

Safeguarding Adults Policy



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To assist working through and understanding this policy a number of key definitions have been defined below: -

- **Adult** is anyone aged 18 or over.
- **Adult at Risk** is a person aged 18 or over who is in need of care and support regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect. In recent years there has been a marked shift away from using the term 'vulnerable' to describe adults potentially at risk from harm or abuse.
- **Vulnerable** is believed to be a disempowering term.
- **Abuse** is a violation of an individual's human and civil rights by another person or persons.
- **Adult Safeguarding** is protecting a person's right to live in safety, free from abuse and neglect.
- **Capacity** refers to the ability to make a decision at a particular time, for example when under considerable stress. The starting assumption must always be that a person has the capacity to make a decision unless it can be established that they lack capacity (Mental Capacity Act 2005).

This Policy has been developed with the support of Cumbria Safeguarding Adults Board and the Ann Craft Trust. The Policy also includes a number of links, which provide the reader with additional information and resources, which can only be accessed when viewing the Policy electronically.

Foreword

Active Cumbria, the Sport and physical activity partnership for Cumbria is one of 41 Active Partnerships across England and is part of Cumberland Council's Public Health Team.

Our mission: *'Improving lives through physical activity'*

Our vision: *'Everyone in Cumbria is enjoying an active lifestyle'*

We work in partnership with many other organisations including local authorities, third sector organisations, sport and leisure providers, education, health, equality and diversity agencies and other organisations committed to the development of sport and physical activity in Cumbria. The core team is led by an Advisory Board, which provides direction and leadership, advocacy, advice and support to help enable strategic aims to be achieved.

We believe that the welfare and safety of adults is of paramount importance and that all adults have the right to protection from abuse and should be able to take part in sport without the risk of harm.

As an organisation, we have promoted the values of ensuring adults enjoy physical activity and sport in a safe and welcoming environment. This Policy attempts to achieve a balance between identifying arrangements to ensure that Active Cumbria fulfils its duty of care, while being practical and applicable in the context in which we operate. It includes the mandatory requirements but also links to other useful sources of information which provide further information and guidance.



Lorraine Smyth

Chair, Active Cumbria Advisory Board



Richard Johnston

Senior Manager, Active Cumbria

1. Policy Statement

Active Cumbria is committed to safeguarding the welfare, wellbeing and safety of adults involved in sport and physical activity across Cumbria. All adults have the right to participate in sport and physical activity in a safe, positive, inclusive and enjoyable environment, free from abuse, neglect, discrimination and poor practice.

This policy has been developed in conjunction with our Equality and Diversity Policy, embedding the core values of equality and diversity in all safeguarding adults work.

We acknowledge that abuse can be a very emotive and difficult subject. It is important to understand the feelings involved but not to allow them to interfere with judgement about the action to be taken.

Safeguarding adults 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 the risk and experience of abuse and neglect, while promoting wellbeing, respecting individuals' views, wishes and beliefs, and supporting adults to make informed decisions about their own lives.

As a key piece of legislation, the Care Act 2014 aims to:

- Promote people's wellbeing.
- Enable people to prevent and postpone the need for care and support.
- Put people in control of their lives so they can pursue opportunities to realise their potential.

The Act introduces the first statutory framework for protecting adults from abuse and neglect which includes:

- A requirement for Counties to establish a Safeguarding Adults Board (SAB) to bring together local partners including Local Authority, NHS and the Police (these agencies are now statutory partners) to coordinate activity to protect adults from abuse and neglect.
- A new duty for a local authority to carry out enquiries (or cause others to) where it suspects an adult is at risk of abuse or neglect. Whilst the Care Act places specific responsibility on the Local Authority to carry out enquiries (or cause others to) where it suspects an adult is at risk of abuse or neglect, it also requires statutory partners to coordinate activity to protect adults from abuse and neglect.

Whilst it is the responsibility of safeguarding professionals and statutory agencies to determine whether abuse or neglect has taken place, everyone has a responsibility to support the welfare, wellbeing and protection of all adults, including adults at risk.

