financial-abuse/> [Accessed: 02/05/2025]
- Author: Age UK, (2015), Financial Abuse Evidence Review [Online] Available from: https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/money-matters/financial_abuse_evidence_review_nov_2015.pdf [Accessed: 02/05/2025]
- Author: GOV.UK, (2021), Your responsibilities under money laundering supervision [Online] Available from: <https://www.gov.uk/guidance/money-laundering-regulations-your-responsibilities> [Accessed: 02/05/2025]
- Author: Care Quality Commission, (2024), Regulations for service providers and managers [Online] Available from: <https://www.cqc.org.uk/sites/default/files/2015024%20Guidance%20for%20providers%20on%20meeting%20the%20regulations.pdf> [Accessed: 02/05/2025]
- Author: Health and Care Professions Council, (2024), Standards of conduct, performance and ethics [Online] Available from: <https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/> [Accessed: 02/05/2025]
- Author: Department of Health and Social Care, (2025), Care and support statutory guidance [Online] Available from:

**Mighty Men of Valour**

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	<p>https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1 [Accessed: 02/05/2025]</p> <ul style="list-style-type: none">• Author: Committee on Standards in Public Life, (1995), The Seven Principles of Public Life [Online] Available from: https://www.gov.uk/government/publications/the-7-principles-of-public-life [Accessed: 02/05/2025]
Suggested Action:	<ul style="list-style-type: none">• Encourage sharing the policy through the use of the QCS App
Equality Impact Assessment:	<p>QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate lawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.</p>



1. Purpose

1.1 To describe the approach that Mighty Men of Valour takes in managing the offers of gifts, donations or Wills and bequests, to ensure that it protects its Service Users from financial and material abuse and ensures that professional boundaries are maintained.

1.2 This policy must be read with the safeguarding policies and procedures of Mighty Men of Valour. For corporate gifts, refer to the Anti-Bribery Policy and Procedure.

This policy complements safeguarding procedures, which may also apply. Staff should consult Remi Adeyemi to determine the appropriate policy for each situation.

1.3

Key Question

Quality Statements

SAFE	QSS3: Safeguarding
WELL-LED	QSW5: Governance, management and sustainability

1.4 Relevant Legislation

- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Public Interest Disclosure Act 1998
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2. Scope

2.1 Roles Affected:

- All Staff
- Family of staff
- Anyone working for or on behalf of Mighty Men of Valour

2.2 People Affected:

- Service Users

2.3 Stakeholders Affected:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority

- NHS



3. Objectives

3.1 To ensure that staff members and Service Users are protected from allegations of financial or material abuse.



4. Policy

4.1 Gifts from Service Users

Mighty Men of Valour recognises that, as part of a caring relationship that exists between staff and Service Users, it is inevitable that there may be offers of gifts from the Service User.

It is the policy of Mighty Men of Valour not to allow staff or anyone related to them to accept gifts, loans or gratuities from Service Users, their relatives or friends, unless at the discretion of Mighty Men of Valour.

This policy applies to gifts offered to staff members or their immediate family (including gifts given for the children of staff). Gifts are not just limited to smaller monetary items but include gifts of cars, shopping, clothes, houses, food etc.

If the Service User offers gifts, the offer must be politely but firmly declined. Any staff member who encounters difficulties with regard to gifts, or who is offered any type of gift, will contact and inform Remi Adeyemi.

It is the responsibility of Remi Adeyemi to ensure that this is emphasised to Care Workers on induction, during supervision and in team meetings.

4.2 Sell, Borrow, Exchange

Staff must not sell anything to, borrow anything from or exchange anything with the Service User or their family or friends.

Staff must not sell to the Service User any services.

Staff should not buy or sell any goods or services on behalf of the Service User and receive a commission.

If you are asked to dispose of any unwanted items, you must not personally profit from that disposal, and this should be discussed with Remi Adeyemi and clearly documented.

Staff must not use retail loyalty cards and special offers for their own benefit.

4.3 Wills, Donations and Legacies

Mighty Men of Valour does not allow its staff to become involved with the making of Service Users' Wills or with soliciting any form of bequest or legacy from the Service User,

and staff are not allowed to act as a witness or executor of the Service User's Will, nor to become involved in any way with any other legal document.

