

Learning from Incidents

Covid Vaccinations and the Mental Capacity Act

NHS

Somerset

Clinical Commissioning Group



There have been two incidents of complaints about individuals who lacked the capacity to make a decision about vaccination themselves

There are 2 pieces of learning identified from these complaints...

Mental Capacity Act (MCA)

When people lack capacity to consent to the vaccination, the MCA must be complied with and a decision must be made in their best interest.

There is Somerset wide guidance about vaccinations and consent which can be found [here](#). The guidance is under the 'vaccination' and 'general information about vaccines' header. It is called 'Covid Immunisation Consent Guidance'. **There is no requirement to complete this form; it is provided to guide workers through the process.**



Mental Capacity Act—Helpful Tip

Best interest decisions do not always require a formal meeting. For simple decisions, as long as there is no disagreement and the person can be gently encouraged to comply, a short conversation with the family member to explain the risk/benefits, seek their view and confirm their agreement is sufficient. This includes the decision to have the covid vaccine.

The [RCGP](#) and [BMA](#) both provide general guidance and toolkits about the Mental Capacity Act

What to do when a person lacks capacity and a family member objects to the vaccine being given

Covid vaccination is not an urgent medical procedure. Therefore if there is disagreement between parties about what is in the person's best interest, this **MUST** be resolved by the GP practice or an appropriate clinician in the PCN **BEFORE** vaccination takes place or a final decision is made for the person not to receive the vaccine.



Objection—Helpful Tip

A recent court ruling declared that if a person had previously accepted vaccines, that this strongly tips the best interest balance towards giving the vaccine and this can be explained to the family. Usually any objection can be resolved through further discussion and explanation but where it cannot be resolved please speak to your Safeguarding Lead or the CCG Safeguarding team for further advice. Vaccination should be delayed until a decision is agreed.