

# adult social care factsheet

## Sheffield City Council Adult Social Care

### Best Interests Meeting

This factsheet tells you the purpose of a best interests meeting and who should be involved.

#### What is a Best Interests Meeting?

A best interests meeting may be needed where an adult (16+) lacks mental capacity to make significant decisions for themselves and needs others to make those decisions on their behalf. It is particularly important where there are a number of agencies working with the person, or where there are unresolved issues regarding either the person's capacity or what is in their best interests and a consensus has not been reached. A best interest's decision cannot be made for a person if they have been assessed as having capacity to make the decision or a capacity assessment has not been undertaken to confirm that they lack capacity.

#### When is a Best Interests meeting required?

A best interests meeting may be needed following a formal recorded assessment of mental capacity in relation to the following sorts of decisions:

- Where to live, if a significant change is envisaged;
- What care services and support to receive at home;
- What care services and or support should the person receive away from the home (i.e. in a particular placement).

These examples are not exhaustive and each situation needs to be judged on its merits.

## **The Chair**

It is best practice that the person who chairs the best interests meeting is not the person who is the decision maker. This avoids any possible conflict of interest. The chair person may be required to provide some mediation and negotiation so that the person's best interests are not overlooked.

## **Who should be the decision maker?**

For most day-to-day actions or decisions, the decision-maker will be the carer most directly involved with the person at the time.

For decisions that involve social care it will be an adult social care staff member who is the decision-maker.

Where the decision involves the provision of medical treatment, the doctor or other member of healthcare staff responsible for carrying out the particular treatment or procedure is the decision-maker. Where nursing or paid care is provided, the nurse or paid carer will be the decision-maker.

## **Who should attend?**

Where it is practical and appropriate to do so:

- The person assessed as lacking mental capacity.
- Family members, parents, carers and other people interested in the welfare of the person.
- Any person who holds an Enduring Power of Attorney or a Lasting Power of Attorney.
- Any advocate who is involved including an Independent mental capacity advocate.
- Any deputy appointed by the Court of Protection.
- Any professional who can contribute to the outcome of the best interests meeting.

## Urgent situations

If a situation is very urgent, a meeting may not be possible and decisions will have to be made based on the information available - including the availability of people for consultation. The 'doctrine of necessity' may be invoked in an emergency situation. Actions in the person's best interests can be made providing the professional 'reasonably believes' a person lacks capacity and that the proposed treatment/action is necessary to save their life or to prevent a significant deterioration in their condition without formal documentation of the capacity assessment and best interests decision.

## Recording decisions

It is the responsibility of the chair person to ensure that the meeting is accurately recorded. The best interests meeting should be structured and recorded in such a way that it is clear who attended (and those who were unable to attend), what discussions took place, and what outcomes were agreed. A best interests meeting should mean that the decision-making process is transparent, clearly recorded, and can stand up to subsequent scrutiny.

**For further information click on the following link:**

<https://www.mind.org.uk/information-support/legal-rights/mental-capacity-act-2005/best-interests/#.XUrfNU2WzIV>

## Where can I get more information?

If you have a question about this factsheet, want a printed copy to be sent to you, or want to speak to someone you can contact us.

Factsheets can be downloaded from our website:

[www.sheffield.gov.uk/factsheets](http://www.sheffield.gov.uk/factsheets).

Information can also be provided in alternative formats and other languages on request.

- Prevention and enablement
- Getting care and support
- Children's Transition to Adult Social Care
- Planning and organising your care and support

- Help with travel
- Paying for your care and support at home
- Paying for your care and support in a residential or nursing home
- Managing your finances
- Managing your Direct Payment
- Disability Related Expenditure
- Deferred Payments
- Reviewing your care and support
- Personal Assistant Handbook
- Deprivation of Liberty Safeguards
- Assessing Mental Capacity
- Independent Advocacy

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