

# ‘Safeguarding Adults at Risk is Everyone’s Business’

December 2018

### Version Control

Date:	Page:	Details of Change:	Responsible Person:	Ratified by:	Date of next Review:
18/11/2015	All	Complete Revision	Tina Tozer & Richard Hanlon  (SLT)	Board of Trustees	Dec 2016
12/01/2016		Addition of Appendix 1 - Role of Trustees	Sharon Jones	<b>ratified by Board of Trustees March 2016</b>	May 2018
24/11/2017	All	Updated	Richard Hanlon & Tina Tozer	Board of Trustees Jan 2018	
04/12/2018	All	Updated to reflect College procedures	Nikki Forsyth	CEO	December 2019

### Lifeworks Policies Referenced

Policy Referenced:
Anti-Bullying Policy
Social Media Policy
Equality and Diversity in Action
Safer Recruitment Policy and Procedures
Supervision Policy
Whistle-blowing Policy
Information sharing and confidentiality

## Safeguarding Adult Policy & Procedures

Why have we updated the policy?

Lifeworks Safeguarding Adults policy has been updated to show compliance with the Care Act 2014 and updated legislation which introduced the following changes:

- ☒ The term **adult at risk** (of abuse or neglect) replaces the term vulnerable adult
- Safeguarding 'alerts' are now referred to as **safeguarding 'concerns'**
- The 'investigation' process is now referred to as **'enquiries'**
- ☒ The types of abuse have been extended to include **self-neglect, modern slavery and domestic abuse**
- The **'enquiry' process is very much driven by the adult at risk** and can form a range of activities rather than a rigid process of meetings

Tina Tozer Lifeworks Operations Director - November 2017

## Safeguarding Adult Policy & Procedures

### Definitions

For the purposes of this document and avoidance of doubt, the following definitions are adopted from the Care Act 2014 Statutory Guidance<sup>1</sup>.

### Adult abuse

*Safeguarding duties apply to an adult who:*

- *has needs for care and support (whether or not the local authority is meeting any of those needs) and;*
- *is experiencing, or at risk of, abuse or neglect; and*
- *as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.*

1: s.14.2, p.229

### Types of abuse and neglect

It is important to remember that the descriptions below are not limiting as to what can constitute abuse or neglect as these can take many forms. The descriptions below are illustrative guides and the circumstances of each individual case should always be considered. Exploitation, in particular, is a common theme in the following list:

- **Physical abuse** – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- **Domestic violence** – including psychological, physical, sexual, financial, emotional abuse; so called ‘honour’ based violence.
- **Sexual abuse** – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.
- **Psychological abuse** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- ☒ **Financial or material abuse** – including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

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<sup>1</sup> [Department of Health Care and Support Statutory Guidance: Issued under the Care Act 2014 updated August 2017](#)

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- **Modern slavery** – encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- **Discriminatory abuse** – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
- **Organisational abuse** – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- **Neglect and acts of omission** – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- **Self-neglect** – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

**Further guidance can be found in Chapter 14 of the Care and Support Statutory Guidance (2017).**

### Dissemination of policy and procedures:

As identified in this policy all new staff and volunteers including any new Board of Trustees will be required to be familiar with the policy as part of their induction. At mandatory induction all staff to be issued with a copy of this policy and given the appropriate time and opportunity to read and digest it, then sign an acknowledgement record to confirm this. The inductee's understanding of the policy and operating procedures will be checked and formally confirmed by their line manager as part of their mandatory training completion and record.

College LSA staff will undertake Devon Adult Safeguarding A1: Level 2 Raising Safeguarding Concern and A2: Level 2 Mental Capacity Act & Deprivation of Liberty Safeguards prior to commencing work at College.

The Safeguarding Lead (Teacher in Charge) and Deputy Safeguarding Lead will in addition undertake Level 3 Practitioners – Adult Safeguarding - Making Safeguarding Personal and Mental Capacity Act - Deprivation of Liberty Safeguards.

The 'Responsible Manager' is required to attend Level 5 Safeguarding Management course.

Where required the policy will be available in different formats to make it more accessible (as per our Equality and Diversity in Action Policy).

External contractors will be required to commit to work within the scope of this policy.



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In addition to being covered as part of the Induction process this policy will be revisited as part of probation objectives/1:1 meetings/ annual appraisal system and through 'bitesize' training to ensure that all staff remain familiar with its contents as well as 'safeguarding is everyone's business' being an agenda item at staff meetings. Any changes to this policy will be formally cascaded to staff and reinforced in 1:1 meetings.

