SERVICE UERS MONEY GUIDELINES

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A/Director of Services

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Appendices

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1. **Introduction**

1.1 The Brothers of Charity document “Going Forward Together – The Brothers of Charity Services Ethos” (2001) sets out the ethos of the Services and includes a number of key elements, which have been considered in the drafting of this document.

- The Brothers of Charity Services are committed to working with persons with an intellectual disability to claim their rightful place as valued citizens. Inclusion is a fundamental principle that underlies all aspects of our work.
- We believe in the intrinsic value of every person and we aim to further the dignity of all associated with our Services. We want each individual to have wide opportunities for self-expression in home life, education, occupation and leisure.
- We are a learning organisation open to evolving ideas in service development. We implement best of current trends in service provision.
- We seek to empower persons with intellectual disability, their families and all those working with them. The greatest possible autonomy is given to each part of the service while also maintaining a healthy interdependence. We create progressive and flexible organisational structures to support our fundamental objectives.

1.2 In drafting these guidelines cognizance has also been taken of the relevant draft National Disability Standards.

1.3 An easy read version of these guidelines is to be made available to all service users (appendix 2).

2. **Scope of the Guidelines**

2.1 The scope of these guidelines is to provide guidance to regions in relation to their responsibility in the management of personal assets of adults with an intellectual disability within the Services and to ensure that all relevant systems and structures are open and transparent. It is recognized that these guidelines are necessary to ensure that the basic rights and entitlements of service users in relation to personal property and money are respected and protected by all people in the Services and that a safe system of working is provided for staff to ensure that they are not open to allegations of mishandling of service user's monies or assets.

2.2 The guidelines cover both those who do not have the capacity to consent on how their money is managed and used and also those who are capable of making decisions with and without support, in relation to how their money is managed and used. These guidelines may not cover Service users money and assets that is managed by parents or siblings.

2.3 Financial independence is promoted and encouraged and service users are encouraged to handle money, recognise it and value it as a means of receiving goods and services;
2.4 Service users may have income from one or more sources. Service users receive some form of social welfare allowance and those attending a daily activities programme or sheltered workshop may receive additional allowances. Money may also be received from other sources such as wages, other social welfare payments, presents from family, dividends etc. It is intended that these guidelines will cover all monies however received and any assets held by the service user.

2.5 While this policy deals primarily with the personal assets of residential service users discussion in relation to money management and any training needs associated with this should form part of the Personal Outcome Plan for each service user.

2.6 It is the intention of these guidelines to outline:

- The mechanism by which Services will assess the level of support which a service user requires in making decisions about how they manage and use their money

- The role and responsibilities of staff identified to support a service user in making decisions about how they manage and use their money.

3. General Principles

3.1 Service users are supported to manage their own financial affairs. Where they choose otherwise there is transparency and accountability in relation to those of their financial affairs managed by the service provider, including disability allowances, training allowances and rent payments[1].

3.2 The Services may only manage a person’s money where such interventions are considered to be the most appropriate.

3.3 The Personal Outcome process determines the support people need to manage money.

3.4 Sometimes an “Assessment” should be carried out by a Services team (the composition of such team to be decided locally) to assess ability to manage financial affairs and the level of support that they may require to carry out this function.

3.5 If it is agreed that the service user has the capacity to manage their own money this will be indicated and documented. The role of the Services in this case will be one of support, where this is requested by the service user, and ensuring that any amounts owing to the Services are recouped from the service user.

3.6 The individual will be central to any decisions agreed.
3.7 In determining the level of supports to be put in place to assist a person manage their affairs account must be taken of the wishes of the individual as far as they can be ascertained by any means of communication appropriate to the individual.

3.8 For each service user, agreements reached in relation to his/her financial affairs should be documented and the resulting document signed by the service user, programme coordinator/area manager and if appropriate, parent/guardian/advocate. This document will indicate the level of support that the service user requires to manage their funds and how that support will be provided. Such agreements should form part of the person’s Person Centred Plan and should be reviewed on an annual basis.

3.9 Service users will be given a copy of the agreement and a copy will be maintained on their file.

3.10 Where a need for training in money management is identified it should be incorporated into individual development programmes. Service users should be facilitated to access external supports such as MABS (Money Advice and Budgeting Service) where this is appropriate.

4. **Mainstream Financial Services**

4.1 Service users are encouraged and facilitated to use the financial services availed of by the rest of the community as far as is possible.

