

Adult Social Care

Practice Guidance Document

Title	Mental Capacity Assessment and Best Interest Decision Making Practice Support Tool
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Purpose	This tool has been created to support practitioners to complete Mental Capacity Assessments and, where required, subsequent decision making in a person's best interests. The tool follows the steps laid out in the current format on Liquid Logic.
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Key Messages

The objectives of this tool are as follows:

- To improve the practical application of the Mental Capacity Act to protect the rights of the people we support.
- To ensure that Mental Capacity Assessments are being completed when necessary and that they are being carried out to the required standard.
- To support practitioners to improve practice and recording standards in the area of best interest decision-making to ensure compliance with the Mental Capacity Act.

Introduction

The Mental Capacity Act 2005 provides a statutory framework for assessing whether a person has capacity to make certain decisions and defines how decisions can be made on behalf of those people who lack capacity. This tool has been created in accordance with the Mental Capacity Act and the Code of Practice to provide practical guidance to Adult Social Care staff. The Act established five 'statutory principles' which aim to protect the rights of people who lack capacity and help them participate as much as possible in decisions that affect them. These core principles are embedded into this tool:

1. A person must be assumed to have capacity unless it is established that they lack capacity.
2. A person is not to be treated as unable to make a decision unless all practicable steps to help them do so have been taken without success.
3. A person is not to be treated as unable to make a decision merely because they make an unwise decision.
4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

The tool has been created as a resource to complement practice and should not be used as a replacement for formal Mental Capacity Act training. The tool also sets out a clear expectation around workers being familiar with the Mental Capacity Act Code of Practice and also provides links to resources for further reading such as Tri-X and 39 Essex Chambers. The tool also reflects recent learning from case law and Safeguarding Adult Reviews.

Main Content

This tool has been developed to support practitioners to complete Mental Capacity Assessments and, if required, subsequent decision making in a person's best interests. To support your practice please also ensure you have booked onto the relevant MCA training <https://learnforyou.swindon.gov.uk/#/catalogue/launch/75129759-f549-4056-85f8-cd6a4cb70c27/> and that you are familiar with the Mental Capacity Act: Code of Practice. [Mental Capacity Act Code of Practice - GOV.UK](#) Further useful resources can be found on Tri.X under the Mental Capacity Act 2005 Resource and Practice toolkit. [Contents](#)

Mental Capacity Act and Best Interests Decision Form	
Details	
Title	
Surname	
Forename	
Preferred Name	
Gender	
Dates	
DOB	
Age	
Key Identifiers	
Person ID	
Address	
Mental Capacity Assessment	
Lead Assessor	
Assessment Date	Click or tap to enter a date.
<p>What prompted this assessment? Give a summary of situation/circumstances that led to the person's capacity being considered</p> <p>Mental Capacity Act Code of Practice - GOV.UK</p> <p>The principles of the Mental Capacity Act tells us that capacity assessments should only be completed when there is some evidence to indicate that there are concerns that the person may lack capacity. However, research into Safeguarding Adult Reviews (SARs) indicate that Principle 1 (the assumption of capacity) has been misinterpreted and used as a justification for non-intervention when there were indicators that the person may lack capacity and significant risk factors.</p>	<p>Where there is doubt around a person's capacity, a mental capacity assessment must be completed. Remember, there is no such thing as an 'informal capacity assessment'.</p> <p>Please explain here what has led you to question a person's capacity?</p> <p>Explain the purpose of your involvement.</p> <p>Provide an overview of the person's current situation and why a specific decision is required.</p> <p>Include a summary of the person's history in order to understand important life events and attitudes towards risk.</p>

<p>Principle 3 considers that a person is not to be treated as unable to make a decision merely because they make an unwise decision. However, it is important to consider whether a capacity assessment is appropriate when a person is making repeated unwise and risky decisions.</p> <p>Assessing Mental Capacity and Making Decisions</p>	
<p>What is the specific decision to be taken? <small>If this is a review, detail previous decision about capacity</small></p> <p>Determining what decision needs to be made is an important step in this process. If you are not sure what the decision is, please consult your line manager. For matters of a complex nature, you and your manager may wish to seek advice from the legal department.</p> <p>Please ensure that the decision that needs to be made is not an excluded decision. Please see link below for more information on excluded decisions.</p> <p>https://mca-adults.trixonline.co.uk/chapter/before-an-application-is-made?search=excluded%20decisions</p>	<p>Be clear what the decision is.</p> <p>The assessment is around a specific decision or matter. Please complete separate capacity assessments for different decisions.</p> <p>Reference whether there have been any previous mental capacity assessments completed in relation to this matter, record when they were completed and the outcomes of these.</p>
<p>Key Roles</p>	

