

## Appendix 2 - Ocombe House Best interest assessments- Step by Step plan.

Step	Action	By Whom
1.	Each client has had a full and compressive assessment of their level of need and known risk based on recent professional reports and recommendations.	Community Learning Disability Team (CLDT)
2.	All Possible options have been clearly identified for each client that are able to meet assessed need.	Care manager
3.	Each client will have had a full assessment with a Speech and language therapist to demonstrate that every step has been taken to help the client make the decision for themselves using information from the options identified above for each person. This follows guidance under the mental Capacity act chapter 3 s3.1 through to 3.10	Speech and Language Therapy (SaLT)
4.	If an individual is able to make the decision for themselves as a result of all of the above work we can demonstrate that the client has been empowered and there is no need to continue with the Mental Capacity Act, but a full positive risk taking process must be in place.	Care Manager
5.	If there continues to be reason to doubt the individuals' capacity to make the decision re options and it has been demonstrated that up to date decision specific mental capacity assessments have been completed next steps can be progressed.	Care manager.
6	An Initial capacity assessment is completed by a psychiatrist or psychologist. It is recommended that this is someone external to Torbay.	Psychiatry/ psychology.
7	We need to be clear about what decision we need to be made. It is recommended that this considers" To decide what is the best alternative accommodation and support available for this person ." (Note a separate process should be considered regarding taking up a tenancy.)	Care manager
8	<p>If it is established that there is no capacity by the psychologist or psychiatrist then we need to ask if any family member has relevant legal authority to make a decision in a person's best interest. By Relevant authority we mean only a Lasting power of attorney for health and social care decisions. This does not include lasting or enduring power of attorney for property and finance.</p> <p>If family members are not legal power of attorney for health and social care decisions , or are appointed as by a court of protection as an appointed deputy for financial affairs only,- then they cannot make a decision about moving from Ocombe in a person's best interests.</p>	Care Manager and family.

	If family members state that they have LPA for health and social care decisions,-we must ask for evidence, see it,- and record this.	
9	<p>If family members have the correct legal authority (As a lasting power of attorney or an appointed deputy for health and social care.) they can make a decision, but they must follow the best interest checklist.</p> <p>Please note being next of kin does not have any legal standing in this decision making process.</p>	Family member who has relevant LPA.
10	We then need to check and see if people have met criteria to be appointed an IMCA.-If a person has no family and friends then an IMCA can be appointed when a change of accommodation is being considered and a person lacks capacity to make a decision.	Care Manager.
11	If a person is not entitled to an IMCA because they have family and friends then an independent advocate should be appointed as good practice.	Care manager.
12	<p>A Best interest meeting is arranged.</p> <p>This should be accurately recorded by a minute taker and chaired by a Band 7 or above worker. This should include the following people;-</p> <ul style="list-style-type: none"> <li>• The Decision maker- usually the Social worker.</li> <li>• The close family and/or close friend of the individual.</li> <li>• IMCA or Advocate as dictated by previous steps.</li> <li>• Members of the multidisciplinary team, i.e. nurses, psychologists, therapy representatives, etc.</li> <li>• Other relevant individuals such as CQC inspector if possible.</li> </ul>	Care Manger
13	<p>At The meeting;-</p> <p>A <i>Best interest checklist</i> should be used by the chair of the meeting to ensure the correct matters are discussed.</p> <p>Each person should have the opportunity to speak and give their views. The meeting will need to consider the care plan and risk assessment in place already for individuals.</p> <p>The pros and cons of each option should be discussed.</p>	Chair
14	<p>Making a decision.</p> <p>At the end of the meeting the decision maker has to decide what is in the person's best interests, after weighing up the impact of the decision on the individual knowing what they know about the person from the views shared at the meeting. They do not have to give an answer straight away at the meeting but can share this in writing at a later date to all attendees.</p>	Decision maker.

15	<p>Appeals process.</p> <p>The decision can be challenged through the Court of Protection.</p> <p>If the decision is appealed Torbay Care Trust arranges an internal legal review meeting to review the process to date with their legal advisor.</p>	<p>Adult Safeguarding Team.</p>
----	---	---