

<b>Title of Document</b>	<b>Gifts, Legacies &amp; Wills Policy</b>		
<b>Name of Department</b>	<b>Finance</b>		

<b>What type of document is this?</b>	<b>Policy</b>	This sets out instructions for how a particular procedure in Helping Hands is to be routinely carried out	
<b>Which Helping Hands POL/SOP/W.I does this document relate to?</b>	N/A	<b>Reference number of POL/SOP/W.I</b>	N/A

<b>Which Operational Priority/Priorities does this document link to?</b>	Governance Framework	Superior Client Care	People, Performance & Culture	

<b>Custodian of document</b>	Chief Financial Officer	<b>Committee/Group responsible for this document</b>	Policy Committee
<b>Approval date and committee chairperson signature</b>	29.08.24	<b>When is its next scheduled review?</b>	29.08.27

<b>Who does it apply to?</b>	All staff working with Customers (Carer Teams)				
	<b>Does it apply to bank workers?</b>	Yes	<b>Does it apply to agency staff?</b>	NA	<b>Does it apply to third party contractors?</b>

<b>Purpose of the Policy</b>	This policy is intended to set out the values, principles and policies underpinning this organisation's approach to receiving of gifts to Helping Hands Homecare staff by service users or their relatives. It also aims to set out the company's policy on customer wills and legacies.				
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## Key Gift, Wills and Legacies Policy Requirements

### Roles and Responsibilities

Role	Responsibility
All Directors and Managers	To ensure that all staff within the company adhere to the policy and the policy is embedded across the company
All Managers	To ensure that the policy is embedded with direct teams and that all staff understand the responsibilities with regards to gifts, wills and legacy gifts
All Employees	To follow the guidance and requirements within the policy

### 1.0 Policy Statement

Helping Hands believe that its staff, Customers, (service users) have a right to expect that the organisation will be managed in an honest and sound financial way with robust procedures for dealing with and protecting the financial interests of customers. The organisation fully complies with the CQC Fundamental Standards of Quality and Safety, published in accordance with the Health & Social Care Act 2014, which relates to the degree to which customers financial interests are handled and safeguarded.

### 2.0 Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning this organisation's approach to the giving of gifts to organisational staff by customers or their relatives. It also aims to set out the organisation's policy on wills and legacies.

### 3.0 Policy on Gifts and Legacies for an Individual

It is not uncommon for Customers who have developed strong and close relationships to individual staff to offer gifts or gratuities or to seek to include a member of staff in their will. However, such activities can lead to accusations of coercion, exploitation, and fraud. It is vitally important to the organisation that its staff always uphold the highest standards of the organisation and always act in an honest manner with the best interests of Customers in mind.

Therefore, within Helping Hands Homecare:

- (3.1) personal gifts should never be encouraged or accepted by a member of staff if the value of the gift is estimated to be more than £20
- (3.2) staff should never, under any circumstances, accept valuables belonging to a customer or monetary gifts
- (3.3) any gift given to a member of staff must be declared as soon as is reasonably practicable and details recorded in the office; this must include the date that the gift was given, and its monetary value and it must be signed by the recipient. This should be notified by a carer using the Customer Notification Form, or by Salaried staff notifying their manager.

- (3.4) staff should never become involved with the making of a Customer's will or with soliciting any form of bequest or legacy from a Customer, they should never agree to act as a witness or executor of a Customer's will or become involved in any way with any other legal document. If a customer does need help with making a will, or requests help from staff, then the Customer should 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
- (3.5) failure to declare a gift, the accepting of a gift more than £20.00, the involvement in a will or attempting to solicit money or items through a customer's will or legacy will be considered a disciplinary offence.

#### **4.0 Policy on Gifts, Hospitality and Legacies on behalf of Helping Hands, the Company**

When it comes to accepting gifts, cash, cash equivalents or non-cash items, on behalf of the company, the following should be adhered to:

- (4.1) Any monies left with the Company should be donated to a charity of the customer or customers families choosing. A record of the transactions should be sent to Finance if managed within the Branch, or the monies should be given/sent to Finance to facilitate the donation, and for the donation to be registered on the Register of Gifts, Hospitality and Legacies.
- (4.2) Any monies, gifts (cash equivalent i.e. vouchers, or non-cash) gifted that have a utilisation request (except for a donation to a charity), for example, a purchase for a branch or contribution to staff training etc, an assessment by a Senior Operator should be carried out and a decision of acceptance or rejection should be made with Group Managing Director approval. If the decision is rejected, the monies, gifts etc should in the first instance be returned or attempted to be returned to the family. If this is not feasible or rejected by the family, the funds should be donated to a charity of the customers or customers families choosing.
- (4.3) If the customer has left in their will to donate any amount of monies, gifts (cash or non-cash), without a specific utilisation request, then these shall be donated to a charity of the customers families choosing.
- (4.4) If the customer has left in their will to donate any amount of monies, gifts (cash or non-cash), with a specific utilisation request, then this shall be subject to a HR and Finance assessment as per point 4.2.
- (4.5) Any operational assessment carried out should include the benefits to the Company, benefit to our customers, how the beneficiary plans to maintain equipment (if non-cash item), and reasonable training if required.
- (4.6) Any gift that is accepted from a supplier or potential supplier with a value of £50 or more must be registered in finance with the holder of the Register of Gifts, Hospitality and Legacies. It is good practice to record the estimated value of the gift. For the avoidance of doubt, any acceptance of gifts should be

carefully considered and discussed with senior leadership to ensure that there is no danger of compromise to personal or organisational integrity.