If the Service User does need help with making a Will or requests help from staff, then the Service User will be referred to an impartial or independent source of legal advice such as the local Citizens Advice Bureau, or the local Law Society which will hold lists of local solicitors.

Under no circumstances are staff allowed to take the initiative in seeking legacies (bequests) for Mighty Men of Valour from any Service User.

4.4 Lending and Borrowing Money

Staff are not permitted to lend money to Service Users or borrow money from them, nor must staff arrange for, or influence them to lend money to, or borrow from, any third parties, except for a legitimate service-related reason with prior approval from Remi Adeyemi and agreed as part of the Care Plan. Financial transaction records will be completed wherever any activity is undertaken involving the Service User's finances.

4.5 Money Laundering

Mighty Men of Valour also recognises that Service Users might be vulnerable to being victims of money laundering and will ensure that staff are familiar with this and can report any concerns to Remi Adeyemi.

4.6 Responsibilities

Remi Adeyemi is responsible for this policy and the dissemination of its content through:

- The sharing of this policy
- Safeguarding training
- Bespoke team training and 1 to 1s
- The arrangement of supervision

All staff have a responsibility to read this policy and any questions they may have about its content should be directed to Remi Adeyemi.

4.7 Consequences of Failing to Follow the Policy

Mighty Men of Valour believes that all staff must always act in an honest manner with the best interests of Service Users in mind at all times. Therefore, failure to declare a gift, or involvement in a Will, or attempting to solicit money or items through the Service User's Will or Legacy, will be considered a disciplinary offence and subject to the disciplinary procedures and safeguarding procedures at Mighty Men of Valour.



5. Procedure

5.1 Gifts to Staff

Gifts to staff from Service Users, including monetary gifts, are never acceptable unless at the discretion of Mighty Men of Valour.

5.2 Declaration

All employees of Mighty Men of Valour must declare any gift offered to, or received by them from any source, to Remi Adeyemi.

5.3 Recording

Any offer of gifts must be recorded in the Service User's file to include the following information:

- Details of when the gift was offered
- What the gift was
- To whom the gift was offered
- What action was taken

5.4 Reporting Concerns

If any member of staff witnesses or has reason to believe that unauthorised gifting is taking place with other staff members and Service Users, they must inform Remi Adeyemi. If it concerns Remi Adeyemi, then they must inform another senior manager immediately. Mighty Men of Valour has robust whistleblowing procedures in place and staff must follow the procedures if they are unable to openly raise concerns.

5.5 Wills and Bequests

- Any indication that an employee may be a beneficiary under a past or present Service User's Will must be reported immediately to Remi Adeyemi who will take appropriate action after gathering the facts of the situation
- If the Service User seeks advice about making a Will, they must be encouraged to do so through a solicitor or by seeking advice from the Citizens Advice Bureau. **Under no circumstances** must a staff member help draw up a Will or act as a witness or executor to the estate
- Under no circumstances may a staff member take the initiative in seeking legacies for Mighty Men of Valour from any Service User. If the Service User requests information about making a bequest to Mighty Men of Valour, they must be referred to Remi Adeyemi and the information about making a bequest will be sent directly to the individual
- There may be instances where Service Users might make personal bequests to staff and/or appoint them as executors. If the member of staff has a prior knowledge of any such intention, they must attempt to dissuade the Service User
- In the case of an appointment as executor, Mighty Men of Valour must explain that it is contrary to the policy of Mighty Men of Valour for staff to become involved in the personal affairs of Service Users and that such involvement could lead to disciplinary action
- In the event of a member of staff being left a sum of money or any specific gift from the estate of the Service User, they must report it to Remi Adeyemi immediately
- If a Care Worker is appointed as an executor under the Service User's Will without prior knowledge, the Care Worker has a right to disengage themselves. The Care Worker should not proceed with making funeral arrangements or disposing of the estate until the legal situation is clarified. Mighty Men of Valour should seek legal advice on behalf of the Care Worker

5.6 Gifts to Other Service Users

Exchange, sale, or gifting of personal possessions between Service Users is at the discretion of the Service Users involved.