Professionals Involved Please give details any professionals involved	List key professionals involved. You will need to ensure that they are recorded on LAS.	
Are there any documents relating to key roles? E.G. LPA forms, etc.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If YES – please provide details of documents relating to key roles: Ask to see evidence of documentation relating to the authority (Deputyship/LPA). You can also check with the Office of the Public Guardian. Request a search of the OPG registers - GOV.UK (Demonstrate some caution in sharing information with family members prior to the completion of the mental capacity assessment. You can of course accept information from family/friends, but sharing without a person's consent/prior to conclusion of a mental capacity assessment could constitute a data breach).	
Assessment of Capacity		
This is decision specific, not a general determination of capacity		
Is there an impairment of or disturbance in the functioning of the person's mind or brain? Under the Mental Capacity Act an impairment or disturbance can be permanent or temporary, diagnosed or undiagnosed: Permanent – an impairment or disturbance that is life-long or ongoing (such as dementia, learning disability)	Yes <input type="checkbox"/> - Permanent impairment Yes <input type="checkbox"/> - Fluctuating impairment Yes <input type="checkbox"/> - Temporary impairment No <input type="checkbox"/> - Mental Capacity Act Assessment not required	
	If you have selected Yes – please give details: Please include evidence of the impairment or disturbance and record how this affects the person. If you are referring to a medical report name the medical professional and the date of the report. You do not require a formal diagnosis to assess someone as lacking capacity, but you do need to provide evidence as to why you believe the person has an impairment or disturbance of the mind of brain. This should be informed by	

<p>Temporary – any impairment or disturbance that is short term (such as a coma, confusion after an accident)</p> <p>Diagnosed – any impairment or disturbance that is formally diagnosed by a medical practitioner (such as an acquired brain injury, personality disorder)</p> <p>Undiagnosed – an impairment or disturbance that is undiagnosed, unlikely to be diagnosed or under investigation (for example substance and alcohol use* and forgetfulness without diagnosis).</p>	<p>a medical professional and you need to reference where this information has come from and date it.</p>	
<p>Is the person able to understand the information related to the decision?</p> <p>When completing a mental capacity assessment you must be transparent. You must tell the person that you are assessing their mental capacity.</p> <p>Be prepared! Remember when assessing capacity is not appropriate to start with a “blank canvas”. Before assessing capacity, the</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<p>Please give details:</p> <p>You must record here the salient factors you are assessing against and refer back to these in your analysis. A person does not have to understand everything about the decision, just the key or salient factors. Mental Capacity Guidance Note: Assessment and Recording of Capacity 39 Essex Chambers</p> <p>Remember nature, purpose and consequence! Relevant information includes the nature of the decision (What?), the reason why the decision is needed (Why?) and the likely effect of deciding one way or another or making no decision at all. The person needs to be made aware of the available options. The information presented must be fair and balanced.</p>	

<p>assessor must identify the relevant information a person needs to understand for that specific decision. These are often referred to as the salient points.</p>	<p>The information presented needs to cover the salient factors and should be provided in a format appropriate to the person (simple language, visual aids).</p> <p>In your recording you must capture the key exchanges, record what key questions were asked, what relevant information was provided and the responses given. It is useful to have some direct quotes.</p> <p>Analyse the information presented and draw to a conclusion whether they could or could not understand the salient information relevant to the decision.</p> <p><i>E.g. On the balance of probabilities P is unable to sufficiently understand the information relevant to the decision because ... Please give sufficient rationale; do not leave the reader to infer your findings: make them explicit.</i></p>	
<p>Are they able to retain the information related to the decision</p> <p>The mental capacity assessment is not a memory test. The reason a person needs to retain information relevant to the decision is to enable them to get to the stage of using and weighing that information.</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>Please give details:</p> <p>Outline what salient information you provided for them to retain it.</p> <p>Evidence what information was retained.</p> <p>Evidence whether the person retained the salient points long enough to make the decision.</p> <p>Capture the key exchanges. Avoid sweeping statements.</p> <p>Analyse the evidence and draw to a conclusion as to whether they could retain the salient factors presented.</p> <p>Please give sufficient rationale; do not leave the reader to infer your findings: make them explicit.</p>		

