

Carers Information Sheet 23

Making a Living Will or Advance Decision

Most people prefer not to think about illness and death. However when you are caring for someone who is ill or disabled, both of you could well be concerned about what would happen should you or they reach a stage when one of you is unable to decide or explain how you would like to be treated.

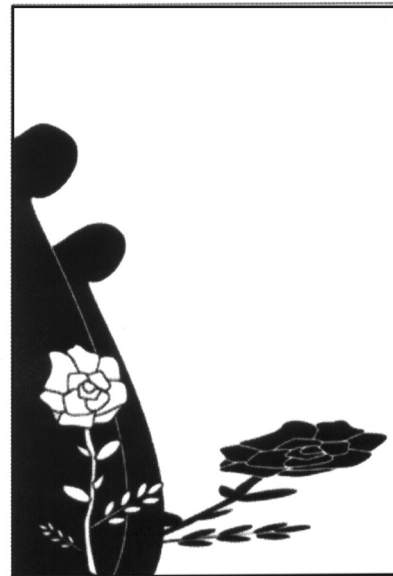
WHAT IS A LIVING WILL / ADVANCE DECISION?

A 'Living Will' or 'Advance Decision / Directive to refuse treatment' is a document containing instructions issued to medical personnel which state how you would like to be treated in the event of becoming mentally incapacitated (or completely unable to communicate). For example, to allow them to stop prolonging your life in the event of you coming to the last stages of a terminal illness, becoming permanently unconscious or losing your mental capacity. Some people decide they do not want to be kept alive in such an event, by either artificial means or medical treatment. Others may feel very strongly that they would.

The Mental Capacity Act, which came into force in April 2007, strengthens the right to refuse future treatment.

This Living Will / Advance Decision, must be signed whilst you are mentally competent. It is a document setting out the circumstances under which you would or would not want to receive medical treatment, including treatment to sustain life, if you became seriously ill in the future and were incapable of making your own health care decisions.

The document contains provision for details of your GP, but it is not obligatory to discuss your Living Will in advance with them, although it may be helpful to do so.



Copies should also be placed with your will, and a close relative or friend. Should you go into hospital for an important reason, a copy can also be shown to the doctor or ward sister and attached to your notes. The BMA suggests that patients who have made an Advance Decision carry a card to that effect. Living Wills / Advance Decisions should be updated from time to time depending on changing circumstances or wishes.

Like a normal will, you may want to include some personal details and demands. Preparing a Living Will also provides a good opportunity to state how you might want to spend your final weeks, whether you wish to die at home or in hospital, whether you would like specially chosen music and what sort of funeral you would like.

Your Living Will could include the following:

- A statement saying how you would like to be treated by health care professionals without binding them to that course of action if it conflicts with their professional judgment.

- A statement nominating someone whom you would like to be consulted at the time a decision has to be made. The views expressed by them should reflect what you would want, so you must ensure that you have told this person what you would find acceptable or unacceptable. Since April 2007, it has been possible (under the Mental Capacity Act) to make a 'Lasting Power of Attorney', nominating a deputy to ensure treatment - and welfare decisions, e.g. where you should live - are in line with your stated wishes.
- A clear instruction refusing some or all medical procedures such as ventilation, hydration, resuscitation, etc.
- A statement which does not refuse particular treatments but says at what stage of illness no life-sustaining or life-prolonging treatment should be given.
- A combination of the above.

It is important to include a statement about when you want your Advance Decision to come into effect. You may specify, for example, that it will come into effect only in the case of the last stages of a terminal illness; or, in a situation where you are unable to make decisions for yourself, and where you would view continuing treatment as unduly burdensome - even though you are not terminally ill.

If you choose to draft your own Living Will, the minimum information you need to include is:

- full name
- address
- name, address and telephone number of GP
- whether advice was sought from a health care professional
- date
- signature
- dated signature of at least one witness over the age of 18 years who should not be a partner, spouse, relative or anyone else who stands to

benefit under your ordinary will. THIS IS ESSENTIAL IF YOU WISH TO **NOT** RECEIVE LIFE-SUSTAINING TREATMENT, when you would also need to clearly state this, and the circumstances when it applies.

- a clear statement of your wishes and values
- if applicable, the name, address and telephone number of the person you have nominated to be consulted about treatment decisions and, preferably, a dated signature that they have agreed to do so and have discussed your wishes with you. Or, attach a completed Lasting Power of Attorney.
- where relevant, the date that you reviewed and, if necessary, revised, your Advance Directive with your signature.

You should review your Living Will or Advance Directive regularly. You do not need to use a solicitor to draw up an Advance Directive or Living Will, but where you are uncertain, a lawyer can help to ensure that your views are clearly expressed. Some organisations have forms that can help you devise your own Living Will.

USEFUL ADDRESSES:

The Public Guardianship Office

Tel: 0845 330 2900

www.publicguardian.gov.uk

Alzheimer's Disease Society

Tel: 020 8290 8190

www.alzheimers.org.uk

Voluntary Euthanasia Society

www.ifishoulddie.co.uk

Age Concern

Tel: 020 8690 9060

www.ageconcern.org.uk



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