

Adult Social Care Understanding Mental Capacity

Who should be consulted when working out
someone's best interests?



Coventry City Council

ONE
COVENTRY

○ Wherever possible, the decision-maker must take into account the views of the following people:

- anyone the person has previously named as someone the person would want to be consulted;
- anyone involved in caring for the person;
- anyone interested in the person's welfare (for example, family carers, other close relatives, or an advocate already working with the person);
- an attorney appointed by the person under a Lasting Power of Attorney (LPA); and
- a deputy appointed for that person by the Court of Protection.
- paid care workers and voluntary sector support workers may have specialist knowledge about up to date care options or treatments. Some may also have known the person for many years.

If there is no one who can speak about the person's best interests, the person may be entitled to an Independent Mental Capacity Advocate (IMCA).

Decision makers must show they have thought carefully about who to speak to. Wherever possible, they must speak to the people listed above and take their views into account. Where they did not speak to a particular person, they must be able to explain why.



The decision maker should try to find out:

- **what the people consulted think is in the person's best interests in this matter; and**
- **if they can give information on the person's wishes and feelings, beliefs and values.**

This information may be available from somebody the person named before they lost capacity as someone they wish to be consulted.

People who are close to the person, such as close family members, are likely to know them best. They may also be able to help with communication or interpret signs that show the person's present wishes and feelings.

Everybody's views are equally important, even if they do not agree with each other. They must be considered alongside the views of the person who lacks capacity and other factors.

Where an attorney has been appointed under a LPA (or EPA) or a deputy has been appointed by a court, they must make the decisions on any matters they have been appointed to deal with. Attorneys and deputies should also be consulted, if practical and appropriate, on other issues affecting the person who lacks capacity.

The full set of Understanding Mental Capacity leaflets and further information is available at umccoventry.co.uk



o Contact Adult Social Care Direct

Call **024 7683 3003**

or email ascdirect@coventry.gov.uk

or visit www.coventry.gov.uk/health-social-care

Speech impairment, deaf or hard of hearing?
You can call using Next Generation Text (also known as
Text Relay and TypeTalk): **18001 024 7683 3003**

If you require this information in another language or format,
please email ascdirect@coventry.gov.uk

Jeśli potrzebujesz zawartych informacji w innym języku lub formacie, prosimy o wiadomość e-mail na adres
ascdirect@coventry.gov.uk

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Dacă aveți nevoie de aceste informații într-o altă limbă sau format, vă rugăm trimiteti email la:
ascdirect@coventry.gov.uk

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