

## Gloucestershire Multi Agency Mental Capacity Governance Group

### Guidance for GP's on use of the Mental Capacity Act during the coronavirus emergency

- The principles and processes of the Mental Capacity continue to be applicable in the current situation.
- Best interest decisions should continue to be made.
- Assessments and Best Interest decisions can be made even where face to face meetings are not possible. Use of video meeting or telephone contact is acceptable during this crisis, but please be aware of confidentiality and security.
- A capacity assessment can be carried quickly using the following questions:
  - Can the person:
    - understand information about the decision,
    - remember this information (for long enough to make the decision),
    - use or weigh up this information to make the decision, and
    - communicate the decision.
- You should continue to seek consent on all aspects of care and treatment to which the person can consent.
- Remember to use the best interest checklist: Consider the **persons views** (this is important and only in an emergency should you act without attempting to find out if their views can be given or understood); consider the **relevant circumstances**; **consult** with family/carers (or IMCA (Independent Mental Capacity Advocate, where necessary\*)); **do not discriminate**; **will the person regain capacity**, and **can the decision wait** (if not act in their best interest – the decision can be reviewed if the person regains capacity).
- Is there a valid and applicable advance decision to refuse the specific treatment in question? If they have made such a decision, then relevant treatment, including for COVID-19, cannot be provided.
- Does the person have a valid Lasting Power of Attorney (LPA) for Health and Welfare? If the LPA has specific authority in relation to the proposed treatment and is refusing consent to that treatment, then that treatment cannot be provided.
- Not all information will be available in the time scales required to make some decisions; you must do the best you can in the circumstances.
- DHSC view is that as long as you can demonstrate that they are providing good quality care and treatment and you follow the principles of the MCA, then you have done everything that can be reasonably expected in the circumstances.

The DHSC guidance can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/878910/Emergency\\_MCA\\_DoLS\\_Guidance\\_COVID19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878910/Emergency_MCA_DoLS_Guidance_COVID19.pdf)

\*<https://www.pohwer.net/gloucestershire>

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