

## **Best Interests Decision Making**

**Does the person lack capacity to make the specific decision?** Is there a robust capacity assessment available that is valid.

**What is the specific decision to be made?** This should reflect the capacity assessment decision.

**Can this decision be made under Best Interests?** Does it concern an exemption under MCA; does it concern an Advance Decision?

### **What is the timescale?**

**Who is the decision maker?** Is there an LPA/CAD who is able to make the decision? If not, who is best placed to decide?

**Involvement of the Person.** How will the person take part in the process?

### **Is an IMCA or Advocate needed?**

**Has the decision maker ascertained the wishes and feelings of the person in relation to the decision?** Is there an advance statement; where is the evidence that the person has been consulted? Reference to Care Act Well Being may be appropriate.

**What are the available and valid options?** Options should be based on what is available that will meet assessed needs and are currently available and will be funded.

**Who has been consulted with?** Those involved in the person's well being should be consulted: consultation is about asking the views of interested people about the options available.

**Balance tables.** Balance tables are part of defensible decision making and provide evidence of why the decision is in best interests.

**Decision made.** The decision maker should provide an analysis of why they have reached the decision: what they have taken into consideration and evidence the decision making process.

**Communication.** If the person hasn't been fully involved in the process, how will they be informed of the decision. How will others involved be informed.

**Disputes / disagreements.** Every effort should be made to resolve disputes or disagreements. This should not 'dilute' the best interests of the person. If discussion or mediation doesn't work, then complaints procedure of the organisation can be used; Judicial Review or application to Court of Protection.

**Identify any conflict with Mental Health Act legislation; could there be a Deprivation of Liberty?**  
Who will take necessary action if deprivation of liberty?