4.2 Service users will be offered choices in relation to how social welfare allowances are paid over to them in accordance with Department of Social, Community and Family Affairs payment methods.

4.3 The use of financial institution current accounts and cash cards should be evaluated, discussed with the service user and agreement reached as to the operation of any accounts. Information on the various financial institutions should be made available to service users in an easy read format.

4.4 Where the individual does not have a preferred financial institution the best interests of the individual must be considered and consideration given to ease of access to accounts, accessibility and bank charges in making any decision for the individual.
4.5 All decisions taken in relation to the choice and operation of financial institution accounts are to be documented and a copy maintained on the individuals file.

5. **Maintenance of Accounts**  
(Only applies where Services are managing money)

5.1 Financial Institution accounts should be in the name of the service user and signatories to the account agreed with the service user wherever possible.

5.2 In the case of an individual not having the capacity to operate an account, the Chief Executive or person nominated by the Chief Executive will mandate two relevant persons to do so on their behalf. One of these will normally be the key worker.

5.3 The persons nominated must at all times actively include the individual in any decisions/transactions they carry out on their behalf and must be guided by the wishes of the individual.

5.4 Every effort should be made to assist service users in making lodgements to and withdrawals from personal financial institution accounts themselves.

5.5 Where a card is attached to an account the PIN number should only be known to the individual, key worker and the other person nominated on the account. Service users need to be made aware of the security consequences of failing to keep the PIN number secret.

5.6 Where it is agreed that the Services take responsibility for supporting the individual then a mandate must be sought for the Director of Services or person designated by the Director of Services to obtain records of all transactions from financial institutions.

5.7 In respect of service user’s financial institution accounts, where the Services have a role in the operation, a register of accounts and their signatories should be maintained by the central accounts office.

5.8 In situations where the services are managing someone’s money, in the interests of security, where the balance on an account which has a card attached to it, reaches €1,000 it is recommended that the excess will be transferred to a deposit account.
6. Recording of Transactions

6.1 A record of all financial institution account transactions, lodgements and withdrawals is to be maintained in the service users “Personal Monies Record Book” (see 8.4). Service users are to be made aware of this book and be able access it on request.

6.2 These transactions should correspond with the entries in the financial institution accounts books and bank statements.

6.3 A quarterly bank statement is required for auditing purposes and should be ordered from the bank. The consent of the individual is required for this.

6.4 All bank cards (other than those personally held by Service users) and financial records will be held in a secure, locked location.

6.5 The cashbooks will be checked monthly and will be subject to the annual external audit process.

6.6 Where the Services support service users in managing their finances balances on savings accounts should be reviewed quarterly by the Programme Co-ordinator / Area Manager to ensure that they are reasonable. Consideration should be given to the fact that accumulated balances may affect entitlement to D.A.

7. Income Received

7.1 Income received by service users is the property of the person and should be treated in such a manner.

7.2 Service users are informed of their entitlements in relation to statutory and other financial allowances and every effort will be made to ensure that the service user receives these entitlements and that they are paid directly to the service user to be used where possible at their discretion.

8. Personal Financial Statement

8.1 Each service user will have a Personal Financial Statement (appendix 3), which gives information about the financial assets of the service user.

8.2 This statement will include a list of financial institution accounts and any other funds or investments.

8.3 The personal financial statement should include details of the service user’s next of kin.
For service users for whom the Services provide some assistance in the management of their funds this Personal Financial Statement will be updated on an annual basis and will be subject to the external audit process.

9. **Personal Belongings**

9.1 Personal belongings are not used as communal property or lent to other service users without the permission of the service user[^2].

9.2 Items purchased by a service user from his/her personal money are the private property of that individual.

9.3 Such items are to be accessible to that individual and if that individual moves to a different residential location those items transfer with them and in the event of the death of that individual such items form part of the estate.

9.4 Each service user will have an asset register (appendix 4), which will identify the personal possessions of the person. For the purpose of these guidelines personal possessions are taken to be items, such as electrical equipment, jewellery, audio equipment, furniture etc.

9.5 The information included in the asset register will be:

- Description of Item including where applicable a serial number
- From whom received if the item is a present
- Receipt for item (if purchased from the service users money)
- Date of purchase (if known)
- It may also be useful to include a photograph of the item

9.6 In the event that a recorded item is discarded or disposed of it should be crossed out from the register noting the date of its disposal.

