

GUIDANCE FOR GPs: MCA BEST INTEREST CHECKLIST

The importance of keeping written records cannot be under estimated. Ensure that you have considered the following matters:

- 1. Are you sure (on the balance of probabilities) that your patient lacks capacity to make the decision in question at the time the decision needs to be made?**
- 2. Ensure that you have not made an unjustified decision based only your patient's age appearance, behaviour or condition.**

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| <ol style="list-style-type: none">a) Note that a particular diagnosis or absence of a particular diagnosis does not mean that your patient either has or has not got capacity to make the decision.b) Can the decision be delayed until your patient has capacity to make the decision? |
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| <ol style="list-style-type: none">a) Has your patient been able to participate in the decision?b) If not, why not? |
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| <ol style="list-style-type: none">a) What are or where your patient's wishes, feelings, beliefs, values or other factors that he or she would consider if able?b) Is there a written statement and is it applicable to the planned decision?c) Who have you consulted?d) Is there anyone named by your patient to be consulted?e) Is there a carer or person interested in your patient's welfare?f) Is there an attorney of a Lasting Power of Attorney (health & welfare) or a deputy appointed by the Court of Protection? |
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- 3. Ensure that you record the following matters:**

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| <ol style="list-style-type: none">a) How you reached the decision?b) Your reasons for the decision?c) Who you consulted?d) What were the results of your consultation, what did they say was in your patient's best interests?e) The particular factors you took into account when you made the decision, particularly if it conflicts with consultee or your patient. |
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This information is provided for guidance only and does not purport to be a definitive statement of law. Please contact me in relation to any specific matters arising.

FURTHER INFORMATION

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