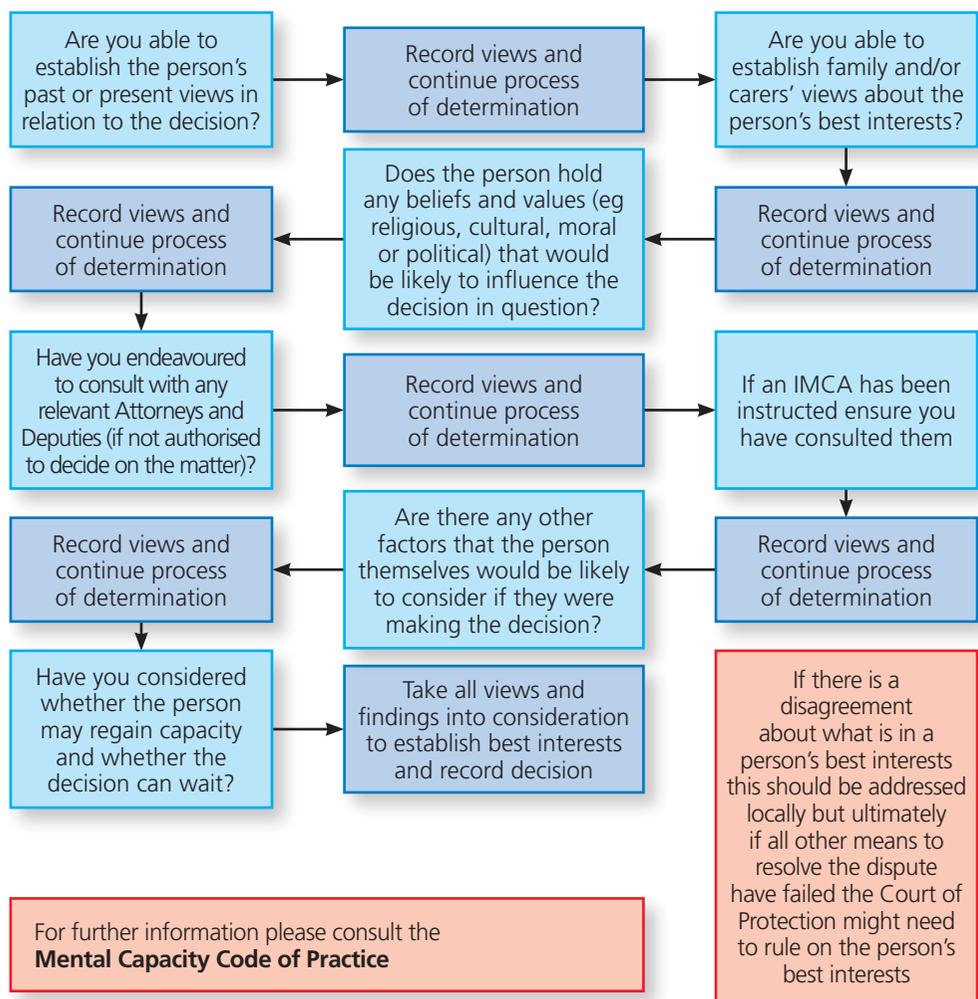


Flowchart 3 Determining Best Interest

Determining best interests for a person who lacks capacity
It is essential in determining best interests that you do what is possible to permit and encourage the person to take part in the decision making process. As such you should make best use of any existing multi-agency professionals, family, friends and try to identify all the things that the person who lacks capacity would take into account if they were making the decision or acting for themselves. It is also essential that if the decision relates to life sustaining treatment that decision makers ensure that they are not motivated by a desire to bring about a person's death.



Five Key Principles of the Mental Capacity Act

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Principle 1:
Capacity should always be assumed. A patient's diagnosis, behaviour or appearance should not lead you to presume capacity is absent.

Principle 2:
A person's ability to make decisions must be optimised before concluding that capacity is absent. All practicable steps must be taken, such as giving sufficient time for assessments, repeating assessments if capacity is fluctuating, and if relevant, using interpreters, sign language, or pictures.

