

Eligibility and Assessment Criteria of the Adult Policy

Ref. No.	<input type="text"/>
Category:	
People	Yes
Place	<input type="text"/>
Corporate	<input type="text"/>
In Constitution	<input type="text"/>

Policy Details

What is this policy for?	<p>The purpose of this policy is to set out the responsibilities of the council in relation to The Care Act 2014. This sets out how Local Authorities should provide care and support for adults in England. The Act requires the council to promote well-being and to make sure that people who live in Dorset receive:</p> <ul style="list-style-type: none"> • services, facilities, or resources, that prevent their care needs from becoming more serious or delay the impact of their needs • the information and advice they need to make good decisions about care and support • a range of high quality, appropriate services to choose from • more control over how their care and support is organised <p>The upper capital limit is currently set at £23,250. Individuals at and above this level will be classed as self-funding. Below this level, a person can seek means-tested support from the council. For more information about paying for care please see the council's website: Paying for Care.</p> <p>This policy is in line with statutory guidance and it has been written to help Dorset Council achieve compliance with those measures.</p>
Who does this policy affect?	<p>This policy applies only to:</p> <ul style="list-style-type: none"> • those aged 18 or over and • young people in transition to adult care and support • people ordinarily resident in the Dorset Council area or present with no settled residence.
Does this policy relate to any laws?	<p>The Care Act 2014 and associated guidance and regulation. This policy must be read in the context of other applicable Dorset Council Adult Care policies.</p>
Equality Impact Assessment	V.1, July 2023
Other Impact Assessments	<p>The Department of Health (DH) prepared an Impact Assessment to understand the costs, benefits, and implications of the Care Act 2014. The Dorset Council policy can rely on the Government's Impact Assessment as it is designed to ensure compliance with the Act in Dorset.</p>

	The Department of Health's Impact Assessment did not identify any unlawful discrimination relevant to this policy. In fact, the evidence considered in development of the Act, as well as the consultation and engagement work demonstrated that it has a positive impact for a wide range of groups.
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Status and Approvals

Status	Live	Version	V1
Last review date	N/A	Next review Date	July 2025 / 2 years after approved, or earlier if underpinning legislation changes
Approved by (Corporate Director)	Corporate Director for Adult Social Care Adult Care & Interim Corporate Director for Commissioning	Date approved	July 2023

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0. Glossary of Terms and Definitions

Term	Definition
'The council', 'we' and 'us.'	In this policy, the term 'the council' refers to Dorset Council. The terms 'councils' refers to local authorities generally, or as made clear in the text. The terms 'we' or 'us' etc. also refer to Dorset Council.
Wellbeing	The term 'wellbeing' is a broad concept. However, the Care Act 2014 states that Dorset Council must take into consideration the following, although not exhaustive, when assessing individuals' needs, in order to promote their wellbeing: <ul style="list-style-type: none"> • personal dignity • control over their day-to-day life • physical • mental health • emotional wellbeing
Strengths-based	The term 'strengths-based' is intended to focus on the person's abilities, skills, and support networks. This can include social and community groups. This term is designed to encourage a focus on the person as a whole and the wider network(s) available to promote their wellbeing.
Person-centred	Being 'person-centred' is about focusing care on the needs of an individual. Ensuring that the person's preferences, needs and values guide decisions, and that care is provided which is respectful of and responsive to them.

1.0 Introduction

- 1.1 The intention of this policy is to make clear the council's responsibilities under the Care Act 2014 when considering if a person is eligible for support from Adult Social Care. We are committed to promoting Dorset residents' wellbeing and increasing independence through preventing, reducing, or delaying the need for care and support.
- 1.2 The main principles of the Act are designed to help promote individuals' wellbeing and independence. This is achieved, in part, by enabling informed decision making. We must ensure that people have the relevant knowledge to consider all their options along with the impact of the decisions they make.
- 1.3 The council recognises the importance of advocacy as part of the assessment and support planning where this is applicable, as outlined in chapter 7 of the Act's [guidance](#).
- 1.4 At every level the council is committed to a 'person-centred' and 'strengths-based' approach when assessing individual's needs by looking at the person's whole life to maximise their independence and wellbeing.
- 1.5 The council recognises that people are a lot more than the sum of their care needs and are experts in their own lives. The Act highlights that the council should consider

the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help. By using a person-centred approach this then focuses on the persons abilities, skills, and knowledge. It also gives rise to the person's potential, as well as their social network, community-based resources, and sustainable on-going support.