However staff should be aware of Service Users who may lack capacity to manage their own possessions, and should act in their best interests in accordance with Mental Capacity Act (2005).

Staff should discuss any concerns with Remi Adeyemi, who can discuss with the Service User's family or legal representative if required.

Appropriate support will be given and actions taken to minimise any risks.

5.7 Safeguarding

Where financial abuse of the Service User is suspected, the Croydon Safeguarding Adults Policy and Procedure will be followed and a notification to the CQC will be made. If a member of staff is dismissed following an investigation, a referral to the Disclosure and Barring Service must be made.

5.8 Audit, Monitoring and Review

- Mighty Men of Valour will ensure that the issues covered in this policy and procedure will be discussed in supervision, and any difficulties addressed at an early stage
- Complaints, incident data and reports and analysis of any disciplinary process will be used to identify any particular areas of difficulty
- Key elements of monitoring will be included in any safeguarding adult audits and analysis
- The policy will be reviewed annually, or earlier if changes are indicated by analysis of incident data or following the introduction of any national guidelines



6. Definitions

6.1 Bribery

- To pay, give benefit in kind or gift items or cash in return for a specific action. The Briber uses the 'gift' to influence the decision of the person being bribed to do or not do something

6.2 Gifts

- Financial payments, possessions and newly bought items which are given to an individual or group (such as the service or provider) with no discernible return

6.3 Conflict of Interest

- A situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest (businessdirectory.com)

6.4 Appointed Persons

- Some Directors or equivalent positions of the provider may not be 'employees'. These are referred to as 'appointed persons'

6.5 Financial Abuse

- The Care and Support Statutory Guidance tells us that financial abuse can be wide in definition and includes but is not limited to:
 - Theft
 - Fraud
 - Internet scamming
 - Coercion in relation to an adult's financial affairs or arrangements, including in connection with Wills, property, inheritance or financial transactions

- The misuse or misappropriation of property, possessions or benefits

6.6 Legacy

- Something left or handed down; this can include an amount of money or property left to someone in a Will

6.7 Bequest

- This is a legacy

6.8 Money Laundering

- 'The process by which the proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises' (Proceeds of Crime Act)
- Common signs of money laundering include:
 - Unusual transactions or financial activity which is out of character
 - Large cash deposits or bank balances with little or no solid justification of where the funds came from
 - Cashiers' cheques or money orders purchased with large sums of cash



7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Staff must not become involved in the financial affairs of any Service User
- All gifts offered are recorded for monitoring purposes and for future audit
- Remi Adeyemi must be informed of any gift offered to, or received by, a staff member
- No member of staff at Mighty Men of Valour can accept or give gifts, unless at the discretion of Mighty Men of Valour, as it compromises the integrity of the Service and the individuals concerned



8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- If you have been asked for a gift or you have concerns about gifts, you can speak with Remi Adeyemi or make a formal complaint which we can support you to do
- Mighty Men of Valour will give you the information and support you need to keep you safe. Safe can mean a number of things. This policy, in part, looks at keeping you safe from financial abuse, meaning people taking your money or possessions
- The staff at Mighty Men of Valour must not accept gifts of money or items from you or your representatives. This is to keep both you and staff safe from what can look like doing extra things for 'gifts', or taking advantage of your situation
- Mighty Men of Valour understands that at special times, you may, of your own choice, give a card or small token of appreciation. If you do decide to do this, Mighty Men of Valour may check that this is ok

- No member of staff may accept gifts or money in your Will for the same reasons



Further Reading

The Law Society - Close to home - Spotting elder abuse:

<https://www.lawsociety.org.uk/news/blog/close-to-home-spotting-elder-abuse/>

RCN - Gifts and Wills:

<https://www.rcn.org.uk/get-help/rcn-advice/gifts-and-wills>



Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- Mighty Men of Valour has a clear risk audit of situations which may lead to unhealthy gifting, and actions that have mitigated this risk
- Clear information is available in accessible formats to Service Users on this policy and there is signposting to advocates who can assist with Service Users' finances
- The wide understanding of the policy is enabled by proactive use of the QCS App