(4.7) Failure to declare a gift, cash, cash equivalents or non-cash items on behalf of the Company, the involvement in a will or attempting to solicit money or items through a customer's will or legacy on behalf of the Company will be considered a disciplinary offence.

#### Annex 1: Regulatory Policy Committee Register of Gifts and Hospitality

Name	Email	Date offered	Date accepted / rejected/received	Date recorded - within 3 working days of being offered	Gift/Hospitality	Accompanied to event by a spouse/partner/friend (Y/N) - SC2 and above only	Who gift or hospitality was received from	Value (E)	Result - Whether the gift/hospitality was declined or accepted, reason for acceptance and authorisation if required
									There were no gifts and hospitality for January 2021

#### 5.0 Witnessing Wills Policy

Helping Hands Homecare are fully aware of the possible requirement for our staff, or management, to witness a Customer's will. Customer's, their relatives, or legal representatives, may ask for the Customer's signature to be witnessed on several different documents. These may include but are not limited to:

- Last Will and Testament
- Enduring Power of Attorney
- Living Wills (Advance Directive)
- Access to Pension Books, Banks, or Building Society Accounts

These documents are very private documents, so it is neither advisable nor ethical to read them.

(5.1) Under no circumstances should a carer seek, invite, or accept an offer of any bequest or consideration in a Customers Will, either for the carers themselves or any third party.

(5.2) Under no circumstances are employees to become party to being involved in the making of customer's wills. This will include helping the Customer draw up a Will or acting as a witness or executor to the Customer's estate. If requested to do so by a Customer, the employee should politely but firmly explain that it is contrary to both Company and Contracting Authority Policies to become involved in the personal affairs of Customers to this extent and to do so could lead to disciplinary action.

(5.3) Unsolicited offers should be disclosed to the Line Manager who will discuss the matter with the Customer, their personal carer, relatives, or other advocates.

(5.4) Should an employee discover that he/she has been appointed as executor

without his/her prior knowledge then he/she has the right to disengage himself /herself. If this should happen the staff member must report it to his/her direct line manager immediately for advice and appropriate action.

- (5.5) If an employee has prior knowledge of a Customer's intention to make a bequest, then he/she should attempt to dissuade the Customer from doing so. Such instances must be recorded in the Customer's daily notes.
- (5.6) Those providing care to vulnerable people may acquire an unusually strong position of influence over them. To avoid accusations of improper conduct, carers should politely refuse to advise the customer on any aspects of making a Will, deed, gift, or any other document purporting to pass property.
- (5.7) Carers should also avoid acting as a witness to a signature of a Will or as an executor, as doing so may make the Will invalid. Customers should be referred to a solicitor or other independent adviser.
- (5.8) If carers are asked for advice by a customer to be a party to any financial arrangements of their affairs or are in any way in doubt about a request of this kind, the Line Manager should be informed without delay.
- (5.9) A customer seeking advice about making a Will, or changing an existing Will, should be encouraged to do so by contacting a solicitor or the Citizen's Advice Bureau. The carer may offer to assist the customer in this respect, if necessary, referring the matter back to their Line Manager for guidance.
- (5.10) Should it transpire that an employee is bequeathed a sum of money or a specific gift from the estate of a customer, then the staff member should report it immediately to his/her immediate supervisor. If necessary, legal advice will be obtained on his/her behalf and where relevant any records that were previously made of the customer being asked not to make such a bequest (3. above) must be provided as mitigating evidence.
- (5.11) Failure to comply with this policy may result in disciplinary action being taken.

## TRAINING

<b>Is training required?</b>	Yes
<b>Details of training</b>	Guidance will be given at induction stage or change in policy or process

## COMPLIANCE

<b>How is compliance with the POL going to be monitored</b>	Change in process or breach of policy will be monitored and may prompt a review of this policy.
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## EQUALITY IMPACT ASSESSMENT AND PROCEDURAL INFORMATION

	Positive / Negative / N/A	Comments
Does the document have a positive or negative impact on one group of people over another on the basis of their:		
• age?	N/A	
• disability?	N/A	
• gender reassignment?	N/A	
• pregnancy and maternity (which includes breastfeeding)?	N/A	
• race (including nationality, ethnic or national origins or colour)?	N/A	
• marriage or civil partnership?	N/A	
• religion or belief?	N/A	
• sex?	N/A	
• sexual orientation?	N/A	
If you have identified any potential impact (including any positive impact which may result in more favourable treatment for one group of people over another), are any exceptions valid, legal and/or justifiable?	N/A	
If the impact on one of the above groups is likely to be negative:		
• Can the impact be avoided?	N/A	
• What alternatives are there to achieving the document's aim without the impact?	N/A	
• Can the impact be reduced by taking different action?	N/A	
• Is there an impact on staff, client or someone else's privacy?	N/A	

What was the previous version number of this document?	Version 02	
Changes since previous version	<p>Review of policy – amendment of 3.0 title, now refers to gifts and legacies for an <b>individual</b> and amendment of wording to 3.1.</p> <p>New section added - 4.0 Policy on Gifts, Hospitality and Legacies on behalf of Helping Hands, the Company.</p>	
Who was involved in developing/reviewing/amending the POL?	<p>Quality Director Senior Quality Business Partner Senior Human Resources Business Partner Financial Controller</p>	
How confidential is this document?	Public	Can be shared freely within and outside of Helping Hands
References	N/A	
Associated Documents	N/A	