

Gifts and Wills Policy

August 2019

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1. Introduction

1. It is recognised that as our work brings us into contact with increasing numbers of vulnerable (physically, socially and emotionally) people, the complexity of the relationships between staff, volunteers and our service users (our ADCA members) increases. There will be many occasions when gifts are offered to a member of staff or a volunteer by an individual member, a carer or a group of people who have been helped in some way and wish to show their appreciation, or when a member could do with some help managing their affairs.
2. Such situations can be difficult to handle, and this policy has been drawn up to make it clear to all those involved in ADCA's work where the boundaries of appropriate behaviour lie and reflect ADCA's concern for the welfare of our members.
3. **This policy deals with very serious issues and is intended to protect employees, volunteers and ADCA itself from claims or charges by a member, their relatives, or other persons of**
 - **obtaining advantage of a member by virtue of the special relationship**
 - **financial abuse.**
4. **Breaches of policy guidelines will be regarded as a disciplinary matter.**
5. The code of practice laid out in this policy is vitally important for all staff and volunteers and will be included in the terms and conditions of employment.

2. Gifts to individuals

1. Staff and volunteers must make it clear, politely, to those who use our services that it is our job to help them, and there must be no question of personal gifts or money for services given.
2. However, as part of the relationship that exists between staff, volunteers, members and their carers, it is inevitable that gifts from individuals and gifts resulting from collections will be exchanged at times, such as Christmas.
3. Small gifts (not money) may be accepted on such occasions by individuals or by a group of staff or volunteers, but staff **must** inform their line manager and volunteers **must** inform the Development Coordinator. Such gifts must be recorded by the Development Coordinator on ADCA's records relating to the individual member.
4. If members offer personal gifts at other times, these should be courteously but firmly declined.
5. It may, however, be appropriate (in order not to cause offence) to accept such gifts on behalf of the organisation – for example, a box of biscuits to be shared amongst a group of staff, volunteers and members, an ornament to be used as a raffle prize, or some flowers to be put on display for general enjoyment.
6. Anyone who encounters difficulties with regard to gifts should not hesitate to seek advice from their line manager or any staff member.
7. These guidelines apply to gifts offered to members of staff, to volunteers, or to members of their immediate family.

3. Donations to ADCA

1. ADCA welcomes charitable gifts to continue its work, and donations from members and their families are much appreciated. Any donations of money for the organisation handed to staff or volunteers must be passed on to the Development Coordinator as soon as possible, so that a receipt and letter of thanks can be issued to the donor. Members and their carers may also send donations by cheque or postal order direct to ADCA at its charity address.
2. The use of Gift Aid should be encouraged as this increases the income to ADCA.

4. Wills and bequests

1. Members who ask for advice about making a will should be encouraged to speak to a solicitor.
2. **Staff and volunteers (and their family members) must not, under any circumstances, become involved in**
 - making a member's will
 - benefitting from a member's will
 - acting as a witness or executor of a member's will
 - soliciting any other bequest or legacy.
3. **Staff and volunteers (and their family members) must not become involved in any other legal arrangements with a member.**
4. This does not preclude staff and volunteers helping members to attend solicitor appointments and continuing to advocate on their behalf.
5. If members (or their carers) ask for information about making a bequest to ADCA, they must be referred to the Chairman or Treasurer of ADCA, who will send information about making a bequest directly to the individual.
6. On occasion, members may wish to make personal bequests to staff members or volunteers. If the staff member or volunteer has prior knowledge of any such intention, they should attempt to dissuade the individual and point out that a bequest to the organisation would be more appropriate.
7. If a member expresses a wish to appoint a staff member or volunteer as their executor, it should be explained to them that ADCA's policy
 - forbids staff and volunteers from becoming involved in the personal affairs of members, and
 - specifies that any such involvement could lead to disciplinary action (in the case of staff), or revocation of volunteer status (in the case of volunteers).
8. A staff member or volunteer who is left a sum of money (or any specific gift) from the estate of a deceased member must report it to their line manager immediately and without fail.
9. Volunteers who are left such a bequest must report it immediately to the Development Coordinator.
10. It is expected that all such bequests will be passed on to ADCA as a donation.
11. A staff member who finds that they have been appointed executor under a member's will without prior knowledge has the right to disengage themselves. **They should NOT proceed** with making funeral arrangements or disposing of the estate until the legal situation is clarified. They should seek advice from their line manager. If necessary, legal advice will be obtained on their behalf (for example, legal arrangements for managing financial affairs/Appointeeship/Court of Protection).

5. Power of Attorney and other financial arrangements

1. If a member is expressing concern about managing their affairs and appears to need help, they should be encouraged to allow you to refer them to the Development Coordinator. Appropriate advice will then be arranged to deal with these issues.
2. **Staff members and volunteers must not, under any circumstances, seek or accept Power of Attorney/Appointeeship or Court of Protection for a member.**

6. Questions and concerns

Staff members who have any doubts or concerns about any of these matters should discuss it with their line manager. Volunteers should speak to the Development Coordinator in the first instance.