2. Purpose

2.1 This policy sets out the framework for assessment and eligibility for the council and applies to all:

- Council employees who are responsible for assessing care and support needs or have a decision-making role under the Act
- Staff of any organisation to which the council has delegated the authority to carry out assessments, reviews or undertake activity on the council's behalf

3. Scope of the policy

3.1 This policy applies to all assessments under the Act involving individuals over the age of 18. It also applies to young people supported by Children's Services when planning for their transition to adult services before the age of 18.

3.2 The council is committed to supporting people to remain independent. To do this we will support people to make the best use of their own strengths and community resources. When a person's needs become greater than their own strengths and communities can support, high quality, safe services must be available.

3.3 This policy is not applicable to assessments completed via the Mental Health Act 1983.

4. Legal context

4.1 This policy was created from the following legislation and government guidance:

- [The Care Act 2014](#)
- [The Care and Support \(Assessment\) Regulations 2014](#)
- [The Care and Support \(Eligibility Criteria\) Regulations 2015](#)
- [Strengths-based social work practice with adults; Roundtable report by the Department of Health 2017](#)
- [Care and Support Statutory Guidance issued under the Care Act 2014 by the Department of Health as revised](#)

4.2 Other related legislation includes but is not limited to:

- [The Mental Capacity Act 2005](#)
- [The Human Rights Act 1998](#)
- [Autism Act 2009](#)
- [The Equality Act 2010](#)
- [The Children Act 1989](#) (in respect of transition assessments)
- [The Children and Families Act 2014](#)

- 4.1 The Armed Forces Covenant. In addition to the eligibility guidance set down in the Care Act 2014, staff must also be aware of the duties that the council has signed up to in the [pan-Dorset Armed Forces Community Covenant 2015](#). The pan-Dorset Armed Forces Covenant states that the council will offer support to the local armed forces community.
- 4.2 The Autism Act 2009. [The Autism Act 2009](#) committed the Government to publishing an [Adult Autism Strategy](#) to transform services for adults with autism. Following this a publication of the first ever strategy for improving the lives of adults with autism in England was created. This is also underpinned by the [Care Act 2014](#) and the subsequent [Care and Support Statutory Guidance](#).
- 4.3 The council are committed to this strategy and will ensure that:
- People with autism are aware of the right to access a needs assessment.
 - The assessor carrying out a person-centred strengths-based assessment has the skills, knowledge, and ability to carry out the assessment in question and is appropriately trained.
 - There is access to an independent advocate for individuals with autism for the purpose of facilitating their involvement in the above-mentioned matters when required.
 - Assessors identify the outcomes people with autism wish to achieve for their day to day lives in person-centred strengths-based needs assessments, whilst focusing on their wellbeing.
- 4.4 The council are committed to working with community organisations across Dorset to develop a resilient system of community-based support for adults with autism.

5. Promoting wellbeing

- 5.1 The council has a general duty, when assessing and determining a person's eligibility for services, to promote that individual's 'wellbeing', which encompasses a wide variety of specific considerations depending on the individual. In relation to the Care Act 2014 it is described as relating to the following areas in particular:
- personal dignity (including treatment of the individual with respect)
 - physical and mental health and emotional wellbeing
 - protection from abuse and neglect
 - control by the individual over day-to-day life (including over care and support provided and the way it is provided)
 - participation in work, education, training, or recreation
 - social and economic wellbeing
 - domestic, family, and personal
 - suitability of living accommodation
 - the individual's contribution to society
- 5.2 The individual aspects of wellbeing or outcomes above are those which are set out in the Act and are most relevant to people with care and support needs. All needs should be considered of equal importance. Everyone's needs are different and personal to them. The council will endeavour to promote individuals' wellbeing by holistically looking at each person's specific needs. In addition to the general principle of promoting wellbeing, there are several other key principles and standards which the council must have regard to when carrying out the same activities or functions:

