



Advance Decisions (Living Wills)

What is an Advance Decision?

An Advance Decision is a document whereby you make decisions, to refuse specified medical treatment. It is made whilst you have capacity, for a time in the future when you may lack the capacity to refuse or consent to treatment.

When can I make an Advance Decision?

When you:

- are 18 or over
- have the capacity to make an advance decision about treatment

Must it be in writing?

To ensure that the Advance Decision is valid and applicable and if it refuses life-sustaining treatment, it must

- be in writing
- be signed and witnessed
- state clearly that the decision applies even if life is at risk

Will it be followed by Healthcare Professionals?

Healthcare professionals must follow the decision provided the decision is valid and applies to the particular circumstances and provided that

- it has not been withdrawn by the Donor
- the Donor has not made a Personal Welfare Lasting Power of Attorney conferring the power to make the decision on an Attorney
- the Donor has not done anything that clearly goes against the Advance Decision

What should I include in an Advance Decision?

There are no particular formalities about the form of an advance decision except that if it refuses life-sustaining treatment it must be in writing (see above). However, it should:

- State clearly what treatment is to be refused
- Set out the circumstances when the refusal should apply
- Make it clear what the Donor's wishes are
- Include persons you wish to be involved in the decision-making process if you lack the capacity to make your own decisions

What else should I include?

- Full details of the person making the Advance Decision including date of birth, home address etc.
- Details of the persons GP and whether they have a copy of the document
- A statement that it should be used if the Donor lacks capacity to make treatment decisions
- The date the document was written (or reviewed)
- The Donor's signature
- The signature and name of the person witnessing the document

When should it be reviewed?

It should be reviewed regularly (every 3-5 years) and the document marked that it has been reviewed. A written decision is more likely to be valid if it has been reviewed.

Can I withdraw the Advance Decision?

Yes. It can be cancelled or altered whilst the Donor still has the capacity to do so. You can cancel the document by destruction or in writing.

What is a Lasting Power of Attorney - Personal Welfare (LPAPW)

LPAPW's appoint an attorney to make decisions on your behalf about your personal welfare, which would include giving or refusing medical treatment, as well as decisions about where you should live and how you should be cared for. The LPAPW only becomes operative once the Donor has lost capacity.

This can include decisions about life sustaining treatment unless you specifically limit the actions of the Attorney in the document

How do Advance Decisions relate to Lasting Powers of Attorney?

If you make a LPAPW after you have made an advance decision, this will make the Advance Decision invalid if it gives the Attorney the power of make decisions about the same treatment.

However, an Advance Decision overrules the decision of a Personal Welfare Attorney made prior to making the Advance Decision.

If you wished to make an LPAPW and you already have a valid Advance Decision you should indicate whether or not you wish the LPA to overrule the Advance Decision.

If you would like to discuss any aspect of this information sheet then please contact:

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Alternatively, please call in to any of our offices to arrange an appointment.

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