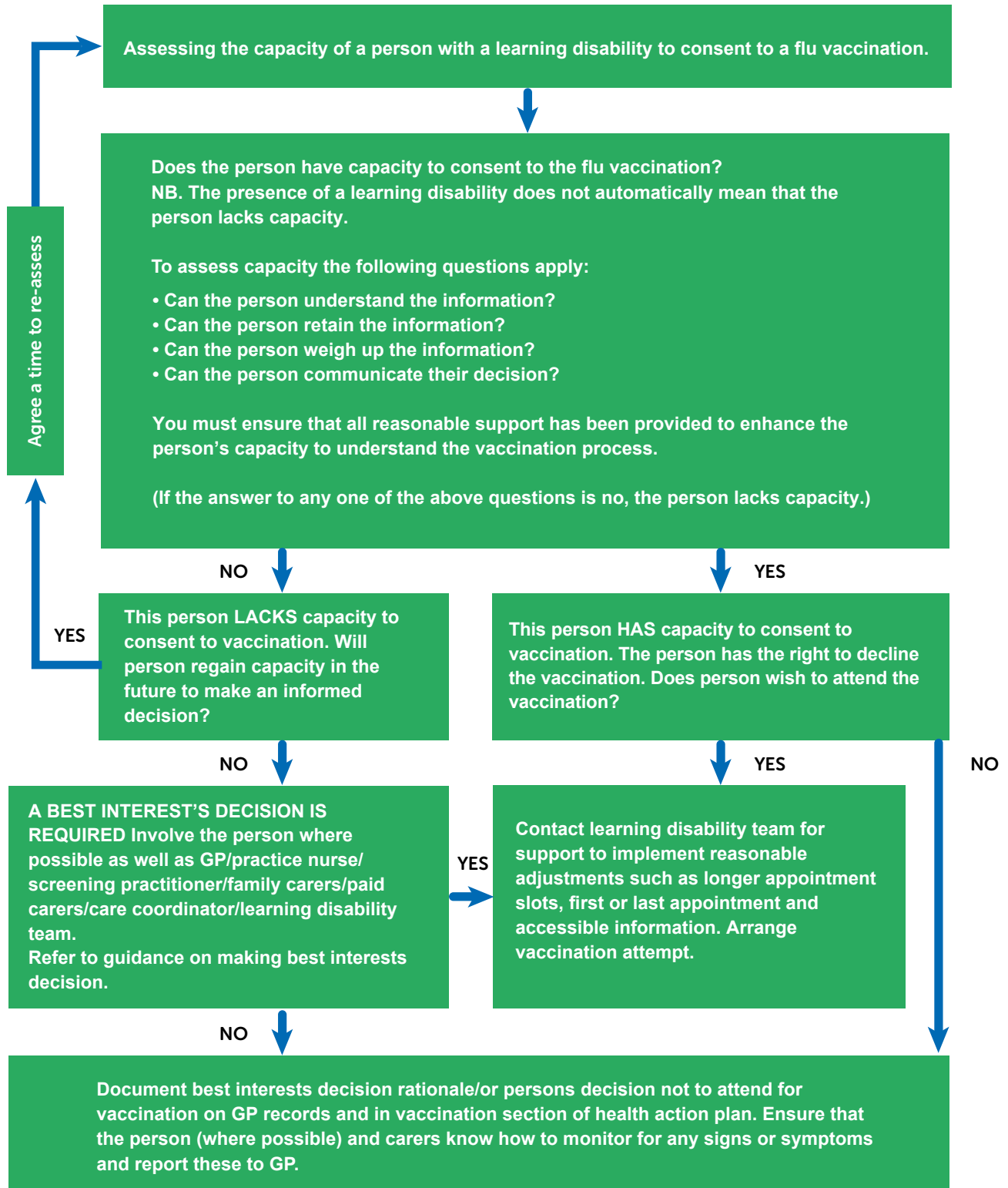


Assessing capacity for flu vaccinations



Mental Capacity Act 2005

Mental capacity guidance

The Mental Capacity Act (2005) is a law that protects vulnerable people over 16 around decision making it states:

‘Every adult, whatever their disability, has the right to make their own decisions wherever possible. People should always support a person to make their own decisions if they can. This might mean giving them information in a format that they can understand (such as easy read or a video).