- The importance of beginning with the assumption that the individual is best placed to judge their own wellbeing
- The individual's views, wishes, feelings and beliefs
- The importance of preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist
- The need to ensure that decisions are made having regard to all the individual's circumstances
- The importance of the individual participating as fully as possible
- The importance of achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual
- The need to protect people from abuse and neglect
- The need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary

6. Preventing needs

6.1 The council recognises that all its residents want to remain independent for as long as possible. The council acknowledges that prevention is not a one-off activity and that a person's circumstances may change. This may result in a variation in the type of prevention support that they may require. Prevention services will always be considered when undertaking any action, function, or decision under the [Care Act 2014 guidance](#) as described below:

- provide universal access to good quality information (either online or otherwise)
- support safer neighbourhoods
- promote healthy and active lifestyles (for example. exercise classes)
- reduce loneliness or isolation (for example: befriending schemes or community activities)
- encourage early discussions in families or groups about potential changes in the future (for example: conversations about potential care arrangements or suitable accommodation should a family member become ill or disabled)

6.2 Our first contact with any adult will be to consider what may help them to identify their strengths and capabilities. This is with a view to maintain, regain or improve their independence or to prevent, reduce or delay the onset of needs. This is including the following (but is not limited to) resources available within the person's network that they could draw on:

- Community assets (e.g., groups and places offering support)
- Reablement support (rehabilitation services usually offered following a hospital stay)
- Equipment and adaptations (small items to help in the home or larger adaptations)
- Assistive technology (e.g., the use of sensors, alarms, virtual support, etc)

7. Information and advice

7.1 The council will continue to provide information and advice relevant to people in our area. Information must be accessible and proportionate to the needs of who it is being provided. We are accessible via phone, online and in person. Our aim continues to be to prevent, reduce and delay the need for care and support by providing relevant information, advice, and guidance irrespective of the point of access. Using a person-

centred strengths-based approach we work with residents to establish their desired outcomes. We explore opportunities for early intervention and prevention by linking residents with community organisations and partner agencies. In addition, we consider approaches to meeting individuals needs by using appropriate equipment and assistive technology.

- 7.2 The council recognises that providing the right information and advice at the right time is crucial to enabling people to make well-informed choices about their care and how they fund it. Not only does information and advice help to promote people's wellbeing by increasing their ability to exercise choice and control, but it is also an important factor when supporting individuals to prevent or delay need for care and support.
- 7.3 The council will maintain a service for providing its residents with information and advice relating to care and support for adults.
- 7.4 The council will endeavour to provide the right information at the right time to its residents in relation to care and support across Dorset. We will also maintain our information and advice service for the whole population of the local authority area, not just those with care and support needs or already known to us.
- 7.5 In some circumstances a person's eligible needs can be met by providing relevant information and advice this will be an individual response following a strengths-based needs assessment.
- 7.6 The council will make sure that information and advice services cover a range of care and support related areas, *including but not limited to*; addressing the prevention of care and support needs, finances, employment, housing, health, what to do in cases of abuse or neglect of an adult and other areas where needed.

8. Presenting and eligible needs

- 8.1 The assessment and eligibility process are one of the most important aspects of the care and support system. The assessment is one of the key interactions between the council and the person. The process must be proportionate and person-centred throughout, involving the person and supporting them to have choice and control.
- 8.2 A person's needs could be periodic, permanent, or fluctuating in nature. When we use the term 'need', it is within the everyday sense i.e., the lack of ability to undertake something that is essential to daily living.
- 8.3 To assess a person's eligible needs, we work collaboratively with the person and relevant agencies. It is also essential that the assessment process is transparent and communicated at a level the person can understand for them to:
 - develop an understanding of the assessment process
 - develop an understanding of the implications of the assessment process on their condition(s) and situation
 - understand their own needs, the outcomes they want to achieve and the impact of their needs on their own wellbeing to allow them to engage effectively with the assessment process
 - start to identify the options that are available to them to meet those outcomes and to support their independence and wellbeing
 - understand the basis on which decisions are reached

8.4 Refusal of Assessment

- 8.5 There may be occasions where a person declines an assessment. There is no requirement to carry out an assessment (if they have the mental capacity to make this decision) if the person does not wish to proceed. However, it should be made clear that no personal budget will be assigned, and the person would remain responsible for meeting their own needs.
- 8.6 The council will support the person to understand the implications of their choice and to be aware of other choices open to them. If the person decides not to have an assessment, they will be provided with details of who to contact should their decision or circumstances change.
- 8.7 If the person refuses an assessment and appears to lack the capacity to make this decision, then a mental capacity assessment and best interest decision will be carried out within the requirements of the [Mental Capacity Act 2005](#). Where there is reason to believe that the person may be at risk from self-neglect or abuse, a safeguarding referral must be made.

