


HANDLING OF MONEY ***(Resident who Lacks Capacity)***






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Policy Statement

This organisation has considered the implications of the Mental Capacity Act 2005 in respect of any of its residents who might lack capacity to take decisions over their financial transactions and affairs. Some residents might already have handed over powers of attorney to others to act on their behalf and to manage their financial affairs. Other residents whose capacity can be questioned might still retain control over their financial transactions. They might then seek to involve their care and support staff in the taking of the decisions as well. It is this second group who present particular issues for the organisation and its staff. Other people such as family members may or may not be involved in the decision taking, so care staff will have to determine their position in relation to them as well.

There are occasions when a resident, whose capacity is in doubt, involves an organisation worker and others in a financial decision. For example, the person might ask the worker to help withdraw a large amount of money from their account and to spend it on some item that seems to be unsuitable. Workers must be very careful how they respond. They should always report the issue and seek management advice on how to proceed.

The response of this organisation to situations where residents of questionable capacity seek to involve its staff, with or without others, in financial decisions is governed by the five principles of the Mental Capacity Act:

-  *Individuals must be assumed to have capacity (to take their own financial decisions) unless it is established that they lack capacity.*
-  *Individuals are not to be treated as unable to make a decision unless all practicable steps have been taken without success to help them take the decision.*
-  *Individuals must not be treated as unable to make a decision just because they might or have been known to make an unwise decision in the past.*
-  *When people take a decision on behalf of someone else who lacks capacity they must act in that person's best interests.*
-  *If anyone takes a decision on behalf of someone lacking capacity at the time, they must act so as to minimize any restriction to that person's rights and freedom of action.*

The Policy

The organisation considers the potential role and responsibilities of the organisation's workers in providing assistance to the resident to take the financial decision.

It ensures that any conflicts of interest over the decision are fully recorded and discussed and the organisation's position is always made clear. Such issues might need to be discussed at a meeting in which the user's views must always be considered (using an advocate if needed). The organisation ensures that the resident's capacity to take that decision is assessed in accordance with the Code of Practice issued with the *Mental Capacity Act 2005* so that their best interests are fully considered.

The organisation ensures that any person lacking capacity to take the decision has a plan to secure their best interests in these matters. The plan should offer as much independence and choice as the person is able to make. The organisation will follow the agreed decision-maker's instructions and discharge any agreed plan to the best of its ability as long as the decision is in

the person's best interests.

In taking these actions the organisation tries to act fully in accordance with the *Mental Capacity Act 2005* which states that individuals must be regarded as capable to take a decision unless it is proved otherwise.

The organisation's staff are expected to ensure that safeguards are always in place to protect the financial interests of the resident, particularly in respect of any who has been assessed as lacking capacity under the *Mental Capacity Act 2005*.

This organisation ensures that it keeps secure written records of all financial transactions in which staff have some part to play. Even if the worker is only indirectly involved, e.g. in acting as an escort, it insists that the situation is fully recorded. It also ensures that appropriate records and receipts are kept whenever staff spend any money on behalf of residents who lack capacity. The service supports and helps residents who have difficulties dealing with their finances or with money, regardless of whether they have capacity or not, to manage their finances as effectively as possible and in their best interests.

Related Policies
Adult Safeguarding
Financial Irregularities
Handling of Money (Residents)