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## Clients' Private Property (PPP) Standards & Guidelines

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limited to providing quality services that are person-  
s of people we support. As a provider of care and  
services, the Foundation has produced these standards and guidelines to provide  
clear direction to staff when dealing with the private property of people we support,  
particularly in relation to their personal monies. It is for COPE Foundation and its  
staff to seek to limit any loss or damage to personal property in so far as is  
practicable. As with all aspects of our work with clients and their families, it is  
envisaged that these standards and guidelines will offer reassurance, that the  
services we provide exhibits the values of integrity and transparency.

## **1.2 Purpose**

The purpose of this document is to outline clear standards and guidelines for staff  
when dealing with the personal property of people we support, particularly in  
relation to their personal monies.

## **1.3 Scope**

These standards and guidelines apply to the administration by COPE Foundation  
staff of all aspects of people we supportsq private property, particularly their  
personal monies.

## **1.4 Legislation/Regulations/Standards**

- Health (Repayment Scheme) Act 2006
- National Quality Standards: Residential Services for People with Disabilities  
2009
- National Quality Standards: Residential Care Settings for Older People in  
Ireland 2009
- Data Protection Acts 1988/2003
- Freedom of Information Acts 1997/2003
- HSE Draft Final Guidelines: Patient's Private Property 2008
- Service Level Agreement between HSE & COPE Foundation.

## **1.5 Definition/Description**

### **Client's Private Property (PPP a/c)**

- The clients private properties are the monies and personal property that  
belong to them solely. They may include clothing, footwear, jewellery and  
other small valuable items, luggage, personal items of furniture, ornaments,  
other personal effects et cetera.

## Principles Informing these Guidelines

Client accounts belong to the client and to no other person and COPE Foundation has an implied trustee relationship with its clients in

- 2.2** Where necessary and/ or requested by or on behalf of the client, COPE Foundation offers the PPP service.
- 2.3** Any net interest earned on investment of PPP funds belongs to the clients and cannot be retained by COPE Foundation. The net interest is passed on to the clients' accounts on a quarterly basis.
- 2.4** COPE Foundation recognises its duty to be able to properly record and account for any movements in the PPP funds held by it in safekeeping for clients. This duty is an integral part of the overall care of our clients.
- 2.5** There is a general legal presumption that an individual has the mental capacity to make their own decisions.
- 2.6** COPE Foundation supports the use of a *'functional'* interpretation of capacity i.e. that capacity is *specific* to the *particular* act or decision, at the time it is being made.
- 2.7** Whether a client is deemed to have capacity or not, he or she must be involved in decisions affecting them, including decisions regarding their funds, to the greatest extent practicable and consistent with their overall well being.
- 2.8** In allowing any utilisation of PPP funds, where a client does not have the capacity, and therefore cannot give an informed permission, COPE Foundation will be guided by the overriding requirement of acting in the clear best interests of the client.
- 2.9** COPE Foundation will seek to involve next of kin (and other interested persons) in as much as practical and appropriate in the care of clients. Any involvement must be in the best interest of the client, and must respect their right to privacy and confidentiality.
- 2.10** COPE Foundation supports the principle of its staff being involved with clients and their families/ friends in supporting an individual client to make informed decisions about the management of his/her own PPP funds. Local staff are best placed to know what may be appropriate for each individual client in respect of the use of their own funds, i.e. what may be appropriate for one client, may be inappropriate in respect of another client. Any such local discretion must be exercised purely on the basis of the client's best interests.
- 2.11** COPE Foundation does not permit any pooling or general use of the funds of many clients for the general benefit of some clients. Each client's funds can **only** be used for that specific client's benefit.

### Managing their own financial affairs

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It is capable of managing their own financial affairs, respect of their PPP a/c will be given to the client themselves or to a person nominated by the client to receive such information, and an account statement will be issued at least annually.