9. Eligibility process

- 9.1 Following the completion of the assessment of the presenting needs the council will then make an eligibility decision. We will then assess and establish the person's needs and their desired outcomes and evaluate the impact these may have on the person's wellbeing. This is based on the national eligibility threshold, and whether as a consequence this has a significant impact on their wellbeing. This is when the council determine whether these needs meet the eligibility criteria as eligible needs.
- 9.2 The eligibility decision-making process for adults with care and support needs involves the following consideration of the three conditions below:
- Do the needs arise from a physical or mental impairment or illness?
 - Do these needs mean that the adult is unable to achieve two or more of the listed outcomes?
 - Is there consequently a significant impact on the adult's wellbeing?
- 9.3 An adult's needs are only eligible where they meet all three of these conditions.
- 9.4 We must make sure that all eligible needs are met and that assessed needs are accounted for and recorded, which must be appropriate, proportionate, and holistic. However, the council are not required to meet eligible needs which are being met by a carer where this role is sustainable, and the carer is willing. We appreciate that carers enable others to get the most out of life. However, it is important that when a person is caring for someone that they look after themselves too. A [carer's assessment](#) aims to understand and support carers in their own right.
- 9.5 An individual's needs can be met in a number of ways, *including but not limited to*:
- Direct payment
 - Commissioned support via the council
 - An informal carer
 - Assistive technology
 - Voluntary and charitable services
 - Targeted services
 - Information and advice
- 9.6 If there is more than one way to meet an eligible need, we will then take this into account. However, we will make sure that the proposed arrangements are appropriate

and proportionate and are able to meet the assessed needs that will deliver the outcomes for the person at best value.

- 9.7 How we will meet a person's eligible needs and achieve the agreed outcomes is outlined within the care and support plan, which is separate from the decision for eligibility. Outcomes are decided by professional judgement and within the adult eligibility framework. The council will work with the person to determine needs and desired outcomes and eligibility, however the final decision regarding eligibility will be decided by the council.

10. Eligibility criteria

- 10.1 The national eligibility threshold for adults with care and support needs and their carers is clearly set out in the [Care Act 2014 and the Care and Support \(Eligibility Criteria\) Regulations 2015](#). The threshold is based on identifying how a person's needs affect their ability to achieve relevant outcomes and how these impacts upon their wellbeing.
- 10.2 Regulation 2 of the Care and Support (Eligibility Criteria) Regulations sets out the eligibility criteria for adults who need care and support.
- 10.3 Needs which meet the eligibility criteria: adults who need care and support
- (1) An adult's needs meet the eligibility criteria if:
- (a) they arise from, or are related to, a physical or mental impairment or illness.
 - (b) as a result of the adult's needs the adult is unable to achieve two or more of the outcomes specified in paragraph (2); and
 - (c) as a consequence, there is, or is likely to be, a significant impact on the adult's wellbeing.
- (2) The specified outcomes are:
- (a) managing and maintaining nutrition.
 - (b) maintaining personal hygiene.
 - (c) managing toilet needs.
 - (d) being appropriately clothed.
 - (e) being able to make use of the adult's home safely.
 - (f) maintaining a habitable home environment.
 - (g) developing and maintaining family or other personal relationships.
 - (h) accessing and engaging in work, training, education, or volunteering.
 - (i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
 - (j) carrying out any caring responsibilities the adult has for a child.
- (3) For the purposes of this regulation an adult is to be regarded as being unable to achieve an outcome if the adult:
- (a) is unable to achieve it without assistance.
 - (b) is able to achieve it without assistance but doing so causes the adult significant pain, distress, or anxiety.
 - (c) is able to achieve it without assistance but doing so endangers, or is likely to endanger, the health or safety of the adult, or of others; or

(d) is able to achieve it without assistance but takes significantly longer than would normally be expected.

