

What is an Advance Decision?

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The Advance Decision (also known as a Living Will, Advance Directive) allows people to leave instructions about their possible medical treatment, in case there comes a time when they are no longer capable of making decisions or of communicating them.

What does it do?

Many people fear that, if they become ill, they could face a situation where they may be given treatment which would give little benefit.

An Advance Decision can show that in the future, under clearly defined circumstances, the patient does not want treatment such as resuscitation, tube feeding or being kept alive indefinitely on a life support machine, which may attempt to help him or her to live longer.

Is it legally binding?

The Mental Capacity Act 2005 has determined that the refusals of treatment that are contained within a valid and applicable Advanced Decision document are legally binding.

To be valid and applicable it must be shown that:

- You are mentally capable, and are over 18 when you make the request.
- You are fully informed about the nature and the consequence of the Advance Decision at the time it was made.
- You are clear that the Advance Decision should apply to the situation or circumstance which may arise later.
- You were not pressurised or influenced by anyone else when you made the decision.
- The Advance Decision has not been changed either verbally or in writing since it was drawn up.
- If life sustaining treatments are refused they are stated clearly in the document.

What are its advantages and disadvantages?

Advantages

- Enables you to have more control over the treatment you receive, specifying those treatments you decline.
- Gives directions to specific treatment if you are no longer able to communicate them.
- Gives you an opportunity to discuss difficult issues with your family and friends.

Disadvantages

- Discussion about an Advance Decision can provoke anxiety if not sensitively handled.
- An individual cannot foresee what changes of attitude he or she may experience with a change in circumstances.

Do you need anymore information?

Competent staff are available to discuss Advance Decisions with you and provide support if needed.

Should you need any further information please, contact a family support worker, Macmillan nurse, nurse or a doctor from St Elizabeth Hospice.

We have Advance Decision forms available on request.

Who supports Advanced Decisions?

- Mental Capacity Act 2005
- The British Medical Association
- The Patients' Association
- The Royal College of Nursing
- Terrence Higgins Trust
- The M N D Association



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