### 3.2 Clients *not* capable of managing their own financial affairs

- In general, all client financial information is private and confidential to the client themselves. However, there are circumstances where a third party will have a legal authority over the financial affairs of the client and may be entitled to information, e.g. Guardian/ advocate.
- There are also circumstances where COPE Foundation **may** provide **some** financial information to a third party, when provided for the benefit and in the best interests of the client, e.g. family member. In such circumstances, the Foundation must be in a position to demonstrate that the release of this limited information in such circumstances is justifiable, valid and in the interest of the relevant client.

### 3.3 Legal Authority

#### 3.3.1 Enduring Power of Attorney (EPA)

- In cases where a client has an EPA in place, which **may** grant the appointed Attorney access to the client's financial information, a certified copy of the EPA should be sought and kept on file, and the extent of the authority should be established, before any client information is provided.

#### 3.3.2 A Court Appointed Next Friend

- A Court Appointed Next friend **may** have a right to access information on a client's private property account. The exact nature of the authority granted must be established in each individual case before information is provided.

#### 3.3.3 Ward of Court

- Information on the balance in a client's private property account can also be provided to a person for the purpose of them making a Wardship Application to the Office of the Wards of Court. The release of information in such cases should only occur on foot of a formal request from the Solicitor acting on the instructions of the proposed Committee.

#### 3.3.4 Key Client Contact

- The Key Client Contact is the client's family/guardian/advocate who may be informed annually with a statement of the client's private property account.



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Account balance of a deceased client may be released to a Representative or solicitor to allow them to deal with the assets of the deceased client.

### **3.3.6 Requests for Information under FOI and Data Protection Legislation**

- Any queries under FOI or Data Protection will follow existing COPE Foundation procedures.

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administration of clients' private property is the need to separate clients' funds from the Foundation's funds. This ensures appropriate protection for both clients and COPE Foundation.

- In order to implement this separation, clarity is required as to what clients are expected to fund from their resources, and what they can reasonably expect COPE Foundation to provide for as part of its care obligations.
- It is neither practical nor appropriate for COPE Foundation to seek to be fully prescriptive in setting out detailed guidelines, concerning the administration of PPP funds, particularly on issues impacted by the lack of capacity of clients.

### 4.2 COPE Foundation Funds

- It should be noted that the collection of charges by COPE Foundation as required by statute under relevant legislation, become the funds of COPE and cease to be clients' funds once collected by the Foundation.

### 4.3 Uses for which it may be appropriate to request or utilise clients' funds

#### 4.3.1 Trips/ Outings/ Other Social Activities

- Client in COPE Foundation residential services should only be liable for reasonable costs for trips, outings, or other social activities (including parties etc.). Local discretion must play a significant role in relation to this area, and in considering what is reasonable, the following must be taken into account:
  1. Clients should only be asked to contribute to the costs of trips etc that they will be attending or are likely to attend;
  2. Where a group of clients are taking part in a group activity:
    - Each client must receive an equitable benefit of the money spent from their PPP account. PPP funds may only be spent for group activities from the PPP funds of those clients actually participating in the activity.
    - Receipts must be kept filed appropriately for such activities.
    - A record of a client's participation in the activity should be kept, so that the spending of their PPP funds can be linked to their participation in the activity.
    - It is **not** appropriate for any pay costs relating to COPE Foundation staff attending or facilitating such trips, outings or social activities to be borne by clients' funds.

## Aids & Appliances for Personal Use

from their own funds, these basic items with additional, which are over and above the norm of what COPE and which are not considered necessary for the care of the specific client or clients in general. This might include items of bedroom furniture or enhanced aids and appliances from which the client would benefit.

### 4.3.3 Clothing

- The general position is that clothing is something which **clients** should provide from their own funds, if for no other reason than the fact that this reinforces their personal dignity, independence, and choice. However, appropriate local professional discretion involving the use of COPE Foundation funds, must be exercised to ensure that clients' clothing does not fall below a minimum standard, consistent with their general well being.