9.7 This asset register should to be updated as required and service users should be involved in the maintenance of this record. Asset registers will be subject to an internal audit process.

9.8 The pooling of service user’s monies to provide for specific items/supports for an identified group of people can only be considered in circumstances where the impact of the purchase/spending on the quality of life of the individual concerned can be measured.
9.9 It must be possible to ensure that the individual can benefit from all their income and that it is by choice that they pool their money.

9.10 Decisions in relation to communal purchases should include an agreement as to the arrangements in the event of a service user moving from the house or in the event of the death of a service user.

9.11 Any contribution sought from a service user must not be disproportionate to their available income.

9.12 In instances where a service user wishes to share his/her personal property with other service users it must be clear that the individual service user concerned is freely giving this consent.

10 Property held under a Deed of Trust

10.1 All property held under a deed of trust should be handled in accordance with the terms of the trust and the general law relating to trusts.

11. Procedures in cases of Death

11.1 Procedures are in place to be followed in the event of the death of the service user with regard to their assets and monies.

11.2 All service users have a right to make a will and should be encouraged to do so. Any support necessary will be given by the Services.

11.3 A requirement for making a valid will is that the individual has the legal capacity to make a will. An assessment of an individual's capacity is concerned with the decision making process and involves asking a number of questions.

- Can the person absorb the information required to make the decision.
- Does the person understand the information.
- Can the person weigh up the different considerations involved.
- Does the person understand the nature of the decision to be taken when explained.
- Does the person understand the consequences of the decision again when it is explained.
- Can the person communicate the decision.[3]
11.4 Staff must not act as a witness to any service user’s will and under no circumstances should any member of staff become an executor of a service user’s will.

11.5 In the event of the death of a service user the Services should ensure that the assets held by the service users are, after deduction of any funeral or other expenses necessarily incurred, handed over to the legal personal representative entitled to administer the estate only on production of the Will or letters of Administration.

11.6 Where there is a Will but the executor does not intend to obtain probate the property and money may be handed over to the person named as executor provided that:
   - The will naming him/her as executor is produced.
   - If her/she is not the sole next of kin all persons who could have a claim in the estate in priority to or equally with him/her sign a statement agreeing that the property and money be handed over to him/her.

11.7 Where there is no will and letters of administration are not being taken out:
   - The property and money may be handed over to the next of kin
   - If there is more than one next of kin the property may be handed over to one of them only if all so authorize this in writing. Where money is held each next of kin may be paid an equal share.
   - If there is no next of kin independent legal advice should be sought.

12. Involvement of Service Users and Accountability

12.1 Where it has been agreed that the Services have a role in managing a service users monies they will ensure accountability in an honest approved manner. The individual must be involved at all times.

12.2 Staff members involved in handling service user’s money or property are made fully aware of their responsibilities in this respect.

12.3 All money, account books and legal documents must be stored under lock and key. They must be available to the service user on request.

12.4 Storage of money in community houses and residential units must be kept to a minimum however sufficient funds should be readily available to respond to the day to day needs and preferences of the service users.

12.5 Each service user whose finances are partly or fully managed will have a “Personal Monies Record Book” showing all income and expenditure (appendix 5).
12.6 The key worker has responsibility for making entries into the "Personal Monies Record Book" where finances are:

- **Fully Managed** - Receipts must be maintained for all purchases wherever possible. Where no receipt is available a docket should be written with details of the transaction and the reason for non-availability of a receipt. All expenditure must be recorded in the "Personal Monies Record Book" and receipts must be numbered and cross-referenced to the entries. Receipts must be available for checking as and when required.

- **Partly Managed** – Service users are to be encouraged to return receipts for purchases from shops where it is normal practice for the shop to routinely give receipts. All expenditure must be recorded in the “Personal Monies Record Book”. All receipts, which have been returned, must be numbered and cross-referenced to these entries. Receipts must be available for checking as and when required.

- **Not managed** - Receipts are not required for expenditure unless large items are being purchased but staff should be aware of the spending pattern of service users. Concerns in relation to the spending pattern should be brought to the attention of the Programme Co-ordinator / Area Manager.

12.7 The “Personal Monies Record Books” will be reviewed by the Line Manager on a monthly basis.

12.8 Any situations where service user’s finances have not been recorded correctly or where staff fail to safeguard property or money that is their responsibility will be investigated.