<p>Are they able to use or weigh the information whilst making the decision</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>The MCA Code of Practice (para 4.21) notes: "For someone to have capacity, they must have the ability to weigh up information and use it to arrive at a decision. A person must accept the information and take it into account. A person may appear to be able to weigh facts while sitting in an interview setting but if they do not transfer those facts to real life situations in everyday life (executing the plan) they may lack mental capacity."</p> <p>Can they walk the walk? Further reading on executive functioning can be found here: https://proceduresonline.com/trixcms1/media/13576/executive-function-practice-guidance-final.pdf</p>	<p>Please give details:</p> <p>You are spelling out the risks to the person. Can they use and weigh that once you have given that information?</p> <p>Record the key exchanges.</p> <p>Analyse the information presented and draw to a conclusion. Was the person able to see the risks/consequences of making a decision one way or another?</p> <p>Please give a sufficiently detailed rationale; do not leave the reader to infer your findings: make them explicit.</p>	
<p>Are they able to communicate their decision by any means? (e.g. use of pictures, gestures facial expressions, objects of reference, etc.)</p> <p>This part of the assessment was originally designed to address situations where a person may have been able to make a decision, but could not</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<p>Please give details:</p> <p>The person needs to be able to communicate their decision. Communicating a decision does not mean communicating the reasons.</p> <p>If you consider that the person is unable to understand, retain, use and weigh the relevant information, but it is clear that they are communicating something. Your assessment should not say that they are unable to communicate a decision, but that they are unable to make</p>	

<p>communicate a decision. It was only meant to apply to a very small group of people. However, research indicates that the Courts appear to have broadened the remit to include circumstances where a person is unable to express a stable preference. (See page 11-12 MCA Guidance Note for further reading on this). Mental Capacity Guidance Note: Assessment and Recording of Capacity 39 Essex Chambers</p>	<p>a decision, and what they are communicating is their wishes and feelings.</p> <p>It is important to demonstrate the various methods of communication you have tried.</p> <p>Record what could the individual communicate and by what means- body language, facial expression, picture cards, writing, PECS, sign language etc.</p> <p>Please summarise your findings drawing the information to a conclusion.</p>	
<p>If NO has been answered to at least one of the questions above, the person does lack capacity.</p>		
<p>Does the person lack capacity to make this specific decision?</p>	<p>Yes <input type="checkbox"/></p> <p>If YES please complete the 'Further Considerations' section below</p>	<p>No <input type="checkbox"/></p>
<p>Who was consulted about the assessment of capacity to make this decision?</p> <ul style="list-style-type: none"> - Assessments should not rely solely on interviews; evidence from family and documentation is crucial. - Multidisciplinary input may be necessary to understand the mismatch between test performance and daily functioning. 	<p>Talk to others that know the person and document their views.</p> <p>Remember this consultation is about capacity, avoid jumping ahead to the best interest decision.</p>	
<p>Causative Nexus</p>		
<p>Explain why taking appropriate practicable steps to enable and support the person to</p>	<p>Make the clear link between your assessment of capacity for this specific decision and the impairment</p>	

<p>participate in the decision making process has proved unsuccessful and the person is unable to make the decision, and explain how this is because of the impact of the impairment of, or disturbance in, the functioning of, the mind or brain</p> <p>The Act requires us to find a link between the person's incapacity and the impairment or disturbance in the functioning of the mind or brain. This is referred to as the Causal Link or the Causative Nexus.</p>	<p>or disturbance in the functioning of the mind or brain.</p> <p>Remember the importance of the preposition 'because of'.</p> <p>For example: "I assessed P to lack capacity regarding the decision of....because I was unable to find evidence that they could understand/use/weigh the information relevant to that decision and/or communicate that decision to me. I believe that they could not make that decision because of the mental impairment impacting on their ability."</p>	
<p>Further Considerations following this Assessment</p>		
<p>Were all reasonable steps taken to maximise the person's capacity to make the decision?</p> <p>Principle 2 of the Mental Capacity Act requires us to explore all practicable steps to help someone make a decisions. It's important to evidence the steps you have taken to maximise the person's capacity.</p> <p>Practicable steps could include:</p> <p>Communicating information in a way appropriate to the person (easy read, simple language, images, interpreters, BSL interpreters, hearing aids etc). Should never use a family member as an interpreter for an MCA.</p> <p>Using others that can support the person to</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<p>If YES - please provide all evidence and documentation</p> <p>Record what steps you have taken to support this person in the best way to be able to make this decision?</p> <p>If NO please detail why not:</p> <p>You must provide a clear rationale as to why you could not explore all practicable steps to support decision making.</p> <p>Please think carefully about your response here. If you have not explored all practicable steps to support someone to make a decision, any subsequent best interest decision could be open to challenge.</p> <p>There may be occasions where it may not be possible, because a decision needs to be made urgently in order to make a person safe. In these cases, it would be important to revisit the capacity assessment once the immediate risk is managed.</p>	

