



Gifts, Donations and Wills



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Gifts, Donations, Wills Policy and Procedure

Purpose

The purpose of this policy is to review and undertake minor changes to the overall content resources must be reviews and remain current and any information should be added and The John Graham Centre (JGC) staff must be able to familiarise themselves with this information.

Relevant legislations

- 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 (Regulated Activities) (Amendments) Regulations 2012

Scope

The below roles may be affected by this policy:

- All JGC employees
- Family of employees
- Anyone working for or on behalf of The John Graham Centre
- All service users
- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

Objectives

The objective of this policy is to ensure that staff members and our service users are protected from allegation or financial or material abuse, however this most definitely does not discourage caring relationships.

Policy

Gifts from service users

The JGC understands that as part of a caring relationship between staff and our service users, it is unavoidable that there may be offers of gifts from a service user. The JGC does not allow staff to accept gifts, loans or gratuities from service users, their relatives, or friends, this



includes staff immediate family. Gifts are not limited to smaller monetary items but include gifts of care, shopping, clothing, houses, food etc. If staff are offered any gifts, they must be polite but firmly decline, if staff encounter difficulties when declining a gift, they must speak to a manager and fill out relevant paperwork if necessary. It is the responsibility of management to make sure that JGC staff are aware of this policy and have read and signed the document.

Wills, Donations and Legacies

JGC does not allow staff to become involved with the making of service users Wills or with soliciting any form of legacy or bequest from a service user, staff are not allowed to act as a witness or executor and are not allowed to become involved with any other legal documents. If a service users' needs help with making a Will or they ask for help from staff must ensure they pass this information on to management who will make contact with parents, career's and care manager if needed.

Lending and Borrowing Money

Staff are not allowed to borrow or lend money to service users, the JGC staff are not permitted to be involved with financial matters, and staff must not arrange or influence them to lend or borrow money from any third parties.

Consequences of Failing to Follow the Policy

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 procedure and safeguarding process at the JGC.

Procedure

- Gifts including monetary gifts, are never acceptable under any circumstances.
- All employees must declare any gift offered to (or received by) them, from any source, to Angela Cook.
- Any offer of gifts must be recorded by management and kept on file; the following information must be logged:
 - Details of when the gift was offered
 - What the gift was
 - To whom the gift was offered
 - What action was taken
- If any member of staff witnesses or has reason to believe that unauthorised gifting is taking place, they must inform management as soon as possible. If it is of concern by management, they will take any action needed and follow procedure. The JGC has a



whistleblowing procedure in place and staff must follow this when they need to especially if they are unable to openly raise any concerns they may have.

Wills and Bequests

- If there is any indication that any employee maybe a beneficiary either a past of present student's will, facts will be gathered, and appropriate action will be taken by management.
- If anyone becomes aware of this, they should report this immediately to management.
- If a student, ask you about making a Will you should record this on an information slip and inform management straight away, management will then report as necessary.
- Under no circumstances should any employees take initiative in seeking legacies for the JGC from any students, if students request information about making a bequest to The JGC they must be referred to Angela Cook if unavailable Sophie Hart and the information about making a bequest will be sent directly to the individual.
- Service users might make personal bequests or appoint them as executors, if the member of staff has prior knowledge of any such intention, they should attempt to dissuade the service users and liaise with management.
- If an employee is appointed as an executor, The JGC will explain that it is contrary to the policy of the JGC employees to become involved in the personal affairs of service users and any involvement could lead to disciplinary action.
- If an employee is left a sum of money or any specific gift from an estate, they must report this to management immediately who will then inform Angela Cook.
- Employees might be appointed an executor in a Will without prior knowledge, in this case the employee has the right to disengage themselves as much as possible and will not proceed with making funeral arrangements or disposing of the estate until the legal situation is resolved. The JGC will support the employee throughout this process.

Safeguarding

Where financial abuse of a Service User is suspected, the Kent County Council Safeguarding Policy and Procedure will be followed. If a member of staff is dismissed following an investigation, a referral to the Disclosure and Barring Service will also be made.

Audit, Monitoring and Review

- The JGC will ensure that the issues covered in this policy and procedure will be discussed in mentor meetings, and any difficulties addressed at an early stage during meetings.



- Complaints, incident data, reports and analysis of any disciplinary process will be used to identify any particular areas of difficulty
- 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

Key Facts

Professionals providing this service should be aware of the following:

- Exceptions are considered only following scrutiny by Angela Cook
- All gifts are recorded for monitoring purposes and for future audit
- The JGC has a strict policy on gifting, including cash and excessive hospitality
- No members of staff at The JGC can accept or give 'gifts' as it compromises the integrity of the Centre and the individuals concerned

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 Angela Cook (if unavailable Sophie Hart) or make a formal complaint which we can support you to do
- The JGC will give you the information and offer support. Part of this policy looks at protecting all from financial abuse.
- The staff at The JGC will 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
- The JGC 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 you should check with management to make sure this is ok, no member of staff may accept gifts or money in your Will for the same reason

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