

Factors to be considered when making decisions in the 'best interests' of patients who lack capacity

- (i) the particular condition of the patient which requires the procedure or treatment;
- (ii) the nature of the procedure or treatment proposed;
- (iii) the reasons for which it is proposed that the procedure or treatment be carried out;
- (iv) the alternative courses of treatment that are available in relation to that condition;
- (v) the desirability of and effect of authorising the procedure or treatment proposed rather than the available alternatives;
- (vi) the physical effects on the patient and the psychological and social implications for the patient of:
 - a. authorising the proposed procedure or treatment
 - b. not authorising the proposed procedure or treatment
- (vii) the nature and degree of any risk to the patient of:
 - a. authorising the proposed procedure or treatment
 - b. not authorising the proposed procedure or treatment
- (viii) the views (if any) expressed by patient or the persons responsible for the patient.

References:

- *Re Marion (No 2)* (1992) 17 Fam LR 336.