<p>understand the information (family, carers, supports workers)</p> <p>Adjusting the environment (quiet, familiar spaces).</p> <p>Think about the time of day – is there a better time of day for the person?</p> <p>Delaying decision if not urgent until circumstances have changed and the person may have regained their capacity.</p> <p>Ensuring the person is comfortable and not in any pain.</p>	
<p>Can the decision be delayed because the person is likely to regain capacity in the near future</p>	<p>Yes <input type="checkbox"/></p> <p>Please finish this assessment and restart once capacity is likely to be regained</p> <p>Consider the urgency of the assessment and the likelihood of the person regaining capacity.</p>
	<p>No – the person is not likely to regain capacity <input type="checkbox"/></p> <p>Please give details:</p> <p>Please provide evidence as to why you believe a person if unlikely to become capacitated to make this specific decision.</p>
	<p>No – not appropriate to delay <input type="checkbox"/></p> <p>Please give details:</p> <p>Provide a clear rationale as to why a decision cannot be delayed.</p>

Advance decision to refuse medical treatment (Note any documentation referenced)			
<p>Is there an advance decision relevant to this decision?</p> <p>An Advance Decision to Refuse Treatment (ADRT) is a statement (verbal or in writing) made when a person has capacity refusing treatment(s) should they lack capacity in the future. An advance decision that is valid and applicable is legally binding and must be followed and respected.</p> <p>It allows people who have mental capacity to plan ahead and provides clarity over future wishes for their family and medical staff.</p> <p>For advance decisions refusing life-saving treatment they must be in writing, signed, witnessed and include a clear statement making it clear that it applies to that treatment even if the person's life is at risk.</p> <p>https://mca-adults.trixonline.co.uk/chapter/advance-decisions-to-refuse-treatment</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	<p>If YES is this:</p> <p>Similar treatment <input type="checkbox"/> Similar circumstances <input type="checkbox"/></p> <p>Please provide details of similar treatment or circumstances:</p> <p>Remember advance decisions only apply to medical decisions.</p>		
Advance decision type	Written <input type="checkbox"/>	Verbal <input type="checkbox"/>	
Date of advance decision	Click or tap to enter a date.		
<p>What was the decision?</p> <p>Please give details; if advance decision was verbal, detail to whom, in what circumstances</p>			
Is this decision still applicable?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

	If No please select the reason:	
	Withdrawn	<input type="checkbox"/>
	Unanticipated circumstances	<input type="checkbox"/>
	LPA/EPA granted regarding decision	<input type="checkbox"/>
	Inconsistent behaviour	<input type="checkbox"/>
	Detained under Mental Health Act 1983	<input type="checkbox"/>
	Other	<input type="checkbox"/>
Please give details:		
Record of Best Interests Decision		
Proposed Decision		
What specific decision does the person need to make?	Please refer back to the decision as set out in the MCA.	
Is the decision an excluded decision (as set out in sections 27, 28, 29 & 62 of the Mental Capacity Act 2005), or is it out of your scope to act (e.g. a medical decision)? Section 27 of the Mental Capacity Act lists certain decisions that can never be made on behalf of a person who lacks capacity. These include: Family relationships: <ul style="list-style-type: none"> • Consenting to marriage or a civil partnership. • Consenting to sexual relations. • Consenting to a decree divorce being granted on the basis of 2 years separation. • Consenting to a dissolution order being made in relation to a civil partnership based on 2 years separation. • Consenting to a child being put up for adoption. • Consenting to the making of an adoption order. • Discharging parental responsibility. 	Yes <input type="checkbox"/>	If YES - If an excluded decision, please stop and consult your manager or the Legal Department . Legal surgeries are also available.
	No <input type="checkbox"/>	If NO - why does the decision need to be made? Detail why decision is needed and the circumstances around this.

money. This power may be used both when the person has and lacks capacity.

