

FINAL CHECKLIST FOR DECISION MAKERS

How to use this checklist

This checklist will help to ensure that decisions made under Best Interests meet all the statutory requirements of the Mental Capacity Act.

When you feel ready to make a decision under Best Interests consider each item in the checklist and answer either 'Yes', 'No' or 'n/a'.

If '**No**' is shaded out this means that the item is a step that you **must** take, and you cannot opt out from doing so for *any* reason. If '**n/a**' is shaded out this is because the step is always relevant.

You **must** be able to confirm that you have a clear rationale recorded within the formal record of the decision whenever you;

- a) Answer 'No' to an item in the checklist; and
- b) That item is relevant to the circumstances of the decision.

If clarity is required about the meaning of any items in the checklist you should refer to the main Mental Capacity resource site or to the Code of Practice.

Action after using the checklist

If the checklist indicates that there are further steps to be taken, rationale to be recorded or considerations to be made you must decide whether the decision can be delayed in order to do so.

Did you.....?	Yes	No	n/a	Rationale recorded?	Notes/action required
Consider whether the person is likely to regain capacity to make the decision					
If the person is likely to regain capacity, consider whether the decision can be delayed					

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Did you.....?	Yes	No	n/a	Rationale recorded?	Notes/action required
Consider whether there is anyone else authorised to make the decision					
In the case of serious medical treatment, establish the existence of an ADRT					
Confirm that the decision is one that you are authorised to make					
Consult the person to understand their views, wishes and feelings					
Identify and take steps to encourage the involvement of the person					
Involve the person in any Best Interest case conference or decision making meeting					
Establish the existence of any written statements indicating past or present wishes and feelings					
Consider and provide appropriate representation for the person					
Consider objectively what weight to give to the person's own views, wishes and feelings					
Give weight to any statements of wishes and feelings written by the person					
Establish the existence of any Donee or Deputy to consult with					
Consider objectively who else it was relevant to consult with					
Consult with all persons deemed relevant to consult with					

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Did you.....?	Yes	No	n/a	Rationale recorded?	Notes/action required
Consider objectively what weight to give to the views of those consulted					
Consider the views of any IMCA involved in regards to all matters					
Identify the relevant circumstances of the case					
Have regard to the relevant circumstances when making the decision					
Identify all available options, including those identified by others					
Explore the risks and benefits of all available options					
Take a positive approach to risk					
Take an evidence based approach to risk					
Consider risk/benefit in the context of relevant circumstances, and wishes and feelings					
Avoid making a decision based on the age, appearance, behaviour or condition of the person					
Avoid making the decision based on your values and beliefs, or the values and beliefs of others					
Consider the need to limit any restrictions on the person's Human Rights and freedoms					
				Rationale	Notes/action

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Did you.....?	Yes	No	n/a	recorded?	required
Consider the decision that the person would likely have made themselves (if they had capacity)					
Requested support from an IMCA, manager, legal services or any other person as required					
Consider any other actions or steps required before making the decision					
Considered the need to apply to the Court if significant challenge or conflict exists					