

Template (notes in blue for SW/ Chair)

## AGENDA

### Adults with Incapacity Case Conference

Name of adult:

Date & time:

Venue of meeting/ Teams link:

1. **Introductions** - welcome by Chair
2. **Purpose** - legislative context & reason meeting has been convened.
3. **Principles** of the AWI (S) Act
4. **Background** - *Social Worker's report should be completed, signed and dated, and circulated 5 days prior to the case conference. This should include a statement to confirm that there is no other legal authority in place, e.g. P.O.A (welfare/ continuing)*

*Social Workers verbal summary should include: needs/ risks, areas of decision-making ability the adult lacks capacity, what steps have been taken to support the adult to communicate their views, understand their situation, what steps are required to meet the adult's needs, ensure their safety and well-being, while enabling them to live as free and independent a lifestyle as they would wish.*

5. **Other options considered** - *e.g. S13ZA - has this been considered? Document whether applicable or not. This needs to be recorded in the minute.*
6. **Legislative options:** Intervention Orders, Guardianship orders (differences between)
7. **Views of Doctor/ Specialist** - confirm areas of decision making where adult lacks capacity & why there is a need for legal measures to be considered.
8. **Views of people present:**
  - Views of adult
  - Views of adult's representative/ advocate
  - Views of family/ carers/ friends
  - Views of any other relevant people
9. **Views of MHO**
10. **Views of Legal services**
11. **Consideration of Advocacy and/ or Safeguarder** – *document discussion.*
12. **Financial considerations** -
  - any tenancy, property ownership, savings, capital and/ or investments that may require financial management under the legislation.
  - **SDS Options:** consider any welfare & financial legal authority that may be required to operate, manage or instruct under an option 1 direct payment or option 2 ISF.
  - **NB:** The legal guardian **cannot** hold legal powers in respect of the adult AND employ themselves to provide the care. It may be possible to apply for exceptional

circumstances to pay another relative as the care provider, but they cannot hold any legal authority in respect of the adult.

## 12. Decision of meeting -

- a. No requirement for legal intervention
- b. S13ZA is applicable
- c. S13ZA is not applicable and legal intervention is necessary and appropriate under AWI legislation.
  - Application for Intervention order and/or
  - Application for welfare guardianship and/ or
  - Application for financial guardianship

*(Family should be asked again whether they would wish to make a private application. Their decision should be documented. If the family/person with an interest in the adult do decide to pursue a private application, they need to be advised of the timescale, and provide the name of their solicitor within 10 working days, see S.O.P - AWI Private Welfare Guardianship.*