



Children's Safeguarding and Social Work

Best interest meetings: guidance for social workers

1 Introduction

When a young person aged 16 or 17 lacks capacity to make a decision about aspects of their care, it is essential that those making decisions on their behalf are acting on the young person's best interests. This means ensuring that the decisions made will safeguard and promote the young person's welfare and represent the least restrictive option, taking into account the views and wishes of the young person as far as they are ascertainable as well as the views of their family and others involved in their care.

If these needs are complex, it may be difficult for everyone involved in the young person's care to agree what provision is in their best interest. In these cases, allocated social workers may need to consider convening a Best Interest Meeting (BIM) so that all parties can discuss available options and choose the one that is best for the young person.

2 Purpose of meeting

Under the Mental Capacity Act, professionals can make decisions and carry out acts in connection with the care or treatment of a young person aged 16 or 17 if a mental capacity assessment has established that there is reason to believe that the young person does not have the capacity to make a decision about their care.

In these cases, the social worker should convene a BIM in order to discuss arrangements with parents and those involved in the young person's care. The arrangements should be in the young person's best interests and represent the option that is the least restrictive of the young person's rights.

The purpose of the BIM is to agree a consensus on what service provision is in the young person's best interests. If no consensus can be reached, the case must be referred to the Agency Decision Maker to decide whether or not to apply to the court of Protection for an order authorising arrangements for the young person's care.

3 When to hold the meeting

A BIM must be held when considering service provision for a young person who is reaching the age of 16 and does not have capacity to consent. A BIM meeting should be used as a forum for discussing service provision for as long as the young person receives a service from the CYPDS (up to the age of 25).

The meeting should be held within 4 weeks of the completion of the mental capacity assessment. However, the meeting may also be deferred for a short period if there are reasonable grounds to believe the young person may regain capacity.

BIM guidance

Subsequent BIMs should be held whenever a young person continues to lack capacity and a decision on changing the services to be provided to the young person needs to be made that may have serious consequences for them, for example:

- any placement moves
- any significant changes to the level, frequency, quality or duration of service provision
- where substantive medical treatment is being considered
- any incidents where the young person was believed to be at risk of harm
- disagreements or challenges about whether the young person lacks capacity or service provision remains in their best interests
- legal challenges regarding deprivation of liberty.

4 Attendance and involvement

When assessing the young person's best interests Camden must consult those involved in the young person's care and anyone interested in their welfare. Therefore the meeting should be convened and attended by the allocated the social worker and their supervisor or manager and the following should be consulted and invited:

- the young person
- their parents or any close relatives or friends who take an interest in the young person's welfare
- anyone involved in providing services for the young person
- advocates or anyone else attending to support the young person's participation
- any other appropriate professional.

The BIM should be chaired by a senior manager with no direct responsibility for the management of the case or the Independent Reviewing Officer who would normally chair the review of the young person's plan in order to ensure the independent scrutiny of the proposed care package.

The young person's attendance and involvement should be encouraged and enabled as appropriate, and social workers should ensure a suitably knowledgeable and experienced advocate is available to help the young person actively participate to the extent that they are able.

Social workers are responsible for preparing young people and parents to attend the meeting by ensuring they are aware of the purpose of the meeting, how it will be conducted and that they have all the information they need to take part.

Even if the young person does not attend the meeting, it is crucial that social workers and advocates ensure the young person has an opportunity to communicate their wishes and feelings in an appropriate way and that these views are made known to the meeting.

Some young people may be reluctant to have their parents attending the meeting and have a right to confidentiality. However social workers should try to discuss this with young people and encourage them to keep their parents involved in decision-making.

5 Establishing “Best Interest”

One of the key purposes of the meeting is to establish what is in the young person’s best interests and what care package is needed to meet their needs.

To help with this, the allocated social worker should prepare a balance sheet that looks at all the options for the young person and sets out the advantages and disadvantages of each option for the young person. This balance sheet should be made available to everyone attending the meeting.

The Mental Capacity Act code of practice sets out the checklist for making a best interest decision and this should provide the framework for conducting a BIM and making decisions:

- encourage and support the young person to participate in decision-making as far as possible even if they do not have capacity
- identify all the relevant factors that the young person would have considered had they been making a decision
- find out the young person’s views
- avoid making decisions based on the young person’s age, appearance, condition or behaviour
- assess whether the young person may regain capacity and whether the decision can be deferred
- consult with others involved in the young person’s life and care
- look for the least restrictive option.