At College the Safeguarding Lead is:

Nikki Forsyth  
Teacher in Charge

The Deputy Safeguarding Lead is:

Neil Leonard.

This information is displayed in College.

## 1. Policy Statement

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any

- 1.1. Lifeworks is committed to ensuring that children and adults at risk are safeguarded effectively and that the welfare and life chances of the adults we work with are not only protected but promoted.
- 1.2. As an organisation we have zero tolerance to all forms of harm and neglect that may be experienced by the adults we work with. Without exception everyone has a right to be protected from harm and abuse regardless of gender, ethnicity, disability, sexuality or beliefs.

"The issue of impairment of development is particularly pertinent to people who have a

**Association of Directors of Adult**

- 1.3. Lifeworks adopts the vision set out by the Devon Safeguarding Adults Board<sup>2</sup>:

Vision: Adults who have care and support needs are able to live a life free from harm. Communities and organisations will;

- have a culture that does not tolerate abuse
- work together to prevent abuse, and
- know what to do when abuse happens

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1. <sup>2</sup>Devon Safeguarding Adults Board (DSAB) Multi-Agency

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- 1.4. It is expected that all staff (including agency staff and contractors), volunteers and trustees know of the requirements placed on them by this policy and accompanying procedures around safeguarding adults at risk and what to do if they have concerns.
- 1.5. Lifeworks will take all necessary actions to prevent and stop any harm and neglect experienced by adults at risk, in partnership with statutory agencies, no matter whether that harm or neglect is caused by Lifeworks' staff or other representatives, family or other carers, the general public or other users of Lifeworks' services.
- 1.6. For the purposes of this policy, an adult is anyone over 18 years of age. Lifeworks recognises that the age of the adult at risk has no bearing on an adult's right to be safe, and so this is the only distinction that is made in relation to age.
- 1.7. The Board of Trustees is accountable for ensuring effective safeguarding practices are in place with associated quality assurance. Lifeworks is committed to being a learning organisation and therefore any learning from reviews and quality assurance will be taken forward proactively.
- 1.8. This policy will be subject to regular review to ensure that the policy and associated procedures remain consistent with Devon, Plymouth and Torbay Safeguarding Adults Board procedures, relevant legislation and guidance as well as Charity Commission requirements.

### **2. Person's aged 18 or over still in receipt of services from Children's Services**

- 2.1. Where safeguarding concerns are raised the matter should be dealt with through adult safeguarding arrangements. Where appropriate adult safeguarding services will involve other agencies (including children's services) as necessary.

### **3. A person centred response**

People have complex lives and being safe is only one of the things they want for themselves. Professionals should work with the adult to establish what being safe means to them and how that can be best achieved. Professionals and other staff should not be advocating "safety" measures that do

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3.1. The Government has identified six key principles that underpin all adultsafeguarding work, and it is expected that work undertaken in Lifeworks reflects these principles:

- **Empowerment** – People being supported and encouraged to make their own decisions and informed consent.

*“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”*

- **Prevention** – It is better to take action before harm occurs.

*“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”*

- **Proportionality** – The least intrusive response appropriate to the risk presented.

*“I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed.”*

- **Protection** – Support and representation for those in greatest need.

*“I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”*

- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

*“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”*

- **Accountability** – Accountability and transparency in delivering safeguarding.

*“I understand the role of everyone involved in my life and so do they.”*

## 4. Responding to a concern or disclosure

4.1. Anyone can see abuse taking place, be told about abuse or suspect abuse is occurring. Everyone has the responsibility to report this.

4.2. Staff and volunteers must report concerns immediately to the Safeguarding Lead or their deputy at College. In exceptional circumstances (such as when the alleged

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perpetrator is the Safeguarding Lead or their deputy), the staff member or volunteers must report their concern to the Chief Executive Officer of Lifeworks or in the case of the alleged perpetrator being the Chief Executive Officer to the Chair of the Board of Trustees. Any concerns must be reported.

- 4.3. Any concerns about a member of staff or volunteer should be dealt with under the Whistle Blowing Policy.
- 4.4. Concerns must be reported whether information is received directly or indirectly. Concerns may also arise from witnessed events. If responding to a disclosure no promises of confidentiality must be given.
- 4.5. Staff and volunteers must record the concern and any actions taken as soon as possible and within **4 hours** of the concern being noted. Records should be signed and dated and use the appropriate recording form.

