

Company Name: Integrative Supported Living Care

Policy No: 03-3721	Authorised: 15/01/2020	Date: 15/01/2020
BEST INTERESTS POLICY (MENTAL CAPACITY ACT 2005)		

This Policy defines the procedures for determining a service user's best interests, in accordance with Section 4 of the Mental Capacity Act 2005:

1. PRELIMINARY CONSIDERATIONS:

- 1.1. Wherever possible the service user will be empowered to make his / her own decisions for what they consider to be in their best interests. Where the service user lacks the capacity to make such decisions, appointed advocate(s), ref. *Policy No 3101*, may make decisions on the service users' behalf, but always ensuring that the service user remains central to the decision-making process; i.e. retaining the principles of person-centred care.
- 1.2. The determination of a service user's best interests will follow the 7-point statutory checklist provided in Section 4 of the *Mental Capacity Act 2005*, as summarised in part 2 of this Policy below.

2. CHECKLIST - *Mental Capacity Act 2005*; Section 4:

- 2.1 In determining what is in the service user's best interests, the person must not allow prejudices or assumptions to influence the decision-making process. Specifically the determination must not be made purely on the basis of the following:
 - the service user's age, appearance or physical disabilities;
 - any behavioural issues which may lead to unjustified assumptions about what may be in their best interests;
- 2.2 The person making the determination must consider all the relevant circumstances, in particular the requirements which are defined in clauses 2.3 to 2.7 below.
- 2.4 The following must be considered:
 - whether it is likely that the service user will, at some time, have capacity related to the matter in question;
 - if it appears likely that they will, when this is likely to be, and whether the decision can be deferred until then.
- 2.5 The service user should, where reasonably practical, be encouraged and empowered, to participate as fully as possible in any act done for them, and any decision affecting them (i.e. person-centred).
- 2.6 Where the determination relates to life-sustaining treatment, the person making the decision must not, in considering whether the treatment is in the best interests of the service user, be motivated by a desire to bring about their death.
- 2.7 The person making the decision must, as far as is reasonably ascertainable, consider the following:
 - the service user's past and present wishes and feelings, and particularly any written statement made by them when they had capacity;
 - the beliefs and values that would be likely to influence their decision if they had capacity;

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- any other factors that they would be likely to consider if they had the capacity to do so.

2.7 The person making the decision must take into account, if practical and appropriate, the views of the following as to what would be in the service user's best interests:

- anyone named by the service user as someone to be consulted on the matter in question;
- anyone engaged in caring for the person, or interested in their welfare; any person granted Lasting Power of Attorney by the service user;
- any deputy appointed for the service user by the court.

FORMS REFERENCES:

Form No: 3-714 Assessment of a Service User's Mental Capacity - *Assessment for a Best Interest Decision*