

# Rotherham Doncaster and South Humber NHS Foundation Trust

## Mental Capacity Act 2005

New FORM MCA2 January 2014

### Record of a decision made in a person who lacks capacity Best Interests

Name of person best interest decision needs to be made for		Organisation Ref No.	
Name of Best Interests Decision Maker		Role	
Date best interest decision making process started		Team	

Details of the decision to be made on behalf of person who lacks capacity **as detailed on the relevant MCA1**  
**Please be clear about the decision which needs to be made** For complex decisions such as Change of accommodation, serious medical treatment, use of restriction, restraint and contact issues which may amount to a Deprivation of the person liberty or where there is objection to a proposed action you should hold a Best interest meeting. If so please use **MCA3** for recording the meeting and the outcome

#### PART 1 DETERMINING LACK OF CAPACITY

	Response		Date	Comments Name of Assessor
	Yes	No		
Has the person been determined as lacking capacity to make this particular decision at this moment in time?				
If you have answered <b>YES</b> , PROCEED TO PART 2 of this document. If you have answered <b>NO</b> , identify decision(s) to be made and complete capacity assessment.				

#### PART 2 – DETERMINING BEST INTERESTS

All steps and decisions taken for someone who lacks capacity must be taken in their best interests.

Have you appointed an IMCA?	Response		If Yes: - Provide details of outcome of the IMCA report <b>You MUST NOT make a decision until you have received and considered their report.</b>
	Yes	No	
Q1. If the decision relates to serious medical treatment or changes to accommodation and there is <b>no one</b> appropriate to act on the persons behalf, <b>you have a Statutory duty</b> to instruct and consult an Independent Mental Capacity Advocate. An IMCA <b>may</b> also be involved in safeguarding adults cases and care reviews where appropriate.			
Date of IMCA referral		Date IMCA report received	Name of IMCA

You must provide details of your findings and reasons for you opinion

Q2. <b>Regaining Capacity</b> – Have you considered if the person is likely to regain capacity i.e. after receiving medical treatment. <b>Can the decision be delayed until that time?</b>	
Q3. <b>Encourage Participation</b> – What have you done to encourage the person's involvement in the process? <b>Please indicate if you have not been able to get the person to participate</b>	

<p>Q4. <b>Identify and Consider all the relevant circumstances</b> – Do you have all the background information relating to why the decision needs to be made? <a href="#">Give details</a></p>		
<p>Q5. Are they any <b>additional factors</b> such as family relationships that need to taken into account?</p>		
<p>Q6. <b>Consult Others</b> – <b>You have a duty</b>, where practicable and appropriate, to <b>consult with and take into account</b> the views of other interested parties? This should include anyone engaged in caring for the person, close relatives and friends, persons previously named by the person as someone to consult, Attorney under a Lasting or Enduring Power of Attorney or Deputy of the Court of Protection and other professionals.</p>		
<p><b>Please give the name and status of anyone who you consulted with as part of the best interest process. You should ask them what they consider to be in the persons best interest and record any information they have about the person wishes and feelings beliefs and values</b></p>		
<p><b>Name</b></p>	<p><b>Role/Relationship</b></p>	<p><b>Views of people consulted /reasons why person not consulted</b></p>
<p><b>Consideration of the person wishes and feeling, beliefs and values is an important part of the best interest process</b></p>		
<p>Q7. Have you been able to ascertain what the person`s <b>wishes and feelings</b> are or would be if they were able to make the decision themselves?</p>		

**The nearer the person is to having capacity the more weight you need to give to their wishes and feelings**

Q8. Does the person have any specific **beliefs and values** that need to be considered?

Q9. **Advance Decisions - Written Statements** - Does the person have any AD or written statements about their future care and treatment which you may need to consider?

Q10. Considering the Options: **Ensure you have carried out the necessary risk assessments and this is reflected in the best interest option chosen. Ensure wherever possible the least restrictive option is chosen, whilst retaining best interests.**

Option 1	Advantages/Benefits	Disadvantages/Risks
Option 2	Advantages/ Benefits	Disadvantages/Risks

Option 3	Advantages/ Benefits	Disadvantages/Risks

**Part 3 - FINAL DECISION**

**Reaching a Decision:** You must not make assumptions about someone's best interests based on the **person's age, appearance, condition or behaviour**. You must always avoid restricting the person's rights and provide care and treatment in the least restrictive way.

**Q11. What is your final decision?**

Please provide the reasons for your decisions and why other options were ruled out.

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**Actions undertaken in relation to care and treatment which involve the use of restraint are only lawful if they are necessary to prevent harm, are a proportionate response to the level of harm the person is likely to incur and do not deprive the person of their liberty.**

**Special Considerations** – Where the decision relates to life sustaining treatment, you must ensure that the decision has not been motivated in any way, by a desire to bring about their death

<b>Signature of Decision Maker</b>	
<b>Date decision made</b>	

**After the decision has been made**

Q12. Has the relevant person been made aware of the decision?	Yes		No	
<b>If no why please give your reasons why?</b>				
Q13. How did they respond to the decision made?				
Q14. Have all interested parties be made aware of the decision?	<b>Yes</b>		<b>No</b>	
Q15. Do all interested parties agree with the decision?	<b>Yes</b>		<b>No</b>	
Q16. Do the Deprivation of Liberty Safeguards need to be considered?	<b>Yes</b>		<b>No</b>	

**If the person or any interested party is unhappy with the decision that has been made you should consider, holding a formal best interest meeting to discuss the matter further This should be recorded on MCA3**