

Response from Adult Social Care regarding the suggestion made at the September site visit to make a decision about rehoming earlier.

Pets are generally regarded as the property of their owner, where an individual has mental capacity to make decisions regarding their pet, the council cannot make a decision to permanently rehome the animal without the owner's consent, regardless of the length of time the pet has been bordered. Under the Mental Capacity Act adults must be presumed to have capacity unless it's established otherwise, and individuals are entitled to make their own decisions, including decisions that others may consider unwise.

Where a person lacks capacity to make a decision about their pet, any decision concerning the animal must be made on an individual basis and in accordance with the Mental Capacity Act best interest framework. This requires consideration of the person's wishes, feelings, beliefs and values and consultation with those involved in their care and welfare, and consideration of the least restrictive option available. An arbitrary six-month deadline would risk undermining the statutory requirements, as each person's circumstances differ.

In practise, a decision to rehome may be appropriate where there is clear evidence that the owner will be unable to resume care of the pet, for example following a permanent move into 24-hour residential care or following death. However, where the owner retains capacity or where a person lacking capacity may reasonably be expected to return home or retain a meaningful interest in the pet, the council would need to carefully consider whether permanent rehoming is lawful, proportionate and in the individual's best interests..

For this reason, the council's approach is to consider each case on its individual circumstances rather than applying a fixed time, after which rehoming would automatically occur. This ensures compliance with the mental capacity act 2005 whilst also recognising the pets remain an important personal asset and source of emotional attachment for many people.