2. Policy Aims

Active Cumbria has identified a number of aims it will undertake to ensure the safety and protection of adults, these being:

- To ensure core team members know what to do should they be contacted or need to raise a concern regarding a safeguarding issue.
- To ensure that any events directly organised by Active Cumbria have an adequate safeguarding plan, processes and procedures.
- Provide advice, guidance and support to partners regarding safeguarding best practices, policy and procedures,
- Ensure any commissioned organisations delivering activity on behalf of Active Cumbria have appropriate safeguarding policies, procedures and processes in place.

3. Compliance with Relevant Legislation & Guidance

We will ensure that this Policy and our procedures follow the guidance provided in relevant Government legislation and documents, and will ensure our procedures are in line with those identified by the Cumbria Safeguarding Adults Board, these include: -

- The Care Act 2014
- The Data Protection Act 1994, 1998, and 2018
- The Human Rights Act 1998
- The Safeguarding Vulnerable Groups Act 2006
- The Equality Act 2010
- The Protection of Freedoms Act 2012
- Sexual Offences Act 2003
- Mental Capacity Act 2005
- Domestic Violence, Crime and Victims (Amendment) Act 2012

Furthermore, the guidance given in this Policy is based on the following principles and complies with the requirements of the Care Act 2014: -

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. Recruitment and Selection

Active Cumbria ensures the safe recruitment, selection, and induction of staff and volunteers through the utilisation of Cumberland Council's recruitment, appointment and induction policy, procedures and guidance as follows: -

- CC recruitment, appointment and induction procedures will be applied when dealing with new vacancies and appointments.
- CC guidance and templates provided will be employed with regards required background information and factors will be taken into account when recruiting and making appointment decisions.
- CC procedure and guidance will be used in conjunction with the recruitment, appointment and induction policy along with the process map.

In addition, Active Cumbria's induction process includes requesting individuals to sign and say they agree to abide by the **'Code of Conduct'** and this Policy and associated procedures. Advisory Board members will also sign a **'Fit and Proper Person'** disclosure.

With regard to identified roles, Active Cumbria, through Cumberland Council may request a criminal records check through the **Disclosure and Barring Service (DBS)** as part of its safer recruitment process. For certain roles the check will also include information held on the DBS children and adults' barred lists, together with any information held by police forces that is reasonably considered to be relevant to the applied for post.

These checks are to assist employers in making safer recruitment and licensing decisions. However, a DBS check should be seen as just one part of robust recruitment practice. Please see the following website for more information:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

We recognise that when using volunteers to support events on a one-off basis, it may not always be appropriate or proportionate to undertake the full range of pre-engagement checks required for employees or regular volunteers. As a minimum, all such volunteers will be required to complete a self-disclosure form or declaration. Their responsibilities will be limited and they will work under the supervision of an appropriately recruited and vetted member of staff or volunteer. Where volunteers may come into contact with adults with care and support needs, or adults who may be at increased risk of abuse or neglect, appropriate safeguards, supervision and risk assessments will be put in place. Information provided as part of a self-disclosure process will only be shared with those involved in assessing any potential risk. The information will be used solely for the purpose for which it was collected and will not be disclosed to any other organisation or individual except where required by law.

5. Training and Development

All Active Cumbria employees will undertake online training in recognising and understanding possible signs of abuse and know what steps need to be taken to provide protection and report concerns. We will also offer opportunities to the wider sports workforce across Cumbria to access a range of professional development opportunities. This will include the provision of subsidised access to: -

- Sport specific safeguarding training opportunities.
- A range of courses, e-learning opportunities, and webinars will be promoted to the sports workforce as appropriate.
- Additional training will be mandatory for Active Cumbria's Lead and Deputy Welfare Officers, and these will be cascaded to other members of the core team as appropriate.

6. Low Level Concerns Policy Statement

What we mean by Low-Level Concern?

A low-level concern is any concern that an adult has behaved in a way that:

- is inconsistent with the staff code of conduct. This includes inappropriate conduct outside of work.
- does not meet the threshold of harm or is not considered serious enough to refer to the local authority.