### Consent

- 4.6. The adult must be told of the intention to report the information and consulted about their views with consent being obtained as long as it is safe and appropriate to do so. This decision should be made in discussion with the designated person or their deputy.
- 4.7. When considering whether a person can give their consent, the requirements of the Mental Capacity Act 2005 must be used to guide decision making. The Act enshrines the principle that people must be assumed to have capacity unless it is established they do not. Advice can be obtained from the designated officer or Care Direct
- 4.8. Consent is not required if there is a justified and legal basis to act without consent, however this is the exception as opposed to the norm. Examples include:
  - Where a serious crime such as rape or significant physical injury has occurred
  - Where it is suspected other people may be at imminent risk of significant harm

### Role of the Safeguarding Lead/Deputy

- 4.9. The Safeguarding Lead or their deputy will discuss the concerns and help to form a view as to the next steps. This may include contacting the Police, referring to the local Safeguarding Adults Service or making a record of the concern. Such decisions and reasons for the decision must be recorded and signed.
- 4.10. **If there is an immediate risk to life, serious injury or there is the suggestion that a criminal act has been committed the Police should be contacted as a matter of urgency.** Criminal investigation by the Police will take priority over all other lines of enquiry.

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- 4.11. **All reports of concerns or alerts should be reported to Devon Safeguarding Adults Services via Care Direct on 0845 155 1007** (if the matter has already been reported to the Police then they can do this for you). You can also email [csc.caredirect@devon.gov.uk](mailto:csc.caredirect@devon.gov.uk)

Care Direct is open to take calls between 8.00am to 8.00pm Monday to Friday and from 9.00am to 1.00pm on Saturdays.

Out of normal working hours the Emergency Duty Team should be contacted on 0845 6000 388.

If a user of any of our services is placed by Torbay Local Authority then concerns or alerts should be reported to **Torbay safeguarding adult services**. Contact the Safeguarding Team on **01803 219700** or email [Safeguarding Alerts](#).

Out of hours contact number: 0300 456 4876

For Cornwall placed students or service users contact Cornwall on 0300 1234 131 (out of hours number 01208 251300) or email [acessteam.referral@cornwall.gov.uk](mailto:acessteam.referral@cornwall.gov.uk).

Plymouth : Report your concerns using Plymouth [online form](#) or phone **01752 668000**

**If you are concerned that an adult at risk may be at risk of abuse, please do not ignore it. You can always speak, in confidence, to the Local Authority Safeguarding Adults Team.**

**If you feel someone is in immediate danger or there is an emergency situation, please call 999.**

- 4.12. Any concerns that are referred by telephone must be followed up in writing **no later than 24 hours** of the telephone conversation.

- 4.13. **It is not the role of staff or volunteers in the organisation to investigate any concerns.** If required this will be done by the relevant local authority Safeguarding Adults team.

### Preserving evidence

- 4.14. Where possible steps should be taken to preserve and record any physical evidence of abuse, however it is recognised that at times this may not be possible due to the traumatic nature of what is presented.

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4.15. In cases of physical or sexual assault only touch what you have to and wherever possible leave things as they are. The abused person should be advised not to wash or remove clothing. You should also preserve anything that is used to comfort the person (e.g. blankets).

### Confidentiality

4.16. Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of adults at risk with other professionals, particularly investigative agencies and adult social services.

4.17. All personal information regarding an adult at risk will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.

4.18. If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies.

4.19. Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it.

4.20. Where possible, consent must be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the adult at risk is the priority.

4.21. Where a disclosure has been made, staff must let the adult know the position regarding their role and what action they will have to take as a result.

4.22. Staff must assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account.

4.23. For further information refer to the Information Sharing and Confidentiality policy

## 5. Safer Recruitment

5.1. In line with the requirements of the Safeguarding Vulnerable Groups Act 2006 and subsequent updates and to ensure that adults remain safe whilst in the care of Lifeworks, a safer recruitment policy is in place.

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5.2. Safeguarding adults and adult protection is implicit throughout any recruitment process and this commitment is clear to all applicants.

5.3. Further information refer to the Safer Recruitment Policy.

### 6. Whistleblowing

6.1. For information as to how Lifeworks responds to staff members raising concerns, please refer to the Whistleblowing policy.

