

Best interests decision-making

If someone lacks mental capacity and has not planned ahead by making an advance decision, the law states that any treatment or care decision made on their behalf must be made in their best interests.

Who makes that decision depends on if the person has made a lasting power of attorney for health and welfare. If they have, then their attorney must make a decision in their best interests. If they have not, then the clinician in charge of their care must make a decision in their best interests.

When making a decision in someone's best interests the following must be taken into account:

- all relevant clinical information, such as the risks and benefits of a treatment
- the person's past and present wishes, feelings, beliefs and values
- the views of family members, carers and other relevant people

Family members do not have any legal authority to make decisions about someone's care or treatment. Although they should be consulted, a healthcare professional does not have to follow what they say.

Best interests meeting

If there is a disagreement about someone's care a best interests meeting can be arranged. This should include all the health and care professionals involved in the person's care and close friends and family members. The purpose of this meeting is for each person to explain what they believe is in the person's best interests and for a unanimous decision to be made. If an agreement cannot be reached the case may have to be taken to the Court of Protection.

For help with decision-making at the end of life contact Compassion in Dying's free nurse-led information line:

- 0800 999 2434 (Monday to Friday, 11am-3pm)
- info@compassionindying.org.uk