
Professional, Ethical and Legal Boundaries Policy

1. Context, aims and scope of this policy

The overall purpose of this policy is to guide staff and volunteers on what is acceptable behaviour in relation to professional, ethical and legal boundaries, with the aim of shielding residents from harm and protecting our Society and individuals from accusations of wrongdoing.

The objective of the policy is to clarify our policy position in relation to:

- Appropriate relationships with and behaviours towards residents
- Conflicts of interest arising from pre-existing and family relationships
- The acceptance of gifts, monetary and otherwise and how to deal with donations
- Requests for involvement in resident wills or for legal advice

Where a staff member or volunteer has not complied with any aspect of this policy, action will be taken under the appropriate disciplinary procedure.

2. Relationships between staff, volunteers and residents

The relationships we form with residents should be based on trust, respect and an understanding of where the appropriate boundaries lie for staff and volunteers. Understanding these boundaries and what constitutes inappropriate behaviour will help to guard against the risk of allegations of unprofessional or abusive conduct.

2.1 Defining professional boundaries

When establishing appropriate professional boundaries, it is helpful to ask the following questions:

- Is the action in the resident's best interest?
- Whose needs are being served?
- Will this have an impact on the service being delivered?
- Should I make a note of my concerns or consult with a colleague?
- How would the resident's family view this action?
- How would I feel telling a colleague about this?
- Am I treating this resident differently?
- Does this resident mean something "special" to me?
- Am I taking advantage of the resident?
- Does this action benefit me rather than the resident?
- Am I confident in documenting this decision/behaviour in the resident's personal file?

2.2 Relationships with residents and conflicts of interest

Where there has been a breakdown of professional boundaries, a risk of a breakdown, or where a conflict of interest has arisen, this should be brought to the attention of the staff member's line manager, or trustee in the case of a volunteer.

2.2.1 Pre-existing relationships between staff / volunteers and residents

Conflicts of interest can occur from time to time, for example, where a resident's relative is a volunteer or employed at the Society.

Pre-existing personal relationships between a potential staff member or volunteer and a resident should be declared at the application stage. As staff members or volunteers, they and their line manager will be responsible for managing any conflict of interest which arises.

Pre-existing relationships with a staff member or volunteer of a new resident will similarly need to be identified, risk assessed and managed.

2.2.2 Personal relationships between staff member and volunteers

While two people have a right to form a relationship of their choice, our concern is restricted to minimising any adverse impact that such a relationship might have in the workplace. This is particularly important where one person has line managerial responsibility towards the other, or where a high number of staff members within a team are related or in a relationship.

Any pre-existing relationships with a current employee or volunteer should be declared by a prospective staff member or volunteer at the application stage for the role. To minimise potential conflicts of interest in the workplace, we will not normally recruit or assign a person into a role where there will be a reporting line relationship. We also recognise a high volume of familial relationships as a potential problem and will risk assess such situations to mitigate the risks.

If you develop a relationship during employment or volunteering which could cause a conflict of interest or constitute a breakdown of professional boundaries, this must be disclosed to your line manager or a trustee. Failure to do so by a staff member may be regarded as misconduct and may be dealt with under the disciplinary procedure; a volunteer may be asked to resign.

2.2.3 Appropriate relationships between staff / volunteers and residents

Our residents are potentially vulnerable to influence and coercion from people that they see regularly, especially those who are in a position to exercise power or on whom they are dependent. Conversely, it is possible that residents may seek to influence or obtain special treatment by offering gifts or promises of financial reward.

Staff and volunteers members must discourage residents from becoming over reliant on any one staff member or volunteer. This will protect against accusations of favouritism, bias or seeking to influence the resident for gain.

The following are examples of behaviours that may create a dependency:

- Inviting a resident into your home
- Socialising outside the work or volunteering relationship
- Using the resident for individual emotional need

3. Recognising inappropriate behaviour in the workplace

Actions or behaviours considered to be inappropriate include but are not limited to:

- Sexual acts, requests for/suggestion of sexual acts
- Physical contact which could be construed as sexually suggestive
- Sexual innuendo and/or insinuation.
- Asking inappropriate questions about sexual habits
- Asking inappropriate questions about hygiene or sanitary issues
- Dressing in a way that may cause embarrassment
- Invasion of personal space
- The use of offensive language

3.1 Inappropriate personal disclosure

Staff and volunteers must not divulge personal information about themselves, other staff members, volunteers or residents to any person who does not have a legitimate right to access it.

4. Gifts and donations

4.1 Acceptance of gifts from residents

Acceptance of gifts can lead to a sense of obligation or favouritism and become a boundary issue. Individual staff members (including agency or temporary staff) and volunteers are not permitted to accept monetary gifts from residents or their relatives. If offered, they should be politely declined.

Small non-monetary gifts to a staff and volunteers may be accepted where the value is £25 or less. Details of the gift, its value and the reason for giving it should be recorded in a gifts register. Note that a regular series of small gifts would be inappropriate, and gifts received should not exceed £50 within any one calendar year.

In situations in which it is apparent that a staff member or volunteer has not complied with this policy, this will be treated as a disciplinary matter.

4.2 Borrowing or accepting money from residents

Under no circumstances should a staff member or volunteer accept or borrow money from a resident or their representatives. Exceptionally, if a resident wishes to employ a member of staff for private cleaning arrangements, this (and the rate to be charged) must be reported to the appropriate line manager who will explain the issues involved to both the resident and employee.

(Note that TAS guidance is to ban any direct employment of staff by residents but we consider that this overrides the personal rights of the resident and that the safeguarding risk is mitigated by transparency of the arrangement.)

4.3 Accepting donations

Where a resident, their family or a member of the public wishes to make a monetary or other type of gift to the Society, they should be referred to the Chair who will take a decision as to whether the gift can be accepted and respond formally in writing.

5. Involvement in residents' Wills

Staff (including agency or temporary staff) and volunteers are not permitted to be involved in the drawing up of a resident's Will or any other legal document, or make a recommendation of someone else to do so. This includes acting as a witness, executor, trustee or attorney, or to act as witness to any legal documents concerning a resident's personal or financial arrangements, for example a Lasting Power of Attorney.

Where a resident expresses a need for legal advice, they can be signposted to independent advocacy or legal advice. Alternatively, with consent, a staff member or volunteer may contact their representative or advocate to inform them of the request. Where a resident is deemed to lack the capacity to make an informed choice, social services should be contacted to independently identify a solicitor who can draft or amend a resident's Will.

5.1 Resident's Will beneficiaries

Where a resident dies and has made a gift in their will to a particular staff member, team or volunteer without the Society's knowledge, this must be referred to the Chair to decide the best approach. The Chair should contact the family of the deceased resident to inform them of the policy on the acceptance of gifts and ask whether they would be willing for any gift to be left for the benefit of the house the resident lived in.

6. Misuse of resident's facilities or property

Staff or volunteers must not use resident's property for their own use. Examples include:

- Borrowing a resident's TV
- Eating a resident's food
- Selling or disposing of goods belonging to residents for their own gain.

A staff member or volunteer who is found to be using residents' property or goods for their own benefit will be dealt with as a disciplinary matter.

7 Changes to 2020 07 version

Content has been restructured to include the previous Appendix. Key content changes are:

- Additional information on managing personal relationships amongst staff / volunteers and recognition of the risk of a high volume of familial relationships.
- Clarifying that staff and volunteers should not accept monetary gifts above £25 or borrow money from a resident under any circumstances combined with a new procedure for staff employed by residents for cleaning services.