Low-Level Concerns are part of a spectrum of behaviour, this includes:

- Inadvertent or thoughtless behaviour
- Behaviour that might be inappropriate depending on the circumstances
- Behaviour which is intended to enable abuse

The key is that the behaviour is inappropriate and not as set out in our Code of Conduct, which if allowed to continue, develop or go unaddressed, could lead to a breach the Safeguarding Standards for the organisation. It may take place face-to-face, in writing or digitally such as in online meetings, via social media or email.

The term low-level concern does not mean that it is insignificant, it means that the adult's behaviour towards a child or another adult does not meet the harm threshold (links included within this policy at the bottom of the flow chart in Section 9).

Why respond to Low-Level Concerns?

Having clear procedures for responding to low-level concerns is part of creating a culture of openness and trust. It helps ensure that all staff model the organisational values and helps keep everyone safe. It will also protect staff from potential false allegations and misunderstanding.

It is recognised that low-level concerns cover a broad spectrum of actions and can include both intentional and unintentional or inadvertent behaviour or consequences. It is therefore important the response is proportionate and appropriate. The purpose of this policy statement is to ensure that everyone knows and understands the importance of reporting any concern about themselves or colleagues, no matter how small, and how to report them. By doing so, we can:

- Better safeguard children and adults
- Support staff and volunteers regarding the expectations of the overarching policies
- Avoid unnecessary escalations and reduce risks

This policy statement is embedded into both the Active Cumbria Safeguarding CYP and Adults Policies to ensure that it is a process that effectively safeguards all. Reporting and identifying low-level concerns at the earliest stage allows the individual to be supported but also prevents the behaviour escalating and developing into a safeguarding concern. Case reviews have illustrated the importance of sharing, recording and handling low-level concerns, so that potential patterns of inappropriate, problematic or concerning behaviour can be identified as soon as possible, and appropriate action can be taken swiftly in response.

Reporting Low Level Concerns

It is critical that all low-level concerns are received by Senior Manager – Richard Johnston (Richard.johnston@cumberland.gov.uk) or Designated Safeguarding Lead – Cameron Wilson. If either are unavailable, you should contact Deputy Designated Safeguarding Lead – Michelle Young and if the concern is about the Senior Manager or Designated Safeguarding Lead you should contact the Advisory Board Welfare Champion – Caroline Taylor Beswick. All contact details can be found within the flow charts in Section 9 of this policy.

7. Promoting Good Practice

All personnel involved in the delivery of sport and physical activity should be required to demonstrate exemplary behaviour in order to promote the welfare of all adults and reduce the likelihood of allegations being made.

Active Cumbria is keen to promote good practice, and provide a wide range of relevant links to additional information and resources via the Ann Craft Trust:

<http://www.anncrafttrust.org/safeguarding-adults-sport-activity/>.

Further useful resources and information can also be found via Cumbria Safeguarding Adults Board: <https://www.cumbriasab.org.uk/>

Active Cumbria regularly communicates and promotes safeguarding messages and information using the following means of communication:

- Active Cumbria website via a dedicated Safe in Sport Section
- Regular e-Newsletters
- Regular Twitter Feeds using #safeinsport
- Regular Facebook posts
- At network / forum meetings
- Directly to organisations commissioned, contracted or funded by Active Cumbria that provide activities and services for adults on our behalf, including those supporting adults with care and support needs and adults at risk.

8. Understanding and Recognising Different Types of Abuse and Neglect

Abuse and neglect can take many forms. An adult may experience abuse or neglect through the actions of another person or through a failure to act to prevent harm. Abuse can occur in a variety of settings, including the home, community, workplace, sport and physical activity environments, and may be perpetrated by someone known to the individual or, more rarely, by a stranger.

Further details of the different types of abuse and neglect can be found via the Cumbria Safeguarding Adults Board website

<https://www.cumbriasab.org.uk/>

Additional information regarding recognising the signs of abuse and neglect can be found at the Ann Craft Trust website <http://www.anncrafttrust.org/safeguarding-adults-sport-activity/>.

REMEMBER: It is not our role to determine whether abuse or neglect has occurred. Our responsibility is to recognise, respond, record and report concerns in line with this Policy. Where concerns relate to an adult at risk, appropriate safeguarding procedures must be followed.