### 4.3.4 Personal Grooming/Cosmetics etcetera

- Hairdressing will normally be undertaken at the client's expense.

## 4.4 Uses for which it is not appropriate to request or utilise clients' funds

### 4.4.1 Facilities Upkeep/ Refurbishment/ Maintenance/ Decoration

### 4.4.2 Ongoing Residential Charges (or arrears of charges)

### 4.4.3 Fixtures and Fittings

### 4.4.4 Medicines

### 4.4.5 Aids/ Appliances

### 4.4.6 Personal Hygiene

- The standard hygiene items such as soap, toothbrush, toothpaste, deodorant etc., may be provided at COPE Foundation expense. The client may augment from their own funds, these basic products with additional grooming products, such as make-up, perfumes, aftershave etc.

### 4.4.7 GP/ Chiropody/ Optical/ Aural/ Immunisation etc.

- These services, to the extent that COPE Foundation is in a position to provide them within available resources, may be provided either as part of the facilities of the unit or may be accessed through the client's medical card/ GP visit card.

## Pocket Money from Client's PPP funds

held in trust by COPE Foundation/HSE.

- The fundamental guiding principle in determining whether to expend money on a client's behalf from their PPP fund is whether it is the client's preference, or in their best interest.

### 5.2 Pocket Money/ Petty Cash & Imprest System

- Existing financial controls deal with the normal day to day movements in client's funds, including in respect of the provision of client's comforts, pocket money etc.
- The financial controls involve Unit Managers in maintaining, on an Imprest basis, a separate petty cash float specifically for client pocket money, recording individual client's daily expenditures on a standard triplicate petty cash book, posting the payments on a daily basis to an Excel spreadsheet for all individual clients, and remitting the spreadsheet to the Finance Department at month's end.
- The Finance Department holds a ledger account for each client, crediting the weekly receipts from the Department of Social Welfare, and debiting each account with the monthly expenditure as per Unit spreadsheet.

### 5.3 Unit/ Centre Responsibilities

- It is a matter for the relevant Unit Managers to ensure that they are aware of and comply with their responsibilities under the Imprest System in regards to client's pocket money and expenditures.
- It is a matter for each relevant staff member to comply with COPE Foundation's financial controls as directed by their Unit Managers.

### 5.4 Audit

- Internal Audit of individual Units in respect of client's PPP accounts is carried out by members of the Finance Department of COPE Foundation, at a minimum of once a year. All expenditures receipts/ vouchers are to be maintained at Unit Level for auditing purposes.
- Site visits may also be undertaken by external auditors to review the Client PPP accounts procedures.

## Payment of Monies from Clients' PPP Accounts in favour of Third Parties

- For the purposes of these guidelines, third party payments relate to requests to pay over clients' funds to someone other than the client.
- It also deals with the **reimbursement** of receipts furnished by third parties, in respect of personal effects, provided directly for the benefit of clients.
- It is under this heading that requests for **access to clients' funds** by family/ guardian/ advocates are also dealt with.
- Where a client is a Ward of Court, has in place an Enduring Power of Attorney (ETA) or is a Court Appointed Next Friend, then the power to approve any requests in relation to funds held in safekeeping for the client, rests with the Wards of Court Office/ Committee of the Ward, or **may** rest with the person who has registered and activated the EPA with the High Court or a Court Appointed Friend.

### 6.2 Responsibilities & Documentation

- If money is to be given to a third party from the client's PPP account, then it should only be given with the prior approval of COPE Foundation Unit Management, either as reimbursement for beneficial expenditure (which must be fully vouched), or where access to the client's PPP funds is appropriate. (Examples would be parents taking the client on annual holidays, taking the client home at the weekends, hiring staff themselves to accompany the client on private outings etc.)
- COPE Foundation has a standard form for completion of reimbursements to third parties from client PPP accounts.
- COPE Foundation also has a standard form for authorised third party withdrawal/payment from client's PPP funds.