The meeting should use the Best Interest checklist shown at appendix 1 that meets all the statutory requirements for BIMs and covers all the issues to be addressed in the meeting.

The Best Interest checklist should be used to structure discussion and should be followed as an agenda for the meeting. The checklist should also be used as a template for recording the decisions of the meeting.

6 BIM and deprivation of liberty

Where a package of care may involve the restriction of the young person's movements that may amount to a deprivation of their liberty, social workers should refer to the division's *Deprivation of liberty* policy for guidance on what action to take in these cases. [Deprivation of liberty policy.docx](#)

Although the BIM is the forum to discuss and agree whether or not an aspect of the young person's care may amount to a deprivation of liberty, the meeting cannot authorise the use of such a provision.

If the BIM agrees that the care package includes measures that may be a deprivation of liberty, the case will need to be referred to the CSSW Director who will make a decision on applying to the Court of Protection to authorise the deprivation of liberty.

7 Outcome of the BIM

By the end of the BIM it is hoped that all parties involved have come to an agreement as to what constitutes the young person's best interest and decided on suitable services to meet their needs.

If no consensus can be found and service provision cannot be agreed, the case should be referred to the case will need to be referred to the CSSW Director to make a decision on whether or not to take the matter to the Court of Protection for an order.

A note of what has been agreed in the BIM and what further action is to be taken should be recorded on the checklist template and distributed to all attendees within 5 working days of the meeting. This record should also be sent to the CSSW Director where there has been no agreement or the care package involves a potential deprivation of liberty.

It is important that any record clearly states the following:

- how the decision on best interest was reached
- the reason for reaching that particular decision
- who was consulted as part of the decision making process
- what factors were considered when making the decision.

8 BIM for children under 16

For children under 16 who lack Gillick competence, consent for their care arrangements will need to be obtained from their parents or someone with parental responsibility.

Parents may also give valid consent to any care arrangement that may be a deprivation of the child's liberty if they have the capacity to do so and are acting in the child's best interest. However, a BIM would be the most suitable forum for discussion and information sharing with parents and would provide them with the information they need to make an informed decision about agreeing to a deprivation of liberty.

If parents are unable to consent to the deprivation, or are unable to act in the child's best interests, or the child is subject to a Care Order, the case should be referred to the CSSW Director as Agency Decision Maker. This is to allow the Agency Decision Maker to decide on whether or not to apply to the Court under its inherent jurisdiction for an order to authorise care any care arrangements.

The BIM should be conducted in the same manner as the BIM for 16 and 17 year olds and should also use the best interests balance sheet and checklist to structure and focus the discussion, and to record any decisions made.



Best Interests Checklist

This checklist should be used as an agenda for the Best Interest Meeting and should record all relevant information and decisions made, with reasons.

Details of meeting

Date of Best Interest Meeting:

Young person's details

Name
DOB
Gender
Address
Ethnicity
Religion
Language

Details of person completing this record

Name
Role
Organisation
Address
Contact details

Professionals attending the meeting

Name	Organisation	Contact details

Assessment of capacity

Has the young person been assessed as lacking capacity to make this decision?
Y/N

Details of assessment

<i>Guidance: please give the name of professionals involved in the assessment and detail any reports relied on with dates</i>

BIM guidance

Was the young person helped to make their own decision?

Y/N

Details

Guidance: please give details of support given including the name of professionals involved

Is the young person likely to regain capacity?

Y/N

If yes, can this decision wait until they regain capacity?

Y/N

Please explain why

Consultation

What are the young person's wishes and feelings?

Does the young person have an advocate?

Y/N

Details

What are the views of the young person's parents and other significant persons?

Care options

What options are available for the young person?

Guidance: For each option, please weigh up the risks and benefits of each option and whether there is a least restrictive alternative.

What other circumstances have been taken into account when making the Best Interest decision?

BIM guidance

Best interest decision

What decision has been made regarding the package of care that is in the young person's best interests?

Are there any disagreements regarding this decision?

Guidance: please state who does not agree with the decision and their reasons

Will the case need to be referred to the Clinical Professional Group for a best interest decision?

Y/N

Does the chosen package of care represent a potential deprivation of liberty?

Y/N

Will the case need to be referred to the Clinical Professional Group for a deprivation of liberty decision?

Y/N

Name of Chair:

Date: