

Review into the proposed Assisted Dying Legislation

6th October 2025

Assisted Dying feedback

My feedback is that assessment of capacity and consideration of other associated matters such as coercion may not be best undertaken by doctors.

Or at least, provision should be made for appropriately trained professionals to undertake those assessments also.

There are many common mistakes that can occur and I have witnessed them throughout my career as a person post graduate trained in both mental health and capacity law.

These errors can leave decisions open challenge. Such as not being decision specific in the assessment and not linking the impairment in decision making to the impairment of mind.

I worry people who lack capacity may be put forward under the proposals and also conversely that people who have capacity may not be given the best chances to benefit if the professionals conducting the assessments are not attuned to the proper methodology.

I would like to ask to what degree the panel has considered the inclusion of other professionals for assessing informed and free consent under the assisted dying plans. How will the panel and the government more widely assure itself that people are getting the best service?

For an example of a study into poor practice in capacity assessments, see this link. There are many other examples that could be cited.

https://discovery.ucl.ac.uk/id/eprint/10108281/10/Penn_Mental%20capacity%20assessment-%20a%20descriptive,%20cross-sectional%20study%20of%20what%20doctors%20think,%20know%20and%20do_AA_M.pdf

Regards,

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