

# AB20 – Gifts, Donations, Wills and Bequests from Service Users/Families Policy and Procedure

Serendipity Healthcare Ltd  
Unit 5 Millennium Way, Dunston, Chesterfield, Derbyshire, S41 8ND



## 1. Purpose

- 1.1 To describe the approach that Serendipity Healthcare Ltd takes in managing the offers of gifts or Wills and bequests, to ensure that it protects its Service Users from financial and material abuse and that professional boundaries are maintained.
- 1.2 This policy will be read alongside the safeguarding policies and procedures at Serendipity Healthcare Ltd. For information regarding corporate gifts, the Anti-Bribery Policy and Procedure must be read.
- 1.3 This Gifts, Donations, Wills and Bequests from Service Users Policy and Procedure is in addition to safeguarding procedures, but those procedures may also apply. Staff must consult with The Registered Manager regarding the appropriate policy to apply in a given situation.
- 1.2 To Support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
<b>SAFE</b>	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
<b>WELL-LED</b>	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

- 1.5 To meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:
- 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

## 2. Scope

- a. The following roles may be affected by this policy:  
All staff

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All staff  
Family of Staff  
Anyone working for or on behalf of Serendipity Healthcare Ltd

2.2 The following Service Users may be affected by this policy:

Service Users

2.3 The following stakeholders may be affected by this policy:

Commissioners

Local Authority

NHS

Family

External Healthcare Professionals

### 3. Objectives

- 3.1 The objective of this policy is most definitely not to discourage caring relationships, but to ensure that the staff member and the Service User are protected from allegations of financial or material abuse.

### 4. Policy

#### 4.1 Gifts from Service Users

Serendipity Healthcare Ltd 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 a Service User. Therefore, in this organisation:

- 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. agency staff should never, under any circumstances, accept valuables belonging to a service user or monetary gifts
- c. any gift given to a member of staff must be declared as soon as is reasonable practicable and details recorded in the Gifts Record in the central office; this must include the date that the gift was given and its monetary value and it must be signed by the recipient

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.

The policy of Serendipity Healthcare Ltd is that if a 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 Serendipity Healthcare Ltd and inform them.

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

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## **4.2 Wills, Donations and Legacies**

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

If a 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 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 Serendipity Healthcare Ltd from any Service User.

## **4.3 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 The Registered Manager 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.

## **4.4 Consequences of Failing to Follow the Policy**

Serendipity Healthcare Ltd believes that all staff will 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 a Service User's Will or Legacy, will be considered a disciplinary offence and subject to the disciplinary procedures and safeguarding procedures at Serendipity Healthcare Ltd.

## **5. Procedure**

- 5.1 Gifts, including monetary gifts, are never acceptable under any circumstances.
- 5.2 All employees of Serendipity Healthcare Ltd must declare any gift offered to (or received by) them, from any source, to Registered Manager.
- 5.3 Any offer of gifts must be recorded by the Care Co-ordinator on the Service User's office file by logging 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 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 will inform the Registered Manager. If it concerns the Registered Manager, then they will inform another senior manager immediately. Serendipity Healthcare Ltd has robust whistleblowing procedures in place and staff will follow the procedures if they are unable to openly raise concerns.

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- 5.5 Any indication that an employee may be a beneficiary under a past or present Service User's Will must be reported immediately to the Registered Manager, who will take appropriate action after gathering the facts of the situation
- If a Service User seeks advice about making a Will, they will 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 Serendipity Healthcare Ltd from any Service User. If a Service User requests information about making a bequest to Serendipity Healthcare Ltd, they must be referred to the Registered Manager 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 prior knowledge of any such intention, they will attempt to dissuade the Service User
  - In the case of an appointment as executor, Serendipity Healthcare Ltd will explain that it is contrary to the policy of Serendipity Healthcare Ltd for staff to become involved in the personal affairs of Service Users and that such involvement may 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 a Service User, they must report it to their line manager immediately. This will be escalated to the Registered Manager
  - If a Care Worker is appointed as an Executor under a Service User's Will without prior knowledge, the Care Worker has a right to disengage themselves. The Care Worker will not proceed with making funeral arrangements or disposing of the estate until the legal situation is clarified. Serendipity Healthcare Ltd will seek legal advice on behalf of the Care Worker
- 5.6 **Safeguarding**  
Where financial abuse of a Service User is suspected, the Derbyshire County Council, Sheffield City Council, Nottinghamshire County Council Safeguarding 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 will also be made.
- 5.7 **Audit, Monitoring and Review**
- Serendipity Healthcare Ltd will ensure that the issues covered in this policy and procedure will be discussed in supervisions, and any difficulties addressed at an early stage
  - Complaints, incident data, 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

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### 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 Conflicts

- 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

- A legacy

Last Reviewed:  
16<sup>th</sup> June 2021