

# RadcliffesLeBrasseur



## Best Interests Check List

2010

**If a person lacks capacity as defined by the Mental Capacity Act (MCA), decisions may be based on their best interests. The MCA requires certain matters to be considered first and thus before any decision is taken based upon a person's best interests, the following checklist should be considered and, as appropriate, those on the list of statutory consultees (see below) should be consulted.**

1. Is the patient likely to regain capacity? Y/N
2. If the patient is likely to regain capacity, is this likely to be in time to make the decision? Y / N
3. Has the patient been encouraged to participate in the decision? Y / N

If so, describe briefly how

.....  
.....

5. Have any written statements of wishes by the patient been taken into account? Y / N
6. Have the statutory consultees' views been taken into account if practicable and appropriate, namely
  - Anyone named by the patient to be consultedY / N / Not Applicable
  - Anyone engaged in caring for the person

Y / N / Not Applicable

- Any deputy appointed by the Court  
Y / N / Not Applicable
- Anyone interested in the patient's welfare  
Y / N / Not Applicable
- The Attorney under any Lasting Power of Attorney  
Y / N / Not Applicable

If yes, state name(s) of persons consulted

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This form was completed by:

Name.....

Position.....

Signature.....

Dated.....

Disclaimer - This document is for guidance purposes only. RadcliffesLeBrasseur accept no responsibility or liability whatsoever for any action taken in relation to this and recommend that appropriate legal advice be taken having regard to a client's own particular circumstances.