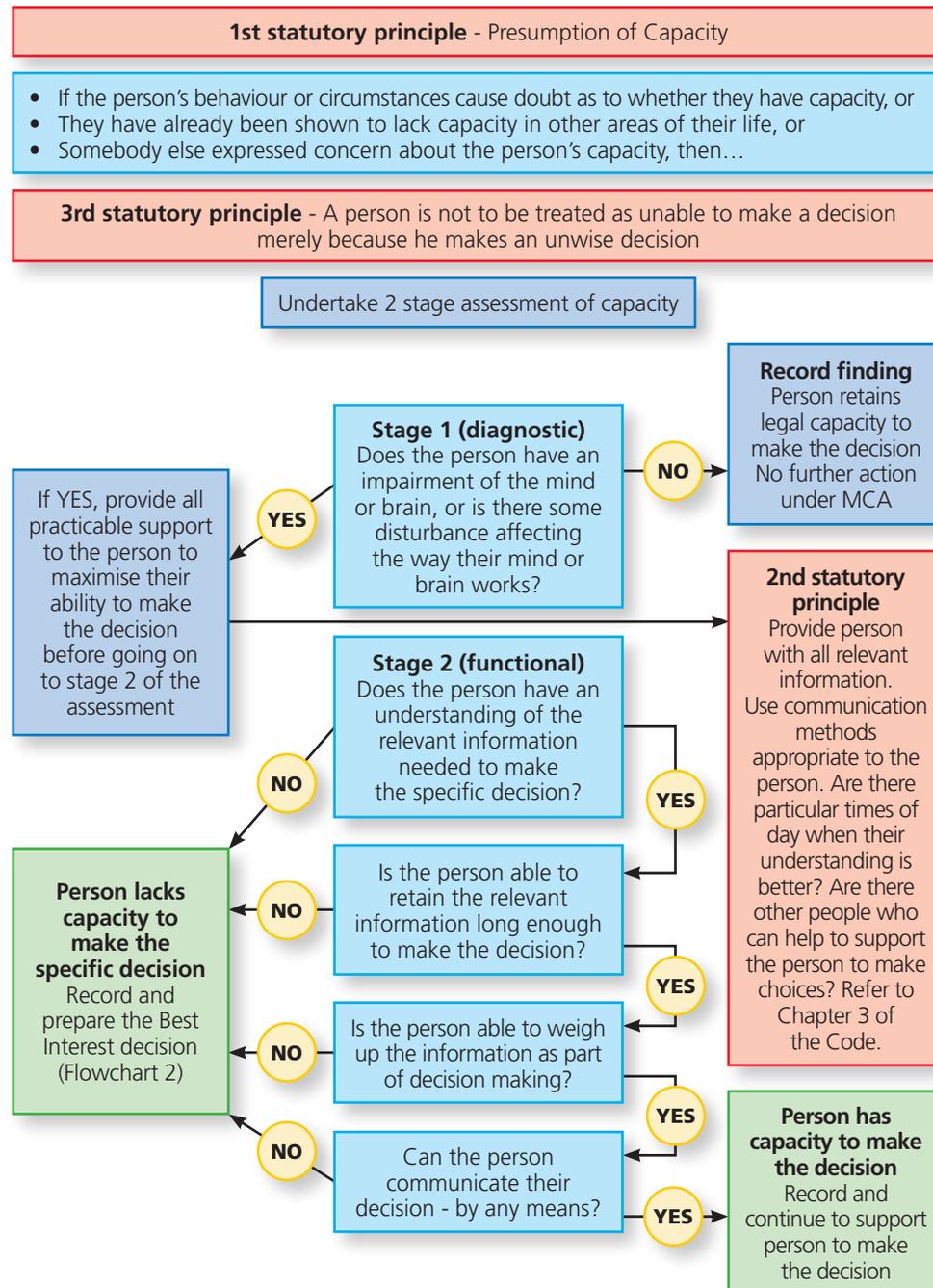
Principle 3:
Patients are entitled to make unwise decisions. It is not the decision but the process by which it is reached that determines if capacity is absent.

Principle 4:
Decisions (and actions) made for people lacking capacity must be in their best interests.

Principle 5:
Such decisions must also be the least restrictive option(s) for their basic rights and freedoms.

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Flowchart 1 Assessing Capacity



Flowchart 2 Person Lacks Capacity