### 7. Managing allegations

7.1. It is essential that any allegation of abuse made against a person who works with vulnerable adults, including who work in a voluntary capacity, is dealt with fairly, quickly and consistently, in a way that provides effective protection for the vulnerable adult and, at the same time, supports the person who is the subject of the allegation.

7.2. Anyone who is concerned about the behaviour of a colleague or is aware of concerns that have been raised or allegations made must inform the Safeguarding Lead or in their absence their deputy. . Should the Safeguarding Lead/deputy be unavailable, or the allegation be against them, then contact should be made with the Chief Executive officer.

7.3. All such concerns / allegations must be reported to the Safeguarding Lead or in their absence the deputy as soon as possible. The member of staff / volunteer who is making the report should make a signed and dated record of their concerns and any observations within 4 hours to pass to the designated person. If neither the Safeguarding Lead or deputy are available then you **must** contact Lifeworks CEO.

7.4. Staff or volunteers should not:

- attempt to deal with the situation themselves
- make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents
- keep information to themselves or promise confidentiality
- take any action that might undermine any future investigation or disciplinary procedure (e.g. interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator, parents or carers).

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Upon receiving information about concerns or allegations, the Safeguarding Lead should collate all known information about any of the adults involved, the person against whom the allegation has been made and any details of known or possible witnesses. They should then contact **Devon Care Direct or Torbay Adult safeguarding Team within one working day** to discuss the matter at hand and plan how to proceed. See page 9, for contact details and also Cornwall and Plymouth Local Authorities contact details if a student or service user has been placed from either Cornwall or Plymouth Local Authorities

**“Safeguarding is everyone’s business... If you see something, say something”**

### Appendix 1 – Safeguarding and the role of trustees

“Trustees should proactively safeguard and promote the welfare of their charity’s beneficiaries. They must take reasonable steps to ensure that their beneficiaries or others who come into contact with their charity do not, as a result, come to harm. This should be a **key governance priority for trustees**..... Trustees are responsible for safeguarding even if certain aspects of the work are delegated to staff .....It’s therefore essential that trustees:

- know their responsibilities
- have adequate measures in place to assess and address safeguarding risks
- have adequate safeguarding policies and procedures appropriate for their charity’s particular circumstances and which reflect both the law and best practice
- make sure that these policies and procedures are effectively implemented and regularly reviewed These steps are vital, given that charities are accountable to the public and must operate for the public benefit.

*(Strategy for dealing with safeguarding issues in Charities – Charity Commission - updated December 2017) (1)*

There is a clear line of responsibility and accountability in the provision of services within Lifeworks to safeguard and protect the welfare of children, young people and adults at risk. Trustees must be confident that service users, visitors and staff know who they can turn to report any safeguarding concerns they may have. The CEO is the overall strategic safeguarding paid lead who directly reports to the Lifeworks Board of Trustees. Safeguarding is every board member’s governance responsibility and in addition there is a nominated trustee safeguarding champion. All trustees are appointed in line with safer recruitment practices and undertake level 2 children and adult safeguarding as part of their trustee induction programme. The BOT safeguarding champion will in addition undertake level 3 safeguarding training.

Trustees have legal responsibility for the organisations safeguarding arrangements and **must** be informed of any safeguarding incidents and internal investigations. The safeguarding policy will be regularly reviewed, updated and formally ratified at trustee meetings. This enables the trustees to be able to support the senior management and staff teams by continually evaluating the information provided and know when they need to become more involved. This includes:

- Allegations made against the most senior members of staff
- Ensuring safer recruitment practices are carried out for senior staff
- Disciplinary proceedings for the most senior members of staff
- Being notified about any complaints made in relation to safeguarding
- Investigating any whistleblowing allegations made against the most senior members of staff
- Undertaking alongside key staff bi-annual internal safeguarding audits and reviews

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Agreeing the organisations risk management framework including how safeguarding risks will be mitigated

Ensuring full investigations are conducted in response to any serious notifiable safeguarding incident in line with Charity Commission regulations. Meeting on an annual basis with the CEO to formally review the previous 12-month number and type of incidents and accidents, investigation responses and outcomes

The overall governance of Lifeworks is critical to underpinning the foundation and development of good safeguarding practice. Trustees will need to be confident effective safeguarding systems and processes are in place and being followed at all times. Children and adult safeguarding policies should be formally reviewed at least every 3 years, or updated with changes in legislation as they happen. In updating the policies there should be appropriate consultation with all relevant stakeholders, service users and staff members.