However, it is useful to note some of the potential signs that abuse or neglect may be taking place, which include: -

- Unexplained bruises or injuries, or lack of medical attention when an injury is present.
- Person has belongings or money going missing
- Person is not attending / no longer enjoying their sports sessions
- Someone losing or gaining weight / an unkempt appearance
- A change in the behaviour or confidence of a person.
- They may self-harm.
- They may have a fear of a particular group or individual
- They may tell you / another person they are being abused – i.e. a disclosure.

9. Reporting a Safeguarding Adults Concern

All Active Cumbria employees and volunteers should be aware of the signs and indicators of abuse and neglect. They should also familiarise themselves with the procedures to follow if they have a concern about an adult's welfare, wellbeing or safety, or if a concern is disclosed to them.

Where appropriate, and provided doing so does not increase the risk of harm, individuals should be informed that concerns cannot be kept confidential and may need to be shared with Active Cumbria's Lead Welfare Officer, who will seek appropriate advice and support.

It is important that the circumstances in which a concern or disclosure arose are accurately recorded. Staff and volunteers should take care to distinguish between fact, observation, allegation and opinion, ensuring all information is objective and factual.

Consideration should also be given to issues such as consent, confidentiality, information sharing and mental capacity, with further guidance provided elsewhere within this policy.

Active Cumbria's reporting templates can be downloaded [here](#).

The following flowchart should be used where there is a protection concern, which has either been raised by them, or reported to them.

Active Cumbria – Flowchart for Reporting Safeguarding Concerns About an Adult

You become aware of a concern about an adult's welfare, wellbeing or safety through observation, a report from another person, or a direct disclosure.
Stay calm. Listen. Reassure. Do not promise confidentiality. Ask only necessary questions to clarify immediate risk. Explain that information will be treated sensitively, but confidentiality cannot be guaranteed where there are safeguarding concerns, a risk of harm, or where a criminal offence may have been committed.

Emergency

Immediate danger or urgent medical attention? Call 999 immediately.
 Non-emergency criminal concern? Contact Police on 101 and report in line with safeguarding procedures.

Completion of written record

Complete a written record as soon as possible. Record the concern, key facts, actions taken and any relevant previous concerns. Forward the record to the **Designated Safeguarding Lead (Cameron Wilson 07423797081)**.

Report your concerns

If you have concerns that an adult may be experiencing, or is at risk of, abuse or neglect, you should immediately discuss your concerns with the Designated Safeguarding Lead. Where appropriate, concerns should also be reported to **Cumbria Adult Social Care** on either **Cumberland (0300 373 3732)**, **Westmorland and Furness (0300 373 3301)**, or **Emergency Duty Team (outside office hours) on 01228 526690**.

If the disclosure relates to the Designated Safeguarding Lead contact the **Advisory Board Welfare Champion, Caroline Taylor-Beswick on 07840856143**

Disclosure Management Process

The Designated Welfare Officer will decide on the necessary action to take based on the nature of the circumstances surrounding the concern guided by the Cumbria Adult Social Care Safeguarding Team Thresholds Guidance [here](#)

10. Allegations of Abuse, Harm or Poor Practice by Those Working with Adults

If an employee or volunteer receives an allegation or has concerns about the behaviour of a member of staff, volunteer or anyone working on behalf of Active Cumbria towards an adult, and that behaviour may have:

- Harmed, or may have harmed, an adult.
- Caused an adult to experience abuse, neglect or exploitation.
- Potentially resulted in the commission of a criminal offence against or relating to an adult.
- Indicated that the individual may pose a risk of harm to adults.
- Fallen below the standards of behaviour set out within Active Cumbria's Code of Conduct and safeguarding policies.

All Active Cumbria employees and volunteers have a responsibility to report concerns relating to the welfare, wellbeing and safety of adults, regardless of how minor they may appear. Concerns should be reported in accordance with the procedures outlined below. It is important that the circumstances in which the concern, allegation or disclosure arose are accurately recorded. Staff and volunteers should take care to distinguish between fact, observation, allegation and opinion, ensuring that all information recorded is factual, objective and accurate.

