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MPS reminds doctors of duty to children who lack capacity

Recent news stories have highlighted issues around treating a child who lacks capacity when the parents' wishes conflict with doctors in terms of the child's best interests. The Medical Protection Society (MPS) reminds doctors of their duty to always act in the best interests of the patient.

Dr Richard Stacey, medicolegal adviser at MPS said:

"When caring for a child who lacks capacity, doctors have a duty to treat them with their best interests in mind. The child should be informed about their care in a way that is appropriate to their maturity and understanding and any decisions should include the child as far as their capacity allows.

"Speak with the child's parents and take time to understand their ideas, concerns and understanding of any proposed treatment, in order to ensure they are aware of the risks, benefits and burdens."

In the vast majority of cases, the views of the child, parents and doctors coincide with the child's best interests; however there are occasions where there is disagreement. Follow the below steps if this arises:

- Discuss further with the parents and/or child in order to understand their position and offer any relevant reassurances and explanations
- Consider seeking a second opinion
- Involve another agency, depending on the specific circumstances of the case
- In rare occasions it may be necessary to seek an order from the Court.

MPS can provide guidance to members tailored to the specific circumstances of a case.

ENDS

For further information please contact Kim Watson, Media Relations Manager at MPS on +44 207 399 1409 or email kim.watson@mps.org.uk

About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.

For more information about MPS visit our website www.mps.org.uk

