



COVID-19 Vaccination Consent Decision making with client Attorneys

As the third COVID-19 vaccination (booster program) continues to roll out across aged care, it is important that aged care providers understand the role and responsibilities of Attorneys when your clients have an Attorney who is helping them with decision-making about COVID-19 vaccinations. Attorneys must operate within their scope of powers and are bound by legal responsibilities.

Have they checked in?

The key to being a good attorney is keeping a human rights focus, remembering that all adults have the same human rights and fundamental freedoms as others in the community, and allowing the person to be informed and participate in decisions that concern them.

Attorneys should have a conversation with the person they are supporting about the matter. Also, if clients have fluctuating capacity, arrange for them to talk with their Attorney at a time which works best for them. It might need to be a repeated conversation breaking it down over time.

Supported Decision Making

Everyone should be afforded the opportunity to give an indication about what their wishes and preferences are. Older people of all cognitive ability must be asked. Attorneys should not simply make decisions on their own.

It needs to be a supported decision-making process, and it is the responsibility of Attorneys to inform and include the older person, support their decision making and otherwise make decisions that they normally would make (called Substituted Judgement).

For example, if your client has a history of receiving vaccinations, then the Attorney should think that they would want to have the COVID-19 vaccination.

There are helpful resources to assist Attorneys such as *Supporting Decision-Making - A guide for people living with dementia, family members and carers* (available at website below).

What if the Attorney refuses consent which is against my client's wishes?

We know people usually want to make decisions for others from a place of well-meaning and what they think is the best thing to do, but the person's views and preferences must be kept at the forefront. The right to make decisions is fundamental to the person's dignity and includes the right to make decisions with which others may not agree.

Check if the decision is within the Attorney's scope. Attorneys can be appointed to make financial decisions, personal decisions (which includes health matters) or both. Often a client will have their Attorney managing their finances, however, can continue making their own decisions about personal or health matters.

Refer the older person to contact ADA Australia. We have a network of aged care advocates across Queensland who support older people and their families and can support the person to talk to their Attorney and represent their views.

Call ADA Australia on **1800 700 600**. Our services are free, independent and confidential.

For more information about duties and responsibilities of an Attorney under an Enduring Power of Attorney in Queensland visit www.adalaw.com.au/future-planning.

Legislation Reference: Powers of Attorney Act 1998 (Qld)

FREECALL: 1800 700 600 Ph: (07) 3637 6000 e: info@adaaustralia.com.au



If you require an interpreter please phone: 131 450