

BEST INTERESTS DECISION

Once it has been established that a patient lacks mental capacity around their discharge, a best interests meeting will be arranged, when a decision must be made. Where, in the best interests of the patient, should they be discharged to?

Who should attend the Best Interests Meeting?

- All members of the Multidisciplinary Team involved in the patient's care, including a social worker, who will usually be the decision-maker.
- The patient's identified representative. This may be the next-of-kin, Lasting Power of Attorney or previous main care-giver.
- Where there is no family/friend/identified representative, an Independent Mental Capacity Advocate (IMCA) will be required. The referral form can be found on the Intranet.

The current and future health and care needs of the patient must be established.

We must also establish, where possible, the patient's wishes around their future care. This may have been previously verbalised or documented, when we can assume that there were no doubts around mental capacity.

The decision made must be the "least restrictive" option; therefore, returning to the patient's previous environment should be the first consideration.

There may be disagreement between the patient's representative(s) and the health and social care professionals. In these cases, ultimate responsibility for working out the patient's best interests lies with the decision-maker.

*** For further advice, contact the Safeguarding Adults Lead on ext 3544/bleep 560.**