

## **Principles for Safeguarding Adults Who Lack Capacity**

TASPB strive for assurance that partner organisations have a consistent and collaborative approach to Adult Safeguarding, Safeguarding adult Reviews are a statutory responsibility of the Board. The SAR [Ruth and Daniel](#) identified recommendations to use the provisions under the Mental Capacity Act (MCA) and the safeguarding framework to develop a shared understanding and partnership standards for working with Adults who lack capacity.

To support Partner Organisations in this approach when working to safeguard adults who lack capacity, the Board have agreed the following principles.

### **Principles**

#### **1. Making Safeguarding Personal**

Safeguarding interventions must be person-centred, respecting the individual's wishes, feelings, and values wherever possible.

#### **2. Respect for Rights**

- Uphold the principles of the MCA, including:
  - Presumption of capacity unless proven otherwise.
  - Least restrictive interventions.
- Ensure compliance with the Human Rights Act (1998).
- Record decision-making clearly, including rationale.

#### **3. Safety and Well-being**

Prioritise protection from harm while promoting autonomy and independence.

#### **4. Collaboration**

Work in partnership across agencies and professions, sharing relevant information to safeguard effectively.

#### **5. Transparency**

- Communicate decisions clearly and document them thoroughly.
- Include a clear rationale referencing legal frameworks (MCA and Care Act).

#### **6. Professional Responsibilities**

- Act within statutory duties.
- Escalate concerns promptly.

- Involve advocacy where required—Independent Mental Capacity Advocates (IMCAs) should be engaged to represent the adult’s wishes and rights.

## **7. Legal Framework Integration**

Safeguarding actions under the Care Act 2014 must align with MCA principles and Best Interests decision-making.

## **8. Support to Family Carers**

- Offer carers an assessment under Care Act 2014, Section 10.
- Ensure decisions are evidence-based and not solely reliant on family perspectives.

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