

HELP US! HELP YOU ! GUIDANCE

On

Advance Statements and Advance Decisions

Created by

Barnsley People for Barnsley People

THE OVERALL AIM

This document is about you and owned by you. It should be completed by you at a time when you have the ability to do so in case at a later date you are unable to make decisions about your wishes and needs. You can ask someone to help you; this is a person of your choice and should be someone you trust.

As this document is owned by you it is your responsibility to be sure it will be made available to others at a time when needed. You may decide to put it in a sealed envelope in your home clearly marked 'Advanced Statement and Advanced Decisions' or you may wish to obtain a Green Message Bottle from your local LIONS which you put in your fridge. In this bottle you record that you have an Advance Statement / Advance Decisions document where it is kept and who have a copy.

This guidance will also support those working to help or support the person completing this document.

Legal Importance

Your **Advance Statement** (pages 1-9) are important about your advance wishes when you have the ability to make these decisions. These would only be acted upon if you lost the ability to make decisions for whatever reason (this may be ill health, accident, death)

Your **Advance Statement** although not legally binding should, if completed carefully, be read and adhered to by those caring for you. It is anticipated that the only time these decisions may be overruled is for safeguarding if you are at risk.

Your Advance Decision (Page 10) to **Refuse Treatment** is an especially important document as it gives you the legal right to **Refuse Treatment**. You cannot say which treatment you want, this is about **Refusing Treatment**. This document is legally binding and is very important and powerful if completed properly. If you decide to complete this document you are advised to seek medical advice from a doctor, this may be your GP. Although legally binding it may be overruled by the Mental Health Act 1983 if you need treatment for mental ill health and this decision would be made by a doctor at the time you need treatment.

Any doctor would wish to carefully consider your **Advance Decision to Refuse Treatment** and comply with this document.

It is essential the Advance Decision to refuse treatment is witnessed otherwise it may not be legally binding

Completing your Advance Decisions

SEE PAGE 3

Name, Address, Date of Birth is straight forward. Postcode is helpful.

You have to be 18 years of age or older.

You must confirm you DO NOT have a:

- Deputy Appointed by the Court of Protection; or a
- Lasting power of Attorney (Welfare) by the Court of Protection

NB: if you have a deputy or a Lasting Power of Attorney (welfare) if your case has been to the Court of Protection

You must then sign and date Page 1 and **PRINT YOUR NAME** at the bottom of the page.



SEE PAGE 4

You need to decide who may help prepare and support you with the completion of this document.

This should be someone you **TRUST** this may be your partner, a family member, a friend or a professional person.

Whoever you choose should sign, date and **PRINT** their name.

You do not have to have support, but it is advisable to have at least one trusted person to help you. You can have more than one person.

You should decide who should have a copy of this documents and their name and contact number and position (i.e. relationship to you) should go next.

NB: It is advisable that you do not have more than two copies of the form and it should be reviewed and updated no less than once every 6-12 months if you have the ability and mental capacity to do so. It is advised you have a copy for **yourself** and one for your trusted person. This may be the person who helped you complete the document.

SEE PAGE 5

This gives you the opportunity to describe what worked well for you when you were able to make decisions and can include anything you wish but this may just be a pen picture of you.

This gives you the opportunity to describe things that have not worked well for you and what does not help. And finally, you can confirm which people you may wish to be told immediately if you are in distress, admitted to hospital or care. If it is important you include a name and telephone number.



SEE PAGE 6

You can confirm who you would wish to visit you and who you would not like to visit.

And finally you should confirm which people you do not wish to know that you are unwell, in care or hospital.

NB It may help those caring for you to explain why you name people in each paragraph.



SEE PAGE 7

This gives you the opportunity to confirm which needs are special and unique to you as it will help those caring for you to understand the best way to do so.



CHILDREN AND DEPENDENTS

Some people who lose the ability to make decisions may have children they care for or adults they care for (they may be an older parent or a partner or younger adult who is dependent on you for their care)

This paragraph gives you the opportunity to describe both in the short and long term, who you would wish to help care for your children or dependants.

The next paragraph gives you the opportunity to describe both in the words you would wish to be used to your children or dependants as to where you are.

SEE PAGE 8

PETS

Many adults have close and loving relationships with their PETS and it is important you plan for their care in advance of you losing your ability to care for them.

You should name your PETS

Confirm who you would wish to look after them in the short and long term.

You should also confirm what people need to know about your PETS. This may be daily routine, food, likes, dislikes etc.

NB: The council have a legal responsibility to protect livestock (including PETS in an emergency and in exceptional circumstances may consider paying for care for up to 4 weeks. After that time and if funding is not available those providing care to your pet may no longer be financially able to do so and this may lead to the sad prospect of your pet being put down if no home can be found. It is therefore important and your responsibility to plan where your pet is to be cared for, by whom and how this should be paid for.



