

Proxy MCA Assessment form guidance for use during Covid-19

Decision - What should my care and accommodation arrangements be on discharge from hospital?

Context;

- Covid-19 **has not changed** the right a patient has in being able to make autonomous decisions about their future care on discharge from hospital.
- If there is reason to believe that a person **does not have the mental capacity** to make those decisions, the Mental Capacity Act (MCA) remains the relevant legal decision making framework and health and care professionals **must continue to follow**.

Purpose of the Proxy MCA Assessment

- If there is doubt about whether a patient lacks capacity for decisions related to arrangements after discharge, a capacity assessment is undertaken by the person best placed to make that decision.
- It is often best to think of the capacity assessment more as a **conversation** with that patient.
- The capacity assessment is often completed by a **Social Worker** from the relevant local authority, who would have details of the type and amount of support that is on offer.
- During Covid-19 Social Workers are not always able to access the ward and/or the person to undertake the required assessment.
- The role of the **Proxy Assessor** is to support the Social Worker in gathering information for the capacity assessment, thereby supporting continued adherence to the MCA.
- The **Proxy Assessment** consists of having the conversation with the person about their discharge arrangements, recording it, and then forwarding on the details to the social worker. It is crucial that this conversation takes place to ensure the rights of the patient are met.
- The conversation should be proportionate to the resources available on the ward, aiming to be no longer than 10 minutes duration.
- The Social Worker will use the record of the conversation to make an overall judgement about capacity and provide evidence for care records.
- On receipt of the information, the social worker is the professional who decides, given the information provided, whether the person has capacity, and is accountable for that decision.
- The **Proxy Assessor** must be a registered health professional already involved in the care of the person (Nurse, Doctor, Occupational Therapist, Physiotherapist).
- As a registered professional, the Proxy Assessor has a duty to follow the MCA principles.
- In the case of the Proxy Assessment, it is vital that the Proxy Assessor provides **all practicable support** to the person to help them with the decision.

Proxy MCA Assessment form guidance for use during Covid-19 - flowchart