Section A

Part 1 – The Decision

What specific decision did the person need to make	Refer back to the decision.	
<p>Is the decision an excluded decision As set out in sections 27, 28, 29 & 62 of the Mental Capacity Act 2005 or is it out of your scope (e.g. medical decision?)</p> <p>The decision must be in the remit of the Mental Capacity Act, that is health, social care or financial. Please see information above for details of excluded decisions.</p> <p>A Deputy must act in the best interests of a person who lacks capacity and only make decisions the Court has given them authority to make.</p>	<p>Yes <input type="checkbox"/></p> <p>If YES - please stop and consult your manager or the Legal Department</p>	<p>No <input type="checkbox"/></p>
<p>Who made the decision Please give the makers full name, contact details and their role or relationships to the person</p>		
<p>Under what legal authority did the decision maker make the decision Please check that they have appropriate legal authority to make this specific decision</p>	Request a search of the OPG registers - GOV.UK	
<p>Please record the reference number/details of any legal authority held by the decision maker</p>		
<p>What steps have been taken to enable the person to participate in the decision-making exercise and/or decide for themselves</p>	<p>The Code of Practice states that deputies must follow the Act's statutory principles.</p> <p>Principle 2 – Until all practicable steps have been taken to help someone make a decision without success they cannot be treated as lacking capacity.</p>	

The Decision Made	
What decision was made	
On what date was the decision made	Click or tap to enter a date.

Section B

Mental Capacity		
Has the person been assessed as lacking capacity to make the decision?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date of the capacity assessment	Click or tap to enter a date.	
Name of the assessor		
Capacity question assessed	Please refer back to the decision.	
<p>Please explain why you believe that the above assessment evidences that the person lacks the capacity to make this decision considering; the age of the assessment, any changes in the person's circumstances/diagnosis, the area of capacity assessed in relation to the decision to be taken</p> <p>Assessors should reassess for new decisions and also for repeat decisions if they believe there is any variation.</p>	<p>Please consider whether there have been any changes to the person's circumstances/diagnosis in between the time in which you carried out the MCA and the best interest decision.</p>	
Can the decision be deferred (i.e. to a time where the person may regain capacity or be able to participate more fully in the decision making process)	Yes <input type="checkbox"/>	<p>If YES, please provide a date to which the decision can be deferred:</p> <p>Click or tap to enter a date.</p> <p>(Please revisit the issue on this date and commence a new Record of Best Interests Decision)</p>
	No <input type="checkbox"/>	If NO , please continue to the next part
Consultation		
Is the person currently expressing, or have they previously expressed any wishes and feelings relating to the decision to be made, in particular,	Yes <input type="checkbox"/>	If YES - please provide details of this expression, including; the date they made it, how they

<p>any relevant written statement they made when they had capacity?</p> <p>The nearer a person is to having mental capacity the greater weight should be given to their views. Weight should be given to the strength and consistency of a person's views. Weight must also be given to the impact on the person knowing that their wishes are not going to be met. The extent to which the wishes are rational, sensible and practical must also be considered.</p> <p>The decision maker must consider the person's past and present wishes and feelings. These could be expressed verbally or in writing. The Code of Practice recognises that emotional responses and other behaviour may be used as evidence of a person's wishes.</p>	<p>communicated it, whether they had (or were likely to have had) capacity at the time of giving it, and whether it conflicted with any previous statement made by them</p> <p>Whilst a person may not have capacity to make this decision, they may be able to express a view, wish or feeling. Please consider all methods of communication that may indicate a view (emotional responses and behaviours) and record here.</p> <p>Past views and wishes can be obtained through consulting with the people that know the person best, such as family, friends and care givers.</p>	
	<p>No <input type="checkbox"/></p>	<p>If NO, please continue to the next part</p>
<p>Please detail the beliefs and values that would be likely to influence the person's decision if they had capacity, and any other factors that they would be likely to consider if they were able to do so</p> <p>Evidence of a person's beliefs and value can be found in their cultural background, religious beliefs, political convictions, past behaviour and habits.</p>	<p>You must consider the beliefs and values that would likely influence a person's decision if they had capacity. Speak to the people that know the person best and record information gathered here.</p>	
<p>Will an IMCA be appointed to represent the person?</p> <p>An IMCA should be appointed where the person is 'unbefriended' or it is not practicable to consult and the decision is about:</p> <ul style="list-style-type: none"> • Change of accommodation • Serious medical treatment • Safeguarding concerns or • Accommodation reviews <p>The Independent Mental Capacity Advocate</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

