**THE ADULTS WITH INCAPACITY ACT (Scotland) 2000**

**PRINCIPLES**

The Act aims to protect people who lack capacity to make particular decisions, but also to support their involvement in making decisions about their own lives as far as they are able to do so. Anyone authorised to make decisions made on behalf of someone with impaired capacity must apply the following principles:

**Principle 1 - benefit**

• Any action or decision taken must benefit the person and only be taken when that benefit cannot reasonably be achieved without it.

**Principle 2 - least restrictive option**

• Any action or decision taken should be the minimum necessary to achieve the purpose. It should be the option that restricts the person's freedom as little as possible.

**Principle 3 - take account of the wishes of the person**

• In deciding if an action or decision is to be made, and what that should be, account must be taken of the present and past wishes and feelings of the person, as far as this may be ascertained. Some adults will be able to express their wishes and feelings clearly, even although they would not be capable of taking the action or decision which you are considering. For example, he/she may continue to have opinions about a particular item of household expenditure without being able to carry out the transaction personally.

The person must be offered help to communicate his or her views. This might mean using memory aids, pictures, non-verbal communication, advice from a speech and language therapist or support from an independent advocate. A Guide to Communication and Assessing Capacity is available at: <http://www.scotland.gov.uk/Publications/2008/02/01151101/0>

**Principle 4 - consultation with relevant others**

* Take account of the views of others with an interest in the person's welfare. The Act lists those who should be consulted whenever practicable and reasonable. It includes the person's primary carer, nearest relative, named person, attorney or guardian (if there is one).

**Principle 5 - encourage the person to use existing skills and develop new skills**