



Best Interests decision meeting Agenda (Date)

Welcome by the Chair including statement on capacity

A best interest's decision can only be made where the person lacks capacity to make the decision themselves. (Explain the particular decision on capacity.)

Introductions

Confidentiality statement

The Chair should make a statement about the confidentiality of the meeting.

Explanation

This meeting will proceed by following the statutory checklist for decision making as described in the Mental Capacity Act 2005 and the Code of Practice. If any section is not relevant it can be omitted but only after it has been considered in the meeting.

What is the decision to be made?

(Describe the issue specific decision/s to be made)

Best Interest Statutory Checklist for decision making

1. Equal consideration and non discrimination

This meeting will not make assumptions about the persons someone's best interest based on their age or appearance or their condition. It will be an objective process without preconceptions or negative assumptions. (Add any particular detail if necessary)

2. Consider all relevant circumstances

(Use this time to have an open discussion about the wider aspects of the decision to be made. Record everything that may impact upon it)

3. Regaining capacity

(Record here whether the person will regain capacity in time to make the decision or whether it can be delayed)

4. Permitting and encouraging participation

(Record here to what extent the person has been included in the meeting, or their views have been sought outside the meeting)

5. Persons wishes feelings, beliefs and values

(Record what is known about the person's past and present wishes? Was anything written whilst they had capacity? Record what you know about their values and beliefs, religious or political background that may impact on the decision)

6. Views of other people

(Record the views of family members, partners, and carers. Anyone named or nominated by the person lacking capacity. Anyone involved in their welfare. Any attorney or deputy appointed. Specifically what they think is in the person's best interest? And what information they can provide on the wishes/feelings/values and beliefs of the person. If there is no-one to consult with then an IMCA will be involved)

7. Life sustaining treatment decisions

(Record whether it is a life sustaining treatment decision and if so the decision maker must not be motivated by the desire to bring about the persons death. Value judgements should not be made about the quality of a person's life.)

Risks and Benefits

(If the decision is not easily made then it will be useful to identify the benefits and burdens addressing the following areas; medical, welfare, social, emotional and ethical.) You should record this as a balance sheet.

What is the decision?

(Record the views of everyone present and the decision reached by the meeting, which should always be the least restrictive option possible)

Any further actions needed

(Record any further actions such as obtaining a legal opinion or other professional opinion or any application to the Court of Protection. Make sure it is clear who will carry out the identified actions)