

## Advance Decisions & Advance Statements

### What is an Advance Decision?

An advance decision, also known as a living will is a decision you can make now to refuse a specific type of treatment at some time in the future.

It lets your family, carers and health professionals know if you want to refuse specific treatments and means they will know your wishes if you are unable to make or communicate those decisions yourself.

**Note - The treatments you are deciding to refuse must all be named in the advance decision.**

You may want to refuse a treatment in some situations, but not others. If this is the case, you need to be clear about all the circumstances in which you want to refuse this treatment.

You can refuse a treatment that could potentially keep you alive (known as life-sustaining treatment). This includes such treatments as ventilation and Cardio Pulmonary Resuscitation (CPR), which may be used if you cannot breathe by yourself or if your heart stops. You may want to discuss this with a doctor or nurse who knows about your medical history before you make up your mind.

**Note - An Advance Decision is not the same as an Advance Statement which we cover in later pages.**

Deciding to refuse a treatment is not the same as asking someone to end your life or to help you end your life. As you are no doubt aware, Euthanasia and assisted suicide are illegal under English law.

### Who makes an advance decision?

You make the advance decision, as long as you have the mental capacity to make such decisions. You may want to make an advance decision with the support of a clinician.

If you decide to refuse life-sustaining treatment in the future, your advance decision needs to be:

- written down
- signed by you
- signed by a witness

Life-sustaining treatment is treatment that replaces or supports ailing bodily functions. For example, a mechanical ventilator can help you to breathe, or taking antibiotics can help your body fight infection.

If you wish to refuse life-sustaining treatments in circumstances where you might die as a result, you need to state this clearly in your advance decision. Life-sustaining treatment is sometimes called life-saving treatment.

You may find it helpful to talk to a doctor or nurse about the kinds of treatments you might be offered in the future, and what it might mean if you choose not to have them.

### Is an advance decision legally binding?

Yes it is, as long as it:

- complies with the Mental Capacity Act
- is valid
- applies to the situation

If your advance decision is binding, it takes the place of decisions made in your best interest by other people.

An advance decision may only be considered valid if:

- you are aged 18 or over and had the capacity to make, understand and communicate your decision when you made it
- you specify clearly which treatments you wish to refuse
- you explain the circumstances in which you wish to refuse them
- it is signed by you and by a witness if you want to refuse life-sustaining treatment
- you have made the advance decision of your own accord and without any harassment.
- you haven't said or done anything that would contradict the advance decision since you made it (for example, saying that you have changed your mind)

*Cont .....*

### How does an advance decision help?

As long as it is valid and applies to your situation, an advance decision gives your health and social care team clinical and legal instructions about your treatment choices.

An advance decision will only be used if, at some time in the future, you are not able to make your own decisions about your treatment.

### Does it need to be signed and witnessed?

Yes it does, if you are choosing to refuse life-sustaining treatment – in which case, the advance decision must be written down, and both you and a witness must sign it. You must also include a statement that the advance decision applies even if your life is at risk.

### Who should see it?

You have the final say on who sees it, but you should make sure that your family, carers, or health and social care professionals know about it, and know where to find it. You can keep a copy in your medical records.

### More information

NHS Choices has more information on your right to refuse future medical treatment.

You can read Macmillan's information on making an advance decision

### In conclusion

As an Advance Decision is a legally binding document we would always recommend that you speak with a solicitor to ensure that it is done correctly. We will be happy to refer you to someone who can do this for you.

Now, let us look at Advance Statements and how they differ from Advance Decisions ....

### What is an advance statement?

An advance statement is a written statement that sets down your preferences, wishes, beliefs and values regarding your future care.

The aim is to provide a guide to anyone who might have to make decisions in your best interest if you have lost the capacity to make decisions or to communicate them.

### What does an advance statement cover?

- An advance statement can cover any aspect of your future health or social care. This could include:
  - how you want any religious or spiritual beliefs you hold to be reflected in your care
  - where you would like to be cared for – for example, at home or in a hospital, a nursing home, or a hospice
  - how you like to do things – for example, if you prefer a shower instead of a bath, or like to sleep with the light on
  - concerns about practical issues – for example, who will look after your dog if you become ill

You can make sure people know about your wishes by talking about them.

By writing your advance statement down, you can help to make things clear to your family, carers and anybody involved in your care.

### Is an advance statement the same as an advance decision?

No. An advance decision (also known as a living will) is a decision you can make now to refuse specific treatments in the future.

An advance decision is legally binding, as long as it meets the necessary criteria for it to be considered valid and applicable.

### Who makes an advance statement?

You write an advance statement yourself, as long as you have mental capacity to make these statements. You can write it with support from relatives, carers, or health and social care professionals.

Mental capacity is the ability to make decisions. Sometimes, people do not have mental capacity. This can be for a number of reasons, including illness.

