



## By Email Only

To: Mr Liam Woods, Ms Yvonne O'Neill

For further distribution to Hospital and Mental Health Clinical Directors, Heads of Service, Directors of Nursing, Chief Operating Officers and other relevant members of staff

Re: Guidance regarding Consent for COVID 19 Vaccination of Hospital Inpatient Wards of Court

Date: 15 March 2021

Dear Colleagues

The implementation of the COVID 19 Vaccination programme in acute hospitals is underway. A small proportion of patients suitable for vaccination in acute hospitals (which in some cases will include acute mental health units) will be Wards of Court.

Ultimate responsibility for healthcare decisions in Wards rests with the President of the High Court. She has recently issued specific directions regarding how the consent process and vaccination should operate for Wards and these are the subject of this memo. This process, as set out in the flow chart below, is for Wards of Court only and does not apply to the general inpatient population.

The direction from the President of the High Court is underpinned by the principle that it is in the best interests of most people who are wards to receive the COVID-19 vaccine as soon as possible.

Wards of court should be supported through the consent process by being provided with information on vaccination in a format they can understand if possible. If it is in their best interests to receive the vaccine every appropriate and practical effort should be made to persuade them to consent to vaccination and to support them if they are anxious or concerned.

The Ward, and the Committee of the Ward or their Guardian ad Litem (court appointed representative/ GAL), should be given as much advance notice of vaccination as possible.

If, after they have been provided with information on the vaccine, the Ward consents or agrees to vaccination, it should proceed. There is no need in these circumstances to notify the Court or seek Court approval. However, a Committee/GAL may make an application to the Court to seek to prevent vaccination, which application must be made within 7 days of the notification of the decision to vaccinate.

If, after efforts to inform and persuade them, a Ward refuses vaccination a capacity assessment should be carried out by the treating physician to evaluate if they understand the consequences of their decision.

- If the treating clinician is satisfied that the person has capacity to object to the administration of the vaccine, then the vaccine should not be administered. The office of the Wards of Court need be notified only in any case in which the refusal of a Ward to accept the vaccine could adversely impact on their placement.
- If the treating physician is satisfied that the person does not have capacity to object to the administration of the vaccine, written notification of the capacity assessment should be sent

to the Ward and their Committee/GAL and should include a decision whether vaccination will or will not proceed based on the person's best interests.

- If the best interests decision is to vaccinate the Ward, a Committee/GAL may make an application to the Court to seek to prevent vaccination, which application must be made within 7 days of the notification of the decision to vaccinate.
- If a person who is a ward refuses the vaccine, has undergone a capacity assessment which determines they do not have capacity and the physician decides that the vaccination is not to proceed in their best interests, the Office of the Wards of Court is to be notified of the decision and the rationale for not receiving the vaccine.

The following should be included in the person's healthcare record:

- Record of advance notice of vaccination to the Ward, GAL or Committee
- Details of efforts to help the person who is a ward to make an informed decision
- Details of the decision to consent or refuse and the rationale for the decision, including capacity assessment (if it was required) and consideration of best interests of the person
- Efforts taken to support the person during the injection process, whether it proceeded to conclusion or not
- All written notifications to Ward, GAL, Committee or Courts

Guidance documentation and webinar content is available to support staff in the process of Consent for Vaccination and this information is being updated intermittently:

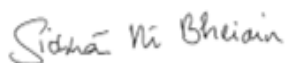
<https://www.hse.ie/eng/health/immunisation/hcpinfo/covid19vaccineinfo4hps/>.

A webinar directed at acute hospital staff involved in the vaccination programme has been organised for Tuesday 16 March @ 1pm- 2.15pm: ***Supporting the consent process for the vaccination programme against Sars-CoV-2 (Covid 19) in Acute Hospitals.*** [Click here to register for the webinar.](#)

The recording will be available via the weblink above after the event.

Please share this memo immediately with all relevant members of staff.

Yours sincerely



**Dr. Siobhán Ní Bhriain, MCRN: 15579**

**National Lead for Integrated Care**

Cc: Dr Colm Henry, Chief Clinical Officer  
Prof Martin Cormican, National Clinical Lead, Antimicrobial Resistance and Infection Control



### Consent Flow Chart to guide COVID 19 Vaccination of Acute Hospital Inpatient Wards of Court 15 March 2021

Information on supporting the consent process is available here including the COVID Vaccination Checklist: <https://www.hse.ie/eng/health/immunisation/hcpinfo/covid19vaccineinfo4hps/>

