

## MAKING BEST INTEREST DECISIONS CHECKLIST

Assessment headings	Prompts
What is the decision to be made?	Not all headings are relevant but MUST be considered to be disregarded.
Equal consideration and non discrimination	Do not make assumptions about someone's best interest based on age or appearance condition or type of behaviour e.g. visible issues such as Downs Syndrome, skin colour or dress, learning difficulties, age related illness or temporary conditions such as drunkenness. No preconceptions or negative assumptions. Objective assessment must be carried out.
Consider all relevant circumstances	Follow all steps in checklist and other circumstances that you are aware of and it is reasonable to consider. Try to identify all the issues and circumstances relating to the decision which are most relevant.
Regaining capacity	Consider is the person likely to regain capacity. If so can the decision be delayed? Will the decision be influenced by whether they are likely to regain capacity? Can the lack of capacity be treated or will it decrease in time? e.g. alcohol or shock Could new skills be learned to improve capacity? Can they learn a new form of communication? Does the condition fluctuate?
Permitting and encouraging participation	Involve the person to the fullest extent. Consult and seek their views. Take time to explain. Provide appropriate support. Use simple language, pictures, photographs. Consider time, location, use of friend or advocate to gain views.
Special consideration for life sustaining treatment	The decision maker must not be motivated by the desire to bring about the persons death. Value judgements should not be made about the quality of a person's life.

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Persons wishes feelings and beliefs	<p>What is known about their past and present wishes?  Was anything written whilst they had capacity? - if decision departs from their written statement reason must be recorded and justified.  Take reasonable efforts to find out what they would have wanted as well as current views. Their past/present wishes and feelings may now conflict and must be weighed along with all other factors  Can they express their wishes and feelings by their behaviour? e.g. pleasure or distress Ensure as far as possible wishes and feelings are not influenced by others.  Consider use of independent advocate  Values and beliefs are important, what was their religious or political background  Note what is “reasonably ascertainable” in an emergency will be different from less urgent situations.  (See Code for guidance on advance decisions regarding medical treatment).</p>
Views of other people	<p>Consider consultation with:  Family members.  Partners.  Carers.  Anyone named or nominated by the person lacking capacity.  Anyone involved in their welfare.  Any attorney appointed.  Any deputy appointed.  Ask them:  1) what do they think is in the persons best interest?  2) what information can they provide on the wishes/feelings/values and beliefs of the person?  Consult only as “practicable and appropriate”.  Show you have thought carefully about who to consult.  If not consulting family carers etc keep clear record of reasons.  Record why the decision is in their best interests.</p>
Making the decision	<p>What is the least restrictive alternative i.e. what will restrict their rights and freedoms as little as possible?</p>
What is the decision	<p>Record the decision made.</p>