

# WHAT AN ADVANCE DECISION IS

## INFORMATION LEAFLET

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This information leaflet is for you to understand what an **ADVANCE DECISION** is and how you can make your decisions known about future medical treatment.

### WHAT IS AN ADVANCE DECISION?



An Advance Decision enabled someone aged 18 and over, while still capable to refuse specific medical treatment for a time in the future when they may lack the capacity to consent to or refuse that treatment.

People can only make an Advance Decision under the Mental Capacity Act 2005 if they are 18 or over and have the capacity to make the decision. They must say what treatment they want to refuse and they can cancel their decision - or part of it – at any time.

People can only make an advance decision to refuse treatment. Nobody has the legal right to demand a specific treatment, either at the time or in advance. Healthcare professionals should then consider the request when deciding what is in the patient's best interest, if the patient lacks capacity.

### WHEN DOES AN ADVANCE DECISION TAKE EFFECT?

An Advance Decision will only come into effect if you have lost the mental capacity to make the decision about the medical treatment you require at the time the decision has to be made.

### HOW DO I MAKE AN ADVANCE DECISION?

There are no legal requirements about the form of an advance decision, unless you are refusing life sustaining treatment. However, an Advance Decision should state clearly the treatment is to be refused. To help you Healthwatch Barnsley do hold forms to help you write down your decisions. It will also help to explain the reasons behind your decisions and also show that you had capacity to make the decision.

### WHO SHOULD I INFORM OF MY ADVANCE DECISION?

You should keep a copy of the advance decision document and give a copy to your GP to keep with your medical records. Consider also giving copies to:

- Your hospital
- Close family and friends

REMEMBER it is your responsibility to show you have made an Advance Decision

### CAN I WITHDRAW AN ADVANCE DECISION

It can be cancelled or altered while you still have the capacity to do so. It is advisable to put a cancellation of the decision in writing to let everyone you have informed of its existence know.

Copies of the document can be obtained from:

- Healthwatch Barnsley
- [www.publicguardian.gov.uk](http://www.publicguardian.gov.uk)