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Covid-19: Vulnerable adult must be vaccinated against parents' wishes, judge rules

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The High Court has ruled that a highly vulnerable young adult who lacks the capacity to make his own decisions must be vaccinated against SARS-CoV-2, despite his parents' fears that the vaccine could seriously harm or even kill him.¹

DC, aged 20, lives in a care home in the north west of England where he is the only unvaccinated resident. He has schizencephaly, microcephaly, cerebral palsy, curvature of the spine, dystonia, intermittent stridor, and pseudomonas of the lungs. He weighs as little as a small child and has several hospital admissions every year for respiratory illnesses.

Judge Simon Burrows accepted that DC's "highly intelligent" parents, who were not opposed to vaccines in general, had a rational basis for their stance and that they would be "distraught" at his decision. DC's father is a professional risk assessor, although outside the medical or pharmaceutical fields, and had carried out an "enormous" amount of research on mRNA vaccines, which he regarded as experimental. He was particularly concerned about a family history of blood clots.

Burrows said he had found the balancing exercise to determine DC's best interests "very demanding." He hesitated to go against DC's mother's instinct that the vaccine might do him more harm than good and his parents' analysis.

But the judge said he was satisfied that the risks of the vaccine did not outweigh the advantages. His main reason for allowing the local clinical commissioning group's application for the vaccination to go ahead was the positive effect on DC's enjoyment of life. Unvaccinated, he was not allowed to attend outdoor events and had to be isolated in his room for 10 days after home visits.

Burrows criticised the CCG for "unacceptable" delays in bringing the case to court, which he said seemed to be a common theme in covid-19 cases.

¹ A Clinical Commissioning Group v DC, MC and AC. [2022] EWCOP 2. <https://www.bailii.org/ew/cases/EWCOP/2022/2.html>.

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