13. **Decision Making in relation to Spending Money**

13.1 Where the Services have a role in managing a service user’s money decisions on how the money can be spent are made in consultation with the service user and are made in the context of the needs and wishes of the service user as identified in the Person Centred Plan

13.2 Service user’s monies are their own personal funds and the Services will respect their right to decide how that money is spent. However staff should endeavour to advise and assist service users in spending their money wisely and to ensure that others do not take advantage of them financially.

13.3 Decisions on spending other than daily living expenses will be made by the person’s Services team in consultation with the individual.
13.4 All decisions must:
- actively include the individual;
- be made in the context of the Person Centred Plan;
- take into account any hobbies/interests that the person has;
- consider the likes / dislikes expressed by the individual;
- identify how the person’s life can be enhanced through the agreed use of their funds;
- consider the resources available to the individual.

13.5 Funds can be used to provide desirable extras consistent with the individual’s wishes (for examples see appendix 6).

13.6 Monies must not be used to fund services or items that would normally be provided as part of the individual’s service provision. Items of equipment, which are essential health and community care requirements, must not therefore be funded from the individual’s private funds.

13.7 Where the service user is in a shared living situation staff must ensure that items purchased by that service user do not interfere with the rights of others.

13.8 Where the application of funds will have a benefit to others who live with the individual the communal benefit must be outweighed by the benefits to the individual.

13.9 The process involved in decisions must be documented in the Person Centred Plan and where the expenditure is in excess of €1,000 it should be notified to the Regional Services Manager/ Sector Manager.

13.10 Where a family member makes a request for money from a service users’ account decision will be made on a case-by-case basis and receipted by recipient.

14. Information and Rights

14.1 Service users are to be informed of their rights in relation to personal monies.

14.2 Service users have the right to use and have access to their personal money and personal property.
14.3 Service users have the right to be consulted and listened to in the decision making about their personal money and personal property.

14.4 Service users have the right to complain if they are not satisfied about any issue regarding their personal money and property. A copy of the Brothers of Charity Complaints Procedure should be given to any service user who wishes to make such a complaint. Any assistance needed by a service user to enable them to make the complaint should be given to them.

14.5 Service users have the right to be protected from financial exploitation by others.

15. **Family Consultation**

15.1 Agreements reached in relation to the management of a service user’s money should be notified to family members. This however is only where the permission of the service user is obtained or where it can be identified that it is the preference of or it is at least acceptable to the service user.

15.2 Where a service user cannot manage their own money and where their consent cannot be obtained the agreements reached in relation to the management of their money should be in consultation with family members / advocate and the resulting agreement signed by all concerned.

16. **Inappropriate Practice**

16.1 Any service user or family member who discovers or suspects any inappropriate practice in respect of a service user’s income, savings or property should report this to the relevant line manager. Staff members are obliged to report such suspicions or discoveries to the relevant manager.

17. **Audit**

17.1 The financial records of those service users for whom the Services have a role in the management of their money and assets will be subject to inspection at regular and irregular intervals by the Financial Controller.

17.2 The Financial Controller will arrange for an annual independent audit of financial and other assets of service users where the Services have a role in their management.
18. **Misappropriation of Funds**

18.1 Any misappropriation or abuse of service user’s funds or assets will be treated as gross misconduct and under the Brothers of Charity Disciplinary Procedure may result in dismissal without notice.

18.2 Under no circumstance may staff use money or assets belonging to any service user for their own use.

18.3 Under no circumstance should a staff withdraw money from an individual’s account for personal use or borrow money from a service user.

19. **Regional Guidelines**

19.1 Regional guidelines should be made available to families when a person is admitted to the Services.

20. **Review of Guidelines**

20.1 Regional guidelines should be reviewed periodically, and a first review should take place within 18 months of the operational date of the guidelines to ensure that they are meeting the needs of the service users.
Reference

In the drafting of these guidelines the following documents have been accessed or assistance given by:

- Draft National Disability Standards
- Draft Good Practice Guidelines in the Handling of Service Users Personal Assets. Brothers of Charity Services, South-East Region
- Draft Guidelines for Managing Service User’s Personal Property and Money - Brothers of Charity, Galway Services
- Draft Policy – Sisters of Bon Saveur Carriglea
- Guidelines for the Management of Tenants/Service Users Finances and Property. Brothers of Charity
- Ask Mencap – Mencap Website
- Assistance from Mr. Lonan Durand of St. John of God Services
[1] NDA Draft National Standards for Disability Services