Safeguarding is an agenda item at every quarterly BOT meeting whereby the CEO will formally report on any incidents or accidents including notifiable safeguarding related incidents, investigations and outcomes. In addition, any notifiable safeguarding incident will be reported immediately by the CEO to the board safeguarding champion and the chair of the board and they will be kept fully informed

### **Trustees' Charity Law Duties in Relation to Safeguarding**

The Charity Commission's position, is that the overriding duty of charity trustees in safeguarding matters is as follows: *Charity trustees are responsible for ensuring that those benefiting from, or working with, their charity are not harmed in any way through contact with it. They have a legal duty to act prudently and this means that they must take all reasonable steps within their powers to ensure that this does not happen.*

The Commission wants to see that Trustees have:

- assessed the safeguarding risks that might arise from their charity's activities and operations;
- created, developed and put in place suitable policies and procedures to handle allegations and incidents;
- undertaken on-going monitoring to ensure effective implementation of those policies and procedures;
- taken steps to ensure that both the board and people working within the charity respond properly when allegations and incidents arise and report as necessary to the police and other agencies; and
- reviewed policies and procedures both periodically and following serious incidents, to manage and minimise the risk of something similar happening again by making any necessary changes to the charity's policies and procedures. (2)

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### The Importance of Reporting Serious Incidents

The Charity Commission includes in its Annual Return a statement, which trustees must make, confirming that there have been no serious incidents in the relevant period that have not been reported previously. It can constitute an offence to make a false statement in this document and trustees who have – however unwittingly – allowed an employee to submit a return without making proper enquiry on this point can find themselves in an uncomfortable position.

Given the Commission's current "no tolerance" approach to regulatory failings of a serious nature, the general advice is to submit a serious incident report if in doubt as to whether one is warranted or not, and to do so promptly. (3, 4)

### Conclusion

It is essential that the board of trustees are familiar with their charity law duties to manage safeguarding risks, allegations and incidents appropriately. They must have in mind not only the need for their charity to engage personally and thoughtfully with how safeguarding policies and procedures are developed, recorded and implemented. It is therefore really important that Trustees can frame their decision and the risk mitigation. Safeguarding is, by nature, not risk free, so by ensuring Lifeworks Trustees are effectively supported themselves and undertake up to-date relevant trustee training can help to reassure service users, families, stakeholders, investors, partner agencies and staff that safeguarding is a trustee key governance priority.

### References and further guidance:

**1** Charity Commission (updated Dec 2017) Strategy for dealing with safeguarding issues in Charities

<https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities/strategy-for-dealing-with-safeguarding-issues-in-charities#annex1>

**2**<http://www.farrer.co.uk/News/Briefings/Charity-Commission-the-Role-of-Charity-Trustees-in-Safeguarding>

**3** Charity Commission (updated Sept 2017) How to report a serious incident in your charity

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

**4** Charity Commission example table of what serious incidents must be reported (Sept 2017)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/64631/5/Examples\\_table\\_what\\_to\\_report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/64631/5/Examples_table_what_to_report.pdf)

### Appendix 2 - Mental Capacity Act 2005

The Mental Capacity Act 2005 (the Act) provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular decisions for themselves. Everyone working with and/or caring for an adult who may lack capacity to make specific decisions must comply with this Act when making decisions or acting for that person, when the person lacks the capacity to make a particular decision for themselves. The same rules apply whether the decisions are life-changing events or everyday matters.

Section 1 of the Act sets out the five 'statutory principles' – the values that underpin the legal requirements in the Act. The Act is intended to be enabling and supportive of people who lack capacity, not restricting or controlling of their lives. It aims to protect people who lack capacity to make particular decisions, but also to maximise their ability to make decisions, or to participate in decision-making, as far as they are able to do so.

The five statutory principles are:

1. A person must be assumed to have capacity unless it is established that they lack capacity.
2. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
3. A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

The Act applies to anyone **aged 16 and over**, with guidance stating:

*The Act's starting point is to confirm in legislation that it should be assumed that an adult (aged 16 or over) has full legal capacity to make decisions for themselves (the right to autonomy) unless it can be shown that they lack capacity to make a decision for themselves at the time the decision needs to be made. This is known as the presumption of capacity. The Act also states that people must be given all appropriate help and support to enable them to make their own decisions or to maximise their participation in any decision-making process.*

For further information please see guidance available at:

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>