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Surrey County Council

Children’s Schools and Families Directorate

**Record of Best Interest Decision**

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| --- | --- |
| **Relevant Persons Name:** |  |
| **Date of Birth:** | **Age:** |
| **ICS Number:** |  |
| **NHS Number:** |  |

**Please confirm that there is a written record that the person in question lacks the mental capacity to make the decision in question at the time required. (e.g. Form SFA 576 Record of Mental Capacity Assessment)**

**Yes / No (delete as applicable)**

**If Yes Date of Assessment:**

**If No a capacity assessment must be completed before the best interest decision is made**

|  |  |
| --- | --- |
| 1. What is the issue that the best interest Decision needs to address? |  |
| 2. Has anyone been appointed as Lasting Power of Attorney or Deputy with the authority to make this decision? (e.g. A Welfare Deputy would usually be the decision maker regarding treatment decisions)  *If Yes specify details. (This person will be the decision maker)*  *If No.* (*Who is the decision maker?)* |  |
| 3. Could the person regain capacity in the future and if so can the decision be safely delayed until then?  *If Yes, then no best interest decision is required.*  *If No then a best interest decision is required.* |  |
| 4. Any relevant circumstances the decision maker is aware of? (e.g. Context, History, Accommodation, Significant relationships etc.). |  |

**Best Interest Consultation with the Relevant Person.**

**The decision maker must consult with the relevant person so far as is reasonably practicable and encourage their active participation in the decision making process as fully as possible.**

|  |  |
| --- | --- |
| 1. What are the past and present wishes and feelings of the person in relation to this decision? |  |
| 2. What are the person’s values and beliefs (e.g. Religious, cultural, moral) in relation to this decision? |  |

**If there is no one that the decision maker can consult with (who has an interest in the welfare of the person) other than paid professionals or paid care workers, and the decision concerns Serious Medical Treatment or a Change of Accommodation, you must refer to an Independent Mental Capacity Advocate and take into account their report before making a best interest decision.**

**Record of people Consulted:**

|  |  |  |
| --- | --- | --- |
| Name:  Relationship:  Date Consulted | 1. What do they consider to be in the person’s best interest with regard to this matter? | 2. Are they aware of any information about the person’s wishes, feelings, values or beliefs in relation to this matter or other relevant factors that the person may have taken into account if they were able to do so? |
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**Best Interests Risk Assessment**

**Where a Risk Assessment is required to inform or support a Best Interest Decision standard forms are available**

**Different Options Considered: Balance Sheet of Pros and Cons**

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| --- | --- | --- |
| **Options:** | **Pros (Positive Benefits)** | **Cons (Potential Risks)** |
| **1.** Status Quo i.e. Leave things as they are | (Must consider this option and describe the current situation) |  |
| **2.** |  |  |
| **3.** |  |  |

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| **What is the Best Interest Decision?** |
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***This decision is the least restrictive option in my judgement.***

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| --- |
| **Proposed date for review of decision if applicable** |
|  |

|  |  |
| --- | --- |
| **Decision Maker:** |  |
| **Name: (Please Print)** |  |
| **Signature:** |  |
| **Job Title:** |  |
| **Contact Details:** |  |
| **Date:** |  |

**What must be taken into account when trying to work out someone’s best interests?**

5.13 Because every case – and every decision – is different, the law can’t set out all the factors that will need to be taken into account in working out someone’s best interests. But section 4 of the Act sets out some common factors that must always be considered when trying to work out someone’s best interests. These factors are summarised in the checklist here:

* Working out what is in someone’s best interests cannot be based simply on someone’s age, appearance, condition or behaviour. (see paragraphs 5.16–5.17).
* All relevant circumstances should be considered when working out someone’s best interests (paragraphs 5.18–5.20).
* Every effort should be made to encourage and enable the person who lacks capacity to take part in making the decision (paragraphs 5.21–5.24).
* If there is a chance that the person will regain the capacity to make a particular decision, then it may be possible to put off the decision until later if it is not urgent (paragraphs 5.25–5.28).
* Special considerations apply to decisions about life-sustaining treatment (paragraphs 5.29–5.36).
* The person’s past and present wishes and feelings, beliefs and values should be taken into account (paragraphs 5.37–5.48).
* The views of other people who are close to the person who lacks capacity should be considered, as well as the views of an attorney or deputy (paragraphs 5.49–5.55).

It’s important not to take shortcuts in working out best interests, and a proper and objective assessment must be carried out on every occasion. If the decision is urgent, there may not be time to examine all possible factors, but the decision must still be made in the best interests of the person who lacks capacity. Not all the factors in the checklist will be relevant to all types of decisions or actions, and in many cases other factors will have to be considered as well, even though some of them may then not be found to be relevant.

**(Mental Capacity Act Code of Practice 2005, Chapter 5, Page 71)**