



Your views being heard now and in your future- a guide to your options

Advanced Decisions to Refuse Treatment (also known as a Living Will or an Advanced Directive)

This enables you to have your views recorded about any specific treatment that you may not want to have in the future. This can be important if you have views and decisions you want respected if you later become unable to make or communicate these. You must have the mental capacity to make this decision which this is legally binding in England and Wales if certain requirements are met.

Advanced Care Planning

This is a process of discussing and recording your views, wishes and preferences for future treatment and care with people that are important to you and relevant health and social care professionals. This is not legally binding but your views and wishes must be respected as much as possible.

Advanced Statement

This enables you to record your wishes, feelings, beliefs and values about areas of your life including your health, care and overall wellbeing. This is an important way of making sure your views and wishes are known.

If you lose capacity to make decisions in the future, including about your care and support, wishes that you have previously expressed and documented must be considered as part of best interest decision-making processes under the Mental Capacity Act 2005.

Making decisions on behalf of others

The following are roles designed to grant specific decision-making authority in certain situations. The requirements of role and who can undertake these are clearly defined. People must follow the law and carry out their specific duties. If the role is misused, the authority to act in these capacities can be revoked by the Office of the Public Guardian (OPG).

Advice and support to make the applications below is available from a range of organisations and specialist legal advisors or solicitors. You may incur additional fees. We recommend you seek specialist advice as to the options available to you.

Lasting Power of Attorney

You can nominate one or more people to act as your attorney to help you make decisions now or make decisions on your behalf in the future- if you lose capacity to do so yourself. You must have mental capacity at the time to nominate someone as your attorney. Being able to nominate someone you trust to make decisions on your behalf can be important if you are at risk of losing your mental capacity.

There are two types of LPA. You can nominate a person to become your LPA for one or both matters. They don't need to be made at the same time. The types are:

- **Property and financial affairs** (making decisions about finances, property and paying bills).

This LPA can be implemented once it has been registered unless it has been stated in the LPA that it cannot be used until you have lost capacity to make these specific decisions.

- **Health and welfare** (making decisions about your care and medical treatment).

Authority to act as this LPA will only take effect if you (the 'donor') lose mental capacity to make these types of decisions.



How to apply:

- LPA's must be registered with the Office of the Public Guardian before they can legally act.
- Fees apply when registering an LPA

More information <https://www.gov.uk/power-of-attorney>

Deputy

A deputy is someone that is appointed and authorised by the Court of Protection to make decisions on your behalf if you:

- Lack mental capacity to make specific decisions
- Have not set up a LPA before you lost capacity to make these specific decisions

There are two types of deputy: **property and financial affairs deputy** (making decisions about your finances, property and paying bills) and **personal welfare deputy** (making decisions about your care and medical treatment). A person can apply to be one or both types of deputy. More than one person can apply to become a 'joint deputy'.

A deputy can be:

- A friend or family member
- A specialist solicitor appointed by the Court of Protection (called a **Panel Deputy**) additional fees will be charged by the solicitor to undertake this role.

Local Authorities that provide financial management services can also be appointed as a property and financial affairs deputy.



How to apply

- Application forms must be completed and submitted to the Court of Protection.
- Fees apply when applying to be a deputy.

More information <https://www.gov.uk/become-deputy>