

## **Determining Best Interests – The statutory (legal) checklist**

**Non-discriminatory** - that is, your judgments should not be based on age, appearance or condition

(C of P 5.16-17)

**Considering all relevant circumstances**- identifying those issues most relevant to the individual who lacks capacity in the context of the decision being made

(C of P 5.18-20)

**Regaining capacity** -if the individual is likely to regain capacity in the future, is it possible to delay the decision until then ?

(C of P 5.25-28)

**Permitting and encouraging participation** -irrespective of an individual's disabilities every effort must be made to communicate with the individual concerned

(C of P 5.21-24)

**Special considerations for life-sustaining treatment** - ensuring that where life sustaining treatment may be in an individual's best interests the person making the decision must not be motivated to bring about the individual's death

(C of P 5.29-36)

**The person's wishes and feelings, beliefs and values** so far as reasonably can be obtained consideration of the individual's past and present wishes, feelings, beliefs and values should be made

(C of P 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.

(C of P 5.49-55)