If a decision is too big or complicated for a person to make, even with appropriate information and support, then people supporting them must make a ‘best interests’ decision on their behalf.’

www.legislation.gov.uk/ukpga/2005/9/contents

5 principles of mental capacity

1. Must always assume capacity unless proven otherwise
2. Person must be given all practical support to make own decision about care or treatment
3. Must respect the person’s right to make an unwise decision if they have capacity
4. Anything done on behalf of the person must be in best interests
5. The decision made in best interests must always be the least restrictive option.

Assessing mental capacity

Any health care professional can assess capacity. This is usually the health care professional who will be carrying out the intervention. For screening this could be the person’s GP, or practice nurse or screening practitioner. Assessment is done in partnership with those who know the person well such as parents, carers and the learning disability team. Many people with a learning disability have the mental capacity to make decisions about screening but need additional support to understand the relevant information.



Assessing capacity

A two stage test

Stage 1: Is there an impairment or disturbance of functioning in the adults mind or brain?

If the person has a learning disability the answer is: YES

Stage 2: Does this impairment cause the person to lack capacity regarding this specific decision.

1. Can the person understand the information?
2. Can the person retain the information?
3. Can the person weigh up the information?
4. Can the person communicate their decision?

If you have given all reasonable support to enable the person to understand (i.e easy read information over a reasonable time period) and the answer to any of these 4 questions is NO then the person lacks capacity and a best interest's decision meeting is needed.

Getting it right charter ✓

See the person, not the disability. All people with a learning disability have an equal right to healthcare.

Further guidance on assessing capacity in relation to screening:

Mental capacity can be assessed by asking the person with a learning disability what they understand about the screening; if they can tell you what the screening is for, what it involves, why it is important and any risks. This does not have to be a formal meeting and is best done in a relaxed setting as part of a conversation with the individual to reduce their anxiety.

It's important that you communicate in a way the person can understand.

Prior to assessing capacity you can ask those who care for the person to repeat this information over a number of weeks to support them to retain and understand the information so that they are given the opportunity to make an informed decision.

It is important to document this discussion and the outcome in the persons medical records and health action plan.

Mencap: Getting it right charter (2010)
<https://www.nice.org.uk/guidance/NG108?msclkid=597b5c70d04e11ec8cfaa70f532e5337>

Best interests decision making guidance

If a person lacks the capacity to consent to screening a best interest decision should be made. This should be a shared decision making process with the decision maker (usually the screening practitioner), and those who know the person well including professionals, family and carers. The learning disability team can support this process and provide guidance and support.

It is important to remember that no one can give consent on behalf of another adult. Parents cannot consent for or refuse screening on the persons behalf. However their views will be considered as part of a best interests process.

Best interests checklist

When completing a best interests assessment it is important to consider the following:

- Will the person regain capacity in the future?
- Has the person been able to participate in the decision as much as possible even if they lack capacity?
- What are the persons wishes?
- Have you gathered the views of relevant people who know the person well?
- Do the benefits of screening outweigh the potential risk of distress?
- Have you considered the least restrictive option?
- Have you considered reasonable adjustments such as easy read materials/ videos, pre-visits and longer appointment slots?

In addition:

- The learning disability team can support
- An IMCA (Independent mental capacity advocate) can be contacted for support or advice if you are struggling to reach a decision.
- Consider any lasting power of attorney/ court appointed deputy that are in place

Refer to the 'Reasonable adjustments checklist and action plan' in resources section.

For more information see NICE (2018) Decision Making and Mental Capacity Guidance.

<https://www.nice.org.uk/guidance/NG108?msclkid=597b5c70d04e11ec8cfaa70f532e5337>

Best interests decision outcome?

Agreed in best interests TO attempt vaccination

If deemed in persons best interests to attempt vaccination document in the persons GP record and health action plan.

The learning disability team can support to facilitate reasonable adjustments to promote access to vaccinations.

A few attempts may be needed before a successful vaccination or it may prove too difficult in which case refer to adjacent column.

See Reasonable Adjustments Checklist and Action Plan.

Agreed in best interests NOT TO attempt vaccination

Based on previous attempts of medical interventions or the risk of distress versus benefits it may be decided that vaccination is not in that persons best interests.

In this case it is important to:

- Document in the persons GP record and health action plan.
- An ongoing plan for symptom monitoring to be attached to persons health action plan.
- **See Reasonable Adjustments Checklist and Action Plan.**