11. Fluctuating needs/eligibility

11.1 The council acknowledges that an individual's needs can fluctuate, therefore when establishing the on-going level of need the council will consider the person's care and support history over a suitable period of time. Whilst assessing we will consider both the frequency and degree of fluctuation.

11.2 The assessment will also take account of the individual's wider care and support needs. This may include types of care and support the individual has received in the past and their general medical history, which may be indicative of their current care and support needs. The council will continue using a holistic approach when making consideration of an individual's wider wellbeing.

12. Informing people about eligibility decisions

12.1 When the eligibility decision has been established, we will provide the person, and any other relevant persons, with a confirmation of the eligibility determination and the reasons for the decision.

12.2 If the assessment has identified that the person has no eligible needs, we will provide information and advice for how the individual can meet, reduce, or delay needs.

12.3 Upon establishing a person's eligible needs, we will agree with the person or representative which of the ones they want the council to meet. We will then consider how these needs are to be met before moving to the care and support planning process. Following this we will then undertake a financial assessment and establish if the person meets the ordinary residence requirement. This is when the council make a charge for meeting those needs, if applicable. For more information about paying for care please see the council's website: [Paying for Care](#).

13. Exclusions

13.1 This policy applies to individuals present in the Dorset area. Where assessments and reviews identify non-eligible Care Act needs, consideration should be given as to which other agencies are lawfully responsible for meeting the needs such as:

- NHS responsibilities for meeting Continuing Healthcare needs
- Intermediate healthcare
- Nursing care as set out in Section 22 of the Health and Social Care Act 2014
- Disabled Facilities Grant

13.2 The council cannot meet care and support needs by providing services that the NHS is required to provide under the NHS Act 2006. This includes universal services or other commissioned services by Integrated Care Boards, such as Dorset Healthcare. Some health needs can be met through brokerage and commissioning services on behalf of the NHS, where specific agreements are in place with joint NHS and local authority agreement.

14. Care and support planning

- 14.1 During the support planning process, we will make sure that this will be person-centred and person-led throughout, supporting the individual to have as much choice and control as possible. The council will involve any named persons or organisations that the person has requested, for example an independent advocate to support and represent the person to facilitate and represent them during the assessment process. We recognise each person's needs are individual to them and that care and support plans should put people in control of their care.
- 14.2 The council is to ensure that the production and sign-off of the care plan is appropriate to meet the persons identified needs, following an assessment. The care plan must be co-produced with the person or their representative. If a person has substantial difficulty engaging in being involved with their support planning and have no other means of accessing support via friends or relatives, the council will instruct an independent advocate as soon as this becomes known.
- 14.3 If there is reason to doubt the decision-making ability of a person being supported under the Care Act 2014, a capacity assessment will be completed under the Mental Capacity Act 2005. If such an assessment concludes that the person lacks decision making ability in relation to their care and support needs, decisions will be made in the person's best interests using 'least restrictive practice' principles of the Mental Capacity Act 2005. However, in cases where restrictions amount to a deprivation of liberty, the person will need these care arrangements authorised either by a Deprivation of Liberty Safeguards authorisation (for people in care homes or hospitals) or by the Court of Protection (for people in supported living or their own homes).
- 14.4 When a person is classed as self-funding (having put aside £23,250 or more) and does not meet the eligibility threshold for financial support, the council can provide a care and support plan of how to meet the identified needs if the person requests. The council will also provide information and advice about commissioned services and signpost where necessary if the person decides to commission their own support independent of the council.
- 14.5 We will provide a copy of the assessment and care and support plan to the person and any other persons, as requested, such as their legally appointed power of attorney or advocate.
- 14.6 Personal Budget
- 14.7 Individuals who have been assessed as having eligible needs under the Act must receive a personal budget as part of their care and support plan. The personal budget is an important tool that gives the person clear information regarding the money that has been indicated, as identified in the assessment, and recorded in the plan. This indicative amount will be shared with the person, and anybody else involved, at the start of care and support planning, with the final amount of the personal budget confirmed through this process. The detail of how the personal budget will be used is set out in the support plan.
- 14.8 The personal budget within the care and support plan will make the cost of the person's care clear, along with the amount the council will make available. This helps the person make informed decisions about how their needs will be met. If a person chooses to have a direct payment, the council will provide information in an

accessible way so they can make an informed decision. In addition, a person may choose to 'top-up' their provision to receive extra service or premium services.

