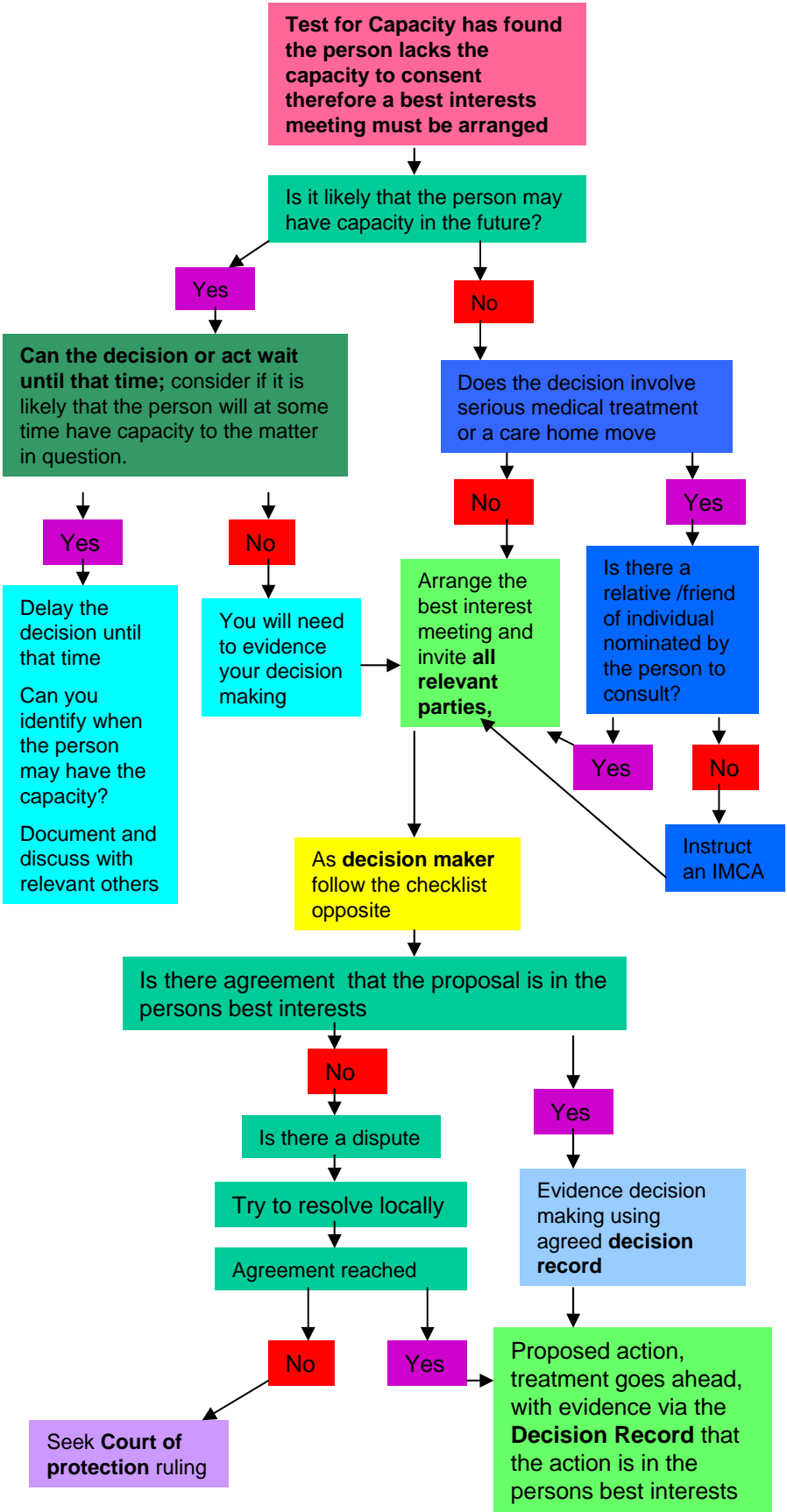


# Mental Capacity Act (2005) Best Interest Pathway

## Principle 4 - Anything done for, or on behalf of a person who lacks capacity must be done in the persons best interests



**The decision maker** takes the responsibility to ensure that the proposed action is in the best interests of the person

The decision maker needs to check if there is an advance directive, LPA or Deputy or if there is a friend/carer of person nominated by the person to consult

**All relevant parties;** the person, GP/Doctor, carers, nurse, allied health professional, social care staff, advocate, IMCA, or people who know the person really well

**The decision maker must:**

- Consult with all relevant others i.e. the person, medic/GP, advocate/IMCA, carers and others involved with the person i.e. LPA/Deputy/EPA
- Identify the views of all relevant people in the persons life
- Not make assumptions about a persons best interests based upon the persons age, or appearance, condition or any aspect of their behaviour
- Consider all the relevant circumstances relating to the decision in question
- Involve the person as fully as possible
- Ensure that the decision concerns the the preservation of withdrawing of life sustaining treatment, the decision maker must not be motivated by a desire to bring about death
- Be able to justify and evidence their decision making
- Ensure that other least restrictive options are always explored (**please complete best interests decision record**)

As far as possible the decision maker must consult with other people as appropriate to do so and take into account their views as to what would be in the best interests of the person lacking capacity, especially anyone previous named by the person as some one to be consulted, carers, and close relatives or friends of others involved in the persons welfare, LPA or deputy appointed by the court of protection. If it has not been possible to contact people, give details why not possible

**Record keeping; it is important that you accurately record and evidence any decisions made with regards to best interests**

To access **Court of Protection** refer to Public Guardian

Authors: Allyson Kent/ Mike Hood (2007)