### 6.3 Necessary actions where a request for withdrawal/ payment of monies from a client's PPP account is *not* approved

- COPE Foundation staff will endeavour to deal sensitively with the wishes of clients and their families/ guardian/advocates. However, whilst staff must do this, they must also comply with our obligation to protect the funds of clients who lack capacity to give informed consent to the withdrawal request.
- If COPE Foundation management believe it is not appropriate to approve the request, then it is not possible to process a withdrawal. Discussion with the client/ their family/ guardian/advocate at this stage may result in the matter being resolved by means of the reimbursement of receipts/process.

## & Other Property of Deceased Clients

### Representative (LPR)

Client should be passed on to the client's LPR for them to manage the estate of the deceased according to law.

- Where there is no will, or *formal* appointment of Executor or Administrator as a client's LPR, COPE Foundation may pay out client PPP funds in certain circumstances, where the balance held is no more than " 20,000. This is provided that COPE Foundation has no valid reason to believe that the person wishing to act as LPR is not entitled to do so, and that the Foundation is not aware of any dispute or potential dispute over the inheritance.
- Where the balance exceeds " 20,000, letters of probate will need to be obtained.

### 7.2 Funeral Expenses: Where arrangements are dealt with by relatives/ friends

- COPE Foundation's preference is for all clients who die while in care, have their funeral arrangements carried out in accordance with their own wishes, and for the necessary arrangements to be handled by relatives/ friends.
- Client's funds can be released to the LPR to enable them, amongst other things, to meet funeral expenses, or may be paid directly by COPE Foundation from these funds.
- Once funds have been released to the LPR, it is then a matter for them to make any decisions as appropriate around the usage of those funds, including discharging any funeral expenses.
- In cases where relatives incur extra expenses associated with a funeral, they should be advised that they may seek to recoup the extra expense subsequently from the LPR. The main purpose of this provision is to protect COPE Foundation from instances, where potential beneficiaries to a deceased client's estate may, subsequent to the funeral, take issue with the extent of the client's funds that have been used up in paying for the funeral.

### 7.3 Funeral Expenses: Where COPE Foundation makes the arrangements

- Where clients have not, or are unable to make their wishes known, and/or there are no LPR/ relatives/ friends to make the necessary arrangements, then COPE Foundation will make the necessary funeral arrangements.
- Where the Foundation makes the funeral arrangements, then the cost is to be charged to the client's funds held in their PPP account.
- If there are insufficient funds in the specific client's PPP account, then any balance of cost will be charged to the funds of COPE Foundation itself. Options to recoup any balance of cost can be subsequently followed up i.e. in terms of grants from the Department of Social Welfare and/or recoupment from any balance of the client's estate, which may be held outside of the PPP account.



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## COPE Foundation

COPE Foundation cannot unilaterally deduct monies owed to it from clients' assets without the consent of the client.

Any such monies must be dealt with by agreement with the Executors or Administrators, where they have been appointed, or by consultation with appropriate next of kin, before any outstanding monies due to COPE Foundation are paid over.

### 7.5 Property other than Monies

- Executors and Administrators (LPR) are the appropriate persons to make decisions concerning a deceased client's personal effects, including clothing, jewellery etc.
- Where there is no LPR, the treatment of such property should be dealt with, in consultation with the appropriate next of kin. A receipt should always be obtained.



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## 8: Complaints & Appeals

about decisions taken by COPE Foundation staff as tenantsqPrivate Property are subject to the normal & Appeals process.

### **PART 9: Support for Staff in making decisions in difficult cases/ Interpretation of PPP Guidelines**

**9.1** Staff should consult with Line Managers in the first instance. Line Managers may then consult with the Leadership Team and the Finance Department as considered appropriate in the case.

**9.2** All requests for external legal advice will be channelled by the Leadership Team to the Chief Executive.