Careful consideration should also be given to matters relating to confidentiality, information sharing, consent and mental capacity, as detailed elsewhere within this policy.

A link to Active Cumbria's reporting templates is [here](#)

Active Cumbria – Flowchart for Concerns About a Member of Staff or Volunteer Working with Adults

Summary of Allegations Management Procedures

Concern About a Member of Staff or Volunteer Working with Adults

If a concern suggests that a member of staff or volunteer has:

- Harmed or may have harmed an adult;
- Potentially committed a criminal offence against an adult;
- Behaved in a way that indicates they may pose a risk of harm to adults; or
- Breached safeguarding standards or the Code of Conduct;

Then the individual should:

Report their concerns

Immediately report your concerns to the most senior person not implicated in the allegation. This will generally be the **Active Cumbria Designated Safeguarding Lead, Cameron Wilson 07423797081** or if they are not available contact the **Active Cumbria Deputy Safeguarding Lead, Michelle Young on 01228 226885**. If the disclosure is about the AC Designated Safeguarding Lead contact the **Advisory Board Welfare Champion, Caroline Taylor Beswick on 07840856143**

Complete a written record as soon as possible.

Record the nature of the concern, the circumstances surrounding it, the source of the information, any actions taken, and any relevant previous concerns.

Seek advice before proceeding – initial discussions

The senior person will always contact the Safeguarding Adults Team for advice prior to investigating the allegation. If a crime has been committed, then this should also be reported to the Police on 101. This is because it might meet the criminal threshold and so any investigation could interfere with the Police or safeguarding proceedings. If the concern meets the threshold for safeguarding adults, the Local Safeguarding Team will chair the investigation meetings.

**Cumbria Adult Social Care on either Cumberland (0300 373 3732),
Westmorland and Furness (0300 373 3301),
or Emergency Duty Team (outside office hours) on 01228 526690.**

Allegations Management Process

Threshold met for a safeguarding adults response?

Adult Social Care will determine the appropriate course of action and lead agency.

This may include: Safeguarding enquiry, Police investigation or an Internal disciplinary process

Out of hours: Contact the Emergency Duty Team on 01228 526690

Immediate risk or emergency: Call 999.

Further Action

Further meetings may be required, and these will be convened by Adult Social Care, with your input at all times. Further information on the Allegations Management Procedure can be found on the Cumbria Safeguarding Adults Board website: <https://www.cumbriasab.org.uk/>

11. Confidentiality

Active Cumbria recognises that safeguarding adults involves managing sensitive information appropriately and balancing an individual's right to privacy with the need to protect people from abuse, neglect and harm. All staff and volunteers must understand their responsibilities regarding confidentiality, information sharing and data protection when responding to safeguarding concerns.

The following principles should be followed:

- Personal information relating to safeguarding concerns will be treated confidentially and shared only on a need-to-know basis.
- Safeguarding records will be stored securely and managed in accordance with UK GDPR, the Data Protection Act 2018.
- If an adult discloses information and asks for it to be kept confidential, staff and volunteers should explain sensitively that confidentiality cannot always be guaranteed where there are concerns about abuse, neglect, exploitation, risk of harm or criminal behaviour.
- Information will only be shared with those who need it in order to safeguard the individual and fulfil legal or safeguarding responsibilities.
- Wherever possible, the adult's consent should be sought before information is shared with other agencies or organisations.
- However, information may be shared without consent where there is a legal obligation to do so, where a person lacks the mental capacity to make that decision, or where there is a significant risk of harm to the individual or others.
- Staff and volunteers will seek to keep the adult informed about decisions affecting them, including what information is being shared, with whom, and why, unless doing so would increase the risk of harm.
- The adult's views, wishes, feelings and desired outcomes will be considered throughout the safeguarding process in line with the principles of Making Safeguarding Personal.

12. Information Sharing

Active Cumbria staff and volunteers will always share safeguarding concerns in accordance with this policy and procedures. Concerns should be reported to the Lead Welfare Officer in the first instance, except in emergency situations where immediate action is required.

