

M1 Appendix 4

DETERMINING BEST INTERESTS – THE STATUTORY (LEGAL) CHECKLIST

- **Non – discriminatory** – your judgements should not be based on age, appearance or condition (**Code of practice, 5. 16-17**)
- **Consider all relevant circumstances** – This means identifying those issues most relevant to the individual who lacks capacity in the context of the decision being made (**Code of Practice, 5. 18-20**)
- **Regaining Capacity** – if a person is likely to regain capacity in the future, is it possible to delay the decision until then? (**Code of practice, 5. 25-28**)
- **Permitting and encouraging participation** – irrespective of a person’s disabilities every effort must be made to communicate with the person concerned (**Code of practice, 5. 21 - 24**)
- **Special considerations for life-sustaining treatment** – ensuring that where life-sustaining treatment may be in a person’s best interests, the decision maker must not be motivated to bring about the person’s death (**Code of practice, 5. 29-36**)
- **The person’s wishes & feelings, beliefs & values** – so far as reasonably practicable consideration of the person’s past and present wishes, feelings, beliefs and values should be made (**Code of practice, 5. 37-48**)
- **The views of other people** – the act establishes the right for family members, partners, carers and other relevant people to be consulted about the decisions being made (**Code of practice, 5. 49-55**)