

Best Interest Decision

- Has the person been assessed as lacking capacity to make the specific decision? Is there a robust capacity assessment available and is valid?
- What is the best interest decision which needs to be made?
- Will the person regain capacity? If so, can the decision wait?
- Involve the individual as fully as possible.
- Is there an advance decision?
- Past wishes and present wishes and feelings, values and beliefs.
- 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
- Is an IMCA or advocate needed?
- Take into account the individual's past and present wishes and feelings, and any beliefs and values likely to have a bearing on the decision
- Do not discriminate. Do not make assumptions about someone's best interests merely on the basis of the person's age or appearance, condition or any aspect their behaviour.
- 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
- If faced with a particularly difficult or contentious decision, it is recommended that practitioners adopt a 'balance sheet' approach, this supports why the decision is in the person's best interests and provides evidence of a defensible decision.
- Consult as far and as widely as possible.
- 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