<p>The role of the IMCA is to:</p> <ul style="list-style-type: none"> • Support the person to participate as fully as possible in the relevant decision. • Obtain and evaluate relevant information. • Ascertain what the person's wishes and feelings may have been. • Ascertain beliefs and values that may have influenced them if they had capacity. • Determine any alternative course of action. <p>(An IMCA has a legal right to take copies of or examine any NHS, LA or care home records which the record holder considers relevant to the advocates role).</p> <p>The IMCA is not the decision maker. However, it is important to take into consideration the information presented by the IMCA as part of the Best Interest decision making process.</p>		
People Consulted		
Name of person consulted with	Relationship to the person this best interests decision is about	Views on the available option(s)
<p>The decision maker must consult:</p> <ol style="list-style-type: none"> 1. Anyone named by the person as someone to be consulted on the matter in question 2. Anyone engaged in caring for the person, or with interest in their welfare. 3. Any donee of a lasting power of attorney granted by the person. 		<p>The purpose of the consultation is not only to establish past views of the person, but also what they believe to be in the person's best interests.</p>

4. Any deputy appointed for the person by the court.		

People who were not consulted/were unable to contribute

Name of person consulted with	Relationship to the person this best interests decision is about	Reasons why consultation was not possible
		Explain why you were not able to consult this person.

Best Interests Balance Sheet

<p>How many options are being considered?</p> <p>Decision makers should ensure that the record of best interests assessment show a balanced approach. A one sided assessment could lead to a legal challenge.</p> <p>Any restrictions to a person's rights and freedoms must be the minimum possible. There may be an alternative option that is less restrictive. The decision maker must also consider whether it is necessary to act at all.</p> <p>https://mca-adults.trixonline.co.uk/chapter/the-best-interests-principle-and-the-role-of-the-decision-maker</p> <p>Preparing to make a Decision</p>	<p>Choose an item.</p> <p>Present each option to be considered.</p> <p>Seek advice/guidance from your supervisor/manager if your decision requires a budgetary commitment.</p>
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	Available Option	Benefits/Advantages	Disbenefits/Disadvantages
Option 1		Consider how each option impacts positively on a person's well-being (social and emotional, health and welfare).	Consider how each option impacts negatively on a person's well-being (social and emotional, health and welfare).

Option 2			
Option 3			
Option 4			
The Decision Made			
Which number option has been decided?			
Details of why the decision for the chosen option was taken and why other options have been disregarded		Please demonstrate your reasoning for choosing one option over another and why other options have been disregarded.	
Is this the least restrictive option?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
It is important to note that there will be times when decisions are not the least restrictive, but are selected due to other contributing factors such as care needs or budgetary constraints.		If NO - Why are you still taking this option? If no, you must demonstrate that you have considered the less restrictive option and if not followed, provide a rationale as to why.	
Are there any conflicts or disagreements with regards to this decision?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
<ul style="list-style-type: none"> - The decision maker is advised to consult with all relevant parties when making decisions. - Efforts should be made to reach a consensus among involved parties. - In cases where consensus is not possible, the decision maker may need to make a decision independently, even if there is disagreement. - If there is a significant welfare dispute between family members and professionals that cannot be resolved through discussion and mediation, an application should be made to the Court of Protection. 		If YES please give details: Please evidence the nature of the conflict of opinion and record that these views have been considered. Please seek management/legal advice for significant welfare disputes where agreement cannot be reached and escalation to the Court of Protection is required.	
Have you communicated the decision to all relevant parties?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you confirm that the decision has not been made merely on the basis of the person's age or appearance, or a condition, or an aspect of their behaviour?		Please confirm that the decision has considered all relevant factors.	

The Act states that the decision-maker cannot decide what is in a person's best interests on the basis of their age, appearance, condition or behaviours of the person. Whilst these factors have some significance, they cannot be the only consideration in making a decision.	
Decision Maker (Full Name & Job Title)	
Date of Decision	Click or tap to enter a date.

Version history

Date	Description of revision / review	Changes by	Version no:
29/09/2025		Annette Wells	1