Where appropriate, and provided doing so does not increase the risk of harm, individuals will be informed that concerns cannot always remain confidential and may need to be shared with the Lead Welfare Officer to ensure appropriate support and safeguarding measures can be considered.

The Lead Welfare Officer will consider the information received and agree the appropriate course of action, involving the adult wherever possible and taking account of their views, wishes and desired outcomes. All actions will be undertaken in accordance with this policy and the procedures of the Cumbria Safeguarding Adults Board.

Where appropriate, an initial discussion may take place with Adult Social Care without disclosing the identity of the individual. If it is agreed that a safeguarding referral may be required, the adult's consent should normally be sought before personal information is shared. There are many reasons why an adult may not wish information to be shared. Providing reassurance, support and further discussion may help the individual understand the purpose of information sharing and the safeguarding process.

If the adult does not consent, their wishes should generally be respected. However, information may be shared without consent where:

- The individual lacks the mental capacity to make that decision.
- There is a significant risk of harm to the individual or others.
- A serious crime has been committed or may be committed.
- There is a legal obligation or overriding public interest to share information.

Any decision to share information without consent should be discussed with Adult Social Care and appropriately recorded.

Information Sharing Principles

If there are concerns about sharing information, or consent has not been obtained, the following principles should always be applied:

- **Seek advice if in doubt** - Consult with the Designated Safeguarding Lead or Adult Social Care, avoiding disclosure of identifiable information where possible.
- **Be open and transparent** - UK GDPR and the Data Protection Act 2018 do not prevent appropriate information sharing for safeguarding purposes. Wherever possible, individuals should be informed about what information is being shared and why, unless doing so would increase the risk of harm.
- **Consider the public interest** - Decisions should be based on the safety, wellbeing and protection of the individual and others who may be affected.
- **Seek consent where appropriate** - Wherever possible, work with the adult and respect their wishes. Information may still be shared without consent where there is a lawful and justifiable reason.
- **Keep a clear record** - Record decisions made, the reasons for those decisions, and any advice received.
- **Ensure information is necessary and proportionate** - Information shared should be accurate, relevant, up to date, proportionate, secure and shared only with those who need to know.

13. Person Centred Safeguarding

Active Cumbria understands that adults make choices that may mean that one part of their well-being suffers at the expense of another.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand 'what matters' to them and what outcomes they want to achieve from any action's agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, well-being and safety. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member, friend of their choice or a professional advocate (usually from a third sector organisation).

14. Assessing Capacity

Active Cumbria staff and volunteers understand the importance of the issue of capacity or decision making in safeguarding adults. The following guidelines will be used.

Adults are assumed to be competent to give consent in decision making, unless otherwise demonstrated by their capacity being affected by things such as; medication, substances, or an untreated mental health issue. If a person's capacity is in question then they must be assessed at the point at which a decision is needed by an expert, taking into account relevant and immediate circumstances as well as possible long-term issues.

One cannot assume lack of capacity just because an individual makes an unwise decision, for adults, this means that they have the capacity to choose how they live and make decisions about their safety, even if we do not agree with these decisions. All practical steps to assist decision making of an adult must be employed and where one is deemed not to have capacity, any person aiding someone with lack of capacity to make decisions must act in the person's best interests and their powers must be restrictive and agreed.

Active Cumbria staff and volunteers will be aware of the following key messages contained within the Mental Capacity Act, if they are concerned that individuals are unable to make a decision due to lack of capacity: -

- Assume that people are able to make decisions, unless it is shown that they are not; concerns about a person's level of understanding should be raised with them, and if applicable people supporting them.
- Give people as much support as they need to make decisions; you may be involved in this, think about the way to communicate or provide information.
- The right to make unwise decisions as long as they understand the implications; for example, an individual may wish to participate in a particular activity even though they are unsteady on their feet. If they understand the implications, and how risks can be minimised, then they can choose to do this.
- Best Interests; if an individual is not able to make a decision, then the people helping them must only make decisions in their 'best interests'. This means that the decision must be what is best for the individual, not for anyone else.
- Find the least restrictive way of doing what needs to be done; when a decision is made for an individual, it must give them as much freedom as possible.



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