14.9 There are a number of ways a person's needs could be met in a support plan, for example:

- A direct payment, which enables the personal budget to be paid to the person. This provides an opportunity for creative care planning between practitioner and person
- The council directly providing some type of support, for example by commissioning a reablement or short-term respite service
- A combination of the above, for example the council arranging a homecare service whilst also providing a direct payment to meet other assessed needs

14.10 Care and Support plan reviews

14.11 The council has a statutory duty to carry out a regular re-assessment, or review, of each person's care and support plan. Reviews are undertaken using the same principles, processes, and criteria as those described above for the initial assessment. The initial review should be around 6-8 weeks after formal care commences. Following initial review, reviews will be held annually. This is to ensure that identified outcomes are being achieved and that support is appropriate, within the value of the personal budget and any risks identified. Frequency of subsequent reviews will be appropriate to the individual's needs and circumstances.

14.12 If circumstances change a review can be requested at any time. At the planning stages of care and support plan, information will be provided of timescales and how to request a review, in an accessible format.

14.13 When there are no commissioned services for an individual, such as where needs are being met by an informal carer, the council continues to have a statutory duty to carry out regular and proportionate reviews. This is to make sure the individual's eligible care needs continue to be met. The frequency of these reviews will be appropriate to the individual's needs and circumstances.

14.14 Refusal of Support Planning and Disputes

14.15 In the case of a self-funder, there is no requirement to carry out support planning if the self-funding person being assessed (if they have capacity to make this decision) does not wish to proceed. However, it should be made clear they will be responsible for meeting their own needs. The council will support the person to understand the implications of their choice and to be aware of other choices open to them. If the person decides not to have a support plan, they will be provided with details of who to contact should their decision or circumstances change.

14.16 If the person refuses support planning and appears to lack the capacity to make this decision, then a mental capacity assessment and best interest decision will be carried out within the requirements of the Mental Capacity Act 2005. Where there is reason to believe that the person may be at risk from self-neglect or abuse, a safeguarding referral must be made.

14.17 In the event that the plan cannot be agreed with the person, or any other person involved, we will state the reasons for this and the steps which must be taken to ensure that the plan is signed-off. This may require going back to earlier elements of the planning process. If a dispute still remains, and we feel that all reasonable steps have been taken to address the situation, we will direct the person to our [complaints procedure](#).

15. Data Protection

- 15.1 The council are dedicated to protecting your privacy when using our services. For advice about how we use your personal information and protect your privacy please see the council's website: [Data Protection Guide - Dorset Council](#).

16. Equality and Diversity

- 16.1 [The council's Equality, Diversity, and Inclusion Strategy](#) will help make sure that the council meets its legal equality duty. [The Equality Act 2010](#) requires the council to take a proactive approach to equality and diversity. The Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.

- 16.2 When making decisions, the council adhere to the Equalities Act in order to:

- eliminate discrimination, harassment, and victimisation.
- advance equality of opportunity.
- foster good relations between different parts of the community.

- 16.3 These cover:

- Age
- Disability
- Gender reassignment and gender identity
- Marital or civil partnership status
- Pregnancy
- Maternity and motherhood
- Race (including ethnic or national origin colour and nationality)
- Religion or belief (including lack of belief)
- Sex and sexual orientation
- People with caring responsibilities
- Rural isolation
- Socio-economic deprivation
- Single parents
- Armed forces communities

17. Complaints

- 17.1 Anyone who is dissatisfied with the council's services, or a council decision, or believes that they have been treated unfairly, has the right to make a [complaint](#). If the person remains dissatisfied, they may refer to the Local Government and Social Care Ombudsman.

18. References and Related Information

- [The Care Act 2014](#)
- [Mental Capacity Act 2005](#)
- [Equality and Diversity Policy](#)
- [Armed Forces Covenant](#)