

Care Home Covid 19 Test Guidance and Recording Form

Introduction

This guidance has been produced to support care homes to apply the principles of consent and Mental Capacity to the Covid 19 test. The guidance has three pages.

Page 1 General Principles

Page 2 A form that can be used to record consent/best interest -one side of A4

Page 3 Guidance to support completion of the form

General Principles

Somerset CCG and Somerset County Council encourage all care home residents to be offered and, where appropriate, take up the test for the covid 19 virus using the following principles.

1. The requirement for consent to any health test remains during the pandemic. Remember that just because someone will comply with the test does not mean that they can consent.
2. The Mental Capacity Act still applies for those who can't consent during the pandemic
3. As for any other test, an individual decision must be made for each person. It is not lawful to make a blanket or group decision. There should be no automatic assumptions that what is in the best interest of one person will be in the best interests of another- even if there are similar characteristics
4. You can document in the care records that either consent has been given or that a best interest decision has been made; as you would for any other simple test. If the circumstances are straightforward, you do not have to complete forms or formal assessments. However, if it is helpful, you can use the attached form.

When a person lacks capacity and has no POA for health and welfare, the following information may be helpful for you to consider

5. For many people, a best interest decision to test for COVID-19 will align with the decision that we could have expected the person to have taken themselves if they had capacity. You can therefore take into account what the person would likely have wanted. It is reasonable to consider that most people would reasonably want to know if they had the virus. However, if people are known to have/have had a different view and are likely to object either physically or verbally, then you will need to carefully weigh up the pros and cons of carrying out the test. This weighing up process can only include the pros and cons for the person themselves. You cannot include the pros and cons for others, such as the wider care home population. You will need to consult with the person's family and/or representative. If the situation is complex or the impact on the individual is high- you will need to formally record capacity and the best interest decision. If in doubt, go to the next point.
6. **Sometimes circumstances can be complicated and you might not be sure what to do.** In these situations seek advice within your organisation or from external health professionals. The Somerset County Council DoLS team can give advice on complex situations relating to the Mental Capacity Act.
dolsinformation@somerset.gov.uk

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|------------------|---|---|------|---------------------------------------|
| Name of Resident | | | | |
| Date of Birth | | | | |
| Care Home | | | | |
| 1 | Can the person consent to the test? (See guidance note 1 on back of form which has further information to help you explain the test) | Answer | Tick | Next Step |
| | | Yes they can consent | | Go to 2 |
| | | No, they lack capacity to consent to the test | | Go to 3 |
| | | I am not sure | | Seek further advice from your manager |
| 2 | Please complete I have provided (insert residents name) with information about the proposed covid19 test. They have understood this information and their decision is recorded below | | | |
| | Consents to the test (please tick box) | | | |
| | Does not consent to the test (please tick box) | | | |
| | Write the name of staff member recording the decision and the date completed You do not need to take any further steps | | | |
| 3 | Does the person have a power of attorney for health and welfare See guidance point 3 of how to check | Answer | Tick | Next Step |
| | | Yes | | Go to 4 |
| | | No | | Go to 5 |
| 4 | Please complete I have provided (Name of Power of Attorney) with the information about the proposed covid19 test. They have understood this information and their decision is recorded below | | | |
| | Consents to the test (please tick box) | | | |
| | Does not consent to the test (please tick box) | | | |
| | Name of staff member recording the decision and date of decision You do not need to take any further steps | | | |
| 5 | Is it in the person's best interest to have the test? Please note if the If the test is likely to cause considerable distress or the only possible way to conduct the test is to restrain or sedate the person AND you still believe the test may be in the persons best interest- then you must complete a formal capacity assessment and best interest decision; consulting with family/representatives and relevant professionals- see guidance note 8 | Answer | Tick | Next Step |
| | | Yes | | Go to 6 |
| | | No | | Go to 7 |
| | | Not sure distress may be caused | | Read guidance notes 4 and 8 (over) |
| 6 | Please complete; I believe that it is in (insert residents name) best interest to have the covid 19 test Name of Staff Member recording best interest decision: Date Best Interest Decision Made: You do not need to complete any further steps | | | |
| 7 | Please complete; I (believe that it is not in insert residents name) best interest to have the test Name of Staff Member recording best interest decision: Date Best Interest Decision Made: You do not need to complete any further steps | | | |

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| Number on Form | Guidance Note |
|----------------|---|
| 1 | <p>Consent to the to Test; The key facts you need to tell people</p> <p>Covid 19, or coronavirus is a virus that spreads easily, Many people who have the virus will get better with treatment. But some people may become very unwell and sadly; some people have died from it. There is a test that can be carried out that will let you know if you have the virus</p> <p>The reason for having the test is to find out whether or not you have the virus. If you don't have the virus, then you will not need to self-isolate; as long as you don't develop any symptoms in the future. You may still choose or need to shield yourself from others to avoid catching the virus. Completing the test will also help the care home manage the spread of the virus by identifying any people who are infectious.</p> <p>The test is carried out by taking a swab from the back of your throat and the inside of your nose. The swab looks like a cotton bud but a bit longer. A member of staff will gently rub the swab along the back of your throat and then inside your nose. This might cause some mild discomfort for a few seconds. Some people may 'gag' slightly when the swab touches the back of the throat. The swab is sent to a laboratory for testing. It might be a few days before you get the results.</p> |
| 2 | Complete as requested |
| 3 | <p>Power of Attorney for Health and Welfare</p> <p>You can use the link below to check if a person has a registered power of attorney https://www.gov.uk/government/publications/search-public-guardian-registers</p> |
| 4 | Please add the name of the person who has power of attorney |
| 5 | <p>Here is some information to help you conclude whether the test is in the person's best interest</p> <p>The person's previous wishes and feelings on similar matters. Is it likely that they would want a test to know if they have the virus or not? In most cases, this is likely to be the case but consider this on an individual basis. If people are known to have/have had a different view and are likely to object either physically or verbally, this must be taken into account.</p> <p>What will the test practically mean for the person? Can they be encouraged, distracted so that the test will only cause minimum discomfort for a short period of time? If so the impact on the individual will be minimal and therefore the balance may more likely be in the person's best interest.</p> <p>If this is complex, difficult to determine, go to guidance note 8</p> |
| 6 and 7 | Complete as requested |

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| 8 | <p>If the test is likely to cause considerable distress or the only possible way to conduct the test is to restrain or sedate the person AND you still believe the test may be in the persons best interest-</p> <p><u>You must formally record the person's capacity, and the best interest decision; ensuring that there is agreement with the decision from the person's family, representatives and any relevant professionals.</u></p> <p>Here are some things to think about;</p> <p>The impact on person – are they frail or likely to be very frightened and does the test offers them little personal benefit? If so, it may not be in their best interest.</p> <p>Check there are no other options that might be less restrictive</p> <p>You can take into account what the person would likely have wanted and consider that most people would reasonably want to know if they had the virus.</p> <p>Weigh up the pros and cons of having or not having the test. This weighing up process must only include the pros and cons for the person themselves. You cannot include the pros and cons for others, such as the wider care home population If in doubt, go to the next point</p> <p>Sometimes circumstances can be complicated and you might not be sure what to do. In these situations seek advice within or outside your organisation, from external health professionals or Somerset County Council DoLS lead dolsinformation@somerset.gov.uk</p> |
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