SEE PAGE 9

SECURITY AT HOME

It is important you name the person you would wish to secure your home both in the short and long term.

You should also confirm who you wish to hold a set of keys. Name, address and contact number is important.

You should also provide any other information you may feel needs to be known about your home.

NB: By law no-one has the legal right to enter your home with your permission, this may be considered trespass. In an emergency the Police and Gas Board can force entry but you may be charged with the cost of repairs which may be excessive. Social Services, doctors, nurses, bailiffs may also enter your home under Warrant to do so provided by a Court if it legally needed. These events are quite rare and only happen in emergencies or serious cases. By planning or access to your home by people maned by you, you may never face a forced entry.

SEE PAGE 9 – 10

FINANCES

This is a very important part of your document as it gives you the opportunity to confirm how you have ensured your financial affairs (they may include income, pensions, bank accounts, property, shares etc. should be dealt with) Filling in this form does not give a legal right to deal with your money.

NB: This is especially important as it often falls to family / friends to try to deal with your financial affairs without the legal authority to do so. Pensions Services and Banks will then refuse your family / friends access to your finances unless you ensure they have the right to do so.

You should confirm firstly who assists you with you financial affairs. Name, address, contact number.

Department of work and pensions (DWP). You should tick yes or no if someone is authorised to sign for your pension and the name of that person, if you wish someone to become authorised to sign for your pension you should contact DWP and their telephone number is available on line or in the phonebook.

You should confirm if you have an authorised person to sign for your bank accounts and name that person. You should tick yes or no. This can be discussed with your bank manager who may be able to offer guidance.

You may have Lasting Power of Attorney (Finances & Property) and should tick yes or no. A Lasting Power of Attorney (Finances & Property) can only be approved and supported by the Court of Protection and in most cases a solicitor would have been involved with you in completing the application form. If you want further information this can be obtained from the Office of the Public Guardian at:

Address: Office of the Public Guardian
PO BOX 16185
Birmingham
B2 2WH

Tel: 0300 456 0300

You should confirm who keeps this document if you have one

You may have an older Enduring Power of Attorney completed and registered with the Court of Protection before 1 April 2007. You should tick yes or no. If you had an Enduring Power of Attorney before the 1st April 2008 and this was properly registered with the Court of Protection this will be a valid document. You should confirm who has this document if you have one.

You may have a solicitor and you should tick yes or no. If you have a solicitor their name, address and contact number is needed here.

You may have WILL you should tick yes or no and confirm who this is kept by with their name, address and contact number.



SEE PAGE 11

FUNERAL ARRANGEMENT

You should confirm who should be consulted if you die it is important to give details of you:

- Religion, arrangements and views
- Funeral arrangements (Church, hymns, flowers, readings etc.)

It is important you take time to plan and describe your funeral arrangements as it helps your family and friends and those who care for you at a time of their grief and loss.

You should also confirm who has agreed to arrange your funeral and provide their name, address and contact number.

You should also confirm who is responsible to ensure your funeral expenses are paid. This is likely to be someone you named on the page marked FINANCES as this person needs the legal authority to spend the money you have kept for a funeral

NB: The local council in exceptional circumstances may pay funeral expenses. This is only when a person has no money or family, relatives, friend to do so. This is called an intestate death. If a person's funeral arrangements are concluded under these arrangements this very basic funeral.

It is important you plan your funeral not only for your own peace of mind but to ensure those who love and care for you do not have the burden of doing so in this most difficult time of their loss and grief.

SEE PAGE 12

This page provides you with a continuation sheet, if you do not use it put a line through it so it cannot be added to.

SEE PAGE 13

Advanced Decisions

Advanced decisions can be made by adults who are aged 18 years of age or older who have the ability / mental capacity, providing they are capable of understanding the implications of their decision.

This is your opportunity to describe what:

- Treatment you may wish to Refuse
- You cannot state what treatment you want
- This documentation should be considered very carefully and discussed with a doctor this may be your GP
- You may refuse Life Saving Treatment but you must explicitly state what treatment is being refused even if life is at risk. You must consult doctor if considering refusing Life Saving Treatment.
- You must describe in what circumstances you wish to ensure refusing treatment applies. (This may be due to accident, severe illness etc.)
- You must ensure this is witnessed and it is recommended this a doctor. Your witness details are needed to include, signature, occupation, date of birth, address and it must be dated at the time,
- If you have a terminal illness you should seek advice from your local surgery on Preferred Priorities of Care PAC / End of Life Care planning
- It remains **illegal** to assist someone to end their life / commit suicide.

An **Advance Decision** to refuse treatment is a very **important and powerful document** if completed properly. It is largely legally binding on those who provide care and treatment.