

Adult Social Care Understanding Mental Capacity

Differences of opinion



Coventry City Council

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COVENTRY

The people involved in making decisions may disagree, or they might have different memories about the views the person expressed in the past. Carers and family might also disagree with professional's views about the person's care or treatment needs.

The decision maker will need to be able to balance such concerns and decide between them.

To help resolve such situations, the decision maker should review all parts of the Best Interests Checklist with everyone involved including the person who lacks mental capacity as much as possible, and anyone who has been involved in earlier discussions.

It may be possible to reach an agreement at a meeting after everybody has been able to air their views. The involvement of an Independent Advocate may be of real benefit in these situations.

The final responsibility for deciding the person's best interests, however, belongs to the decision maker.

People who may have a conflict of interest should be included in the process (for example, those who stand to inherit from the person's will or medical treatment).



But the decision maker must always make sure that the interests of those consulted do not unduly influence the process.

The decision maker should consider:

- how long an individual has known the person who lacks capacity, and
- what their relationship is.

Where agreement cannot be reached about a serious decision (where a person should live or medical treatment for example) an application can be made to the Court of Protection to resolve the situation at www.gov.uk/courts-tribunals/court-of-protection

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

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