

Principles across the Acts...

2003 Act – The Mental Health (Care and Treatment) (Scotland) Act 2003	2000 Act – Adults with Incapacity (Scotland) Act	2007 Act – Adult Support and Protection (Scotland) Act 2007	SDS Act 2013 - Social Care (Self-directed Support) (Scotland) Act 2013
<p>The principles of the Act need to be applied when protecting an adult with mental disorder within the formal provisions by having regard to:</p> <ul style="list-style-type: none"> a) The present / past wishes / feelings of patient, by any means of communication / in a way most likely to be understood; b) The views of relevant others; c) Ensuring the patient's participation in the discharge of the function; d) Providing information and support of patient to participant; considering a range of options; providing maximum benefit e) Ensuring equality; f) Respecting diversity; g) Discharging in a manner that Involves minimum restriction (where subject to compulsion); h) Considering the needs and circumstances of the patient's carer; i) Having regard to provision of appropriate services and continuing care; j) Best securing the welfare of the child; 	<p>There should be no intervention in the affairs of an adult unless the intervention will:</p> <ul style="list-style-type: none"> a) Benefit the adult and that such benefit cannot be reasonably achieved without the intervention; b) Such intervention under the Act shall be the least restrictive option in relation to the freedom of the adult , consistent to the purpose of the intervention; c) Where the intervention is to be made, account shall be taken of the present and past wishes and feelings of the adult; d) Where intervention is to be made, account shall be taken of the views of others; e) Where the proxy must encourage the adult to exercise whatever skills he/she has; and the development of new skills 	<p>A person may intervene, or authorise intervention, only if satisfied the intervention:</p> <ul style="list-style-type: none"> a) Will provide benefit to the adult which could not reasonably be provided without intervening in the adult's affairs, and b) Is, of the range of options likely to fulfil the object of the intervention, the least restrictive to the adult's freedom. <p>Where a public body of office-holder performs a function under the Act, have regard to:</p> <ul style="list-style-type: none"> a) The adult's ascertainable wishes and feelings b) Views of nearest relative, primary carer, guardian / attorney; others with an interest; c) The adult participating as fully as possible in the performance of the function, d) Providing the adult with such information and support as is necessary to participate; e) Adult to be treated less favourably than any other in a comparable situation; f) The adult's abilities, background and characteristics. 	<ul style="list-style-type: none"> a) Participation and dignity The supported person has the same freedom, choice, dignity and control as other citizens at home, at work and in the community. b) Involvement The supported person must have as much involvement as the person wishes in both the assessment and in the provision of support associated with that assessment. c) Informed choice The supported person must be provided with any assistance that is reasonably required to enable the person to express views about the options available to them and to make an informed choice about their options for support. d) Collaboration The professional must collaborate with the supported person in relation to the assessment of the person's needs and in the provision of support or services to the person.