**Best Interest Checklist**

**You are the decision maker as you are making safeguarding decisions on behalf of the person lacking capacity** and it is therefore your responsibility to work out what would be in the best interests of the person. Remember, you must not act or make a decision based on what you would want to do if you were the person who lacked capacity.

* Is the person likely to regain capacity? If so, can the decision wait until then?
* Do not make assumptions about someone’s best interests merely on the basis of the person’s age, appearance, condition or any aspect of their behaviour.
* Encourage the person to take part, try to improve their ability to take part.
* Try to identify all the things that the person would take into account if they were making the decision or acting for themselves
* Find out about a person’s wishes, feelings, beliefs and values. Consider factors such as cultural background, religious beliefs, political convictions, past behaviours or habits that are likely to influence the decision in question.
* If it is practical and appropriate consult other people for their views about the person’s wishes, feelings, beliefs and values. Try to consult anyone previously named by the person as someone to be consulted about the decision or similar issues, anyone engaged in caring for the person, close relatives, friends or others who take an interest in the person’s welfare, any attorney appointed under a Lasting Power of Attorney or Deputy appointed by the Court of Protection to make decisions for the person
* Think about the different options and get the relevant people to think about them
* A best interest assessment must consider past and current wishes, feelings, beliefs and values alongside all other factors, **but the final decision must be based entirely on what you judge to be in the person’s best interests**.

**Record Keeping**

* how the decision about the person’s best interests was reached?
* what the reasons for reaching the decision were?
* who was consulted to help work out best interests, and what particular factors were taken into account?

Remember that persons lacking mental capacity have the same right as those with capacity to have their outcomes expressed. Although in some cases it can be challenging, a good best interest decision reflects the wishes, feelings, values and needs of the person. You should therefore be able to translate it into the outcome measures on the safeguarding recording forms.

Outcomes Measures:

* I want to continue to, or return to, living in my own/chosen home
* I want to feel safer
* I want access to justice
* I want accountability from the person/organisation alleged to be responsible
* I want support for the person alleged to be responsible
* I want to be helped to protect myself better
* I want to know where I can access support in the future
* I want system change where this played a part in abuse occurring
* I want others to be protected from similar risk and abuse
* I want to be more in control of my life
* I want the abuse to stop
* I would like the return of property/money
* Other Outcome (not listed)
* Adult/representative was asked but did not state any wishes

If the decision is contentious or complex it may help to take a balance sheet approach:

|  |  |
| --- | --- |
| Benefits | Burdens |
| Medical | Medical |
| Emotional | Emotional |
| Welfare/Social | Welfare/Social |
| What best interest decision has been made |
|  |
| Please explain what has been decided in the persons best interests and reasons for that decision |
|  |