How do I plan for my care, treatment and financial affairs?

Why we all need to consider planning ahead for our future
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Introduction

Why we all need to consider planning ahead for our future

There may come a time when you are unwell and cannot tell the people around you what you do and do not want. By making plans now, you can record your preferences for treatment and care so that if you are ever in this situation, your wishes are known and can be followed where possible.

Recording your wishes allows you to express who you are and what is important to you. This gives you control over your treatment and care, and reassurance that the right decisions will be made. It can also be a good way to start conversations with your friends and family about what you want in the future.

Who can make decisions about my treatment and care?

While you have capacity you have the right to make decisions about your treatment and care. You can decide if you want to consent to or refuse treatment or care, even if doing so may shorten your life or put you at risk.

If you lack capacity to make a decision for yourself, and you have not recorded your wishes, the health or social care professional in charge of your care will decide how to treat you. They must make decisions based on what they think would be in your best interests, but there is no guarantee that this would be what you would choose for yourself.
By making plans now you can ensure the important people in your life, and the people that support you, know your wishes.

If you plan ahead by making an Advance Statement, Advance Decision and/or Lasting Power of Attorney for Health and Welfare, they will only be used if you can no longer make decisions for yourself.

You can cancel or make changes to your Advance Statement, Advance Decision and Lasting Power of Attorney at any time.
What is mental capacity?

Capacity is the ability to make a decision for yourself. Your capacity to make a decision depends on when the decision needs to be made, and what the decision is.

You might lack capacity to make a decision on one day but be able to make that decision at a later date. For instance, this might be because you have dementia and your ability to remember information differs from one day to the next.

You might also have capacity to make some decisions but not others. For example, you might have capacity to decide what you want to eat each day, but not to make a decision about life-sustaining treatment.

The law says that people must be assumed to have capacity unless it is proven otherwise.

How does someone decide what is in my best interests?

If you lack capacity to make a decision then someone may have to make that decision for you. This could be a doctor, social worker or social care professional depending on what decision needed to be made. If this happens they have to act in your best interests.

A best interests decision is based on your values, beliefs and preferences. Where possible it should be the decision you would make for yourself if you could.
Planning for the future

Recording my wishes

Once you have thought about and discussed your preferences for your treatment and care, you can put these in writing. This is an important step because it will help to ensure that your wishes are clear, and that they can be followed by a health or social care professional.

There are four main ways that you can record your wishes. You can make a:

**Lasting Power of Attorney for Health and Welfare**
Choosing someone you trust to make decisions for you (registration fee only)

**Lasting Power of Attorney for Property and Affairs**
Choosing someone you trust to make decisions for you (registration fee only)

**Advance Statement**
Information about you, your lifestyle, and the care you would prefer to receive (free to do)

**Advance Decision**
Details of any treatments you do not want to receive (free to do)

You can make all four, or you might feel that one or two are better for you than another. The following pages give more information about each option.

“I've planned ahead for peace of mind for everyone – do it for yourself, all those who know you, and everyone involved in your care. Once you have made plans for the future, you can truly live your life more fully.”
Advance Statement

What is an Advance Statement?

An Advance Statement is a general statement of anything that is important to you in relation to your health or wellbeing.

It can contain information about your lifestyle, the care you would prefer to receive, and information about what is important to your quality of life. Your Advance Statement will only be used if you are unable to tell people how you wish to be cared for.

How can an Advance Statement help me?

It will give the people caring for you an idea of who you are and how best to care for you, if you cannot tell them. It will help to make sure health and care professionals take your preferences into account – an Advance Statement should be considered by anyone making a decision in your best interests.

How can I make one?

There is no set form for making an Advance Statement. Compassion in Dying provides further information on Advance Statements, free forms or you can make one online using their free website: www.mydecisions.org.uk
Advance Decision to refuse treatment

What is an Advance Decision?

An Advance Decision allows you to record any medical treatments that you do not want to be given in the future, in case you later lack capacity and cannot make or communicate a decision for yourself.

The legal name is an Advance Decision to Refuse Treatment, and it is sometimes called a Living Will or an Advance Directive.

Your Advance Decision will only be used if you lack capacity to make a decision.

How can I make one?

There is no set form for making an Advance Decision. Compassion in Dying provides further information on Advance Decisions, free forms or you can make one online using their free website: www.mydecisions.org.uk

If an Advance Decision meets certain requirements it is legally binding and healthcare professionals must follow it.

You should also consider discussing this with your GP or any healthcare professional supporting you.
Lasting Power of Attorney

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) allows you to give someone you trust the legal power to make decisions for you if you lack capacity.

There are two types of LPA (you can complete one or both types of LPA):

- An LPA for Health and Welfare covers decisions about your health and care. This could include decisions about medical treatment, where you are cared for, and your daily routine.

- An LPA for Property and Financial Affairs covers decisions about your money and property. This could include paying your bills, selling your house, or managing your benefits.

The person making the LPA is called the ‘donor’ and the person given the power to make decisions is called the ‘attorney’.

You can choose the same attorney for both types of LPA, or you can choose different people.

An LPA is **not** valid until it has been registered with the Office of the Public Guardian.

To find out more about LPAs for both Property and Financial Affairs and for Health and Welfare visit: [www.gov.uk/power-of-attorney](http://www.gov.uk/power-of-attorney)

Enduring Power of Attorney

You might have heard of an Enduring Power of Attorney (EPA). This only covers decisions about money and property and has been replaced by the LPA for Property and Financial Affairs.

If you already have an EPA, it can still be used, but it will not apply to decisions about your health.
How to make sure people know my wishes

Steps you should consider

If you make an Advance Statement, Advance Decision or Lasting Power of Attorney, it is important that the people involved in your care know about it. There are things that you can do to make people aware of your wishes:

- **Ask your GP to keep photocopies with your medical records.**

- **Give photocopies to anyone who is regularly involved in your care.**
  This could be a consultant, social worker, your local hospital, and local ambulance service.

- **Give photocopies to people you know and trust.** It is important that anyone who might be contacted if you are admitted to hospital knows how your wishes are recorded.

- **Keep a copy with you, preferably the original so that you can review it regularly.**

- If you make an Advance Decision, you can contact Compassion in Dying to request a Notice of Advance Decision card to keep in your bag or wallet.

- If you make an LPA, the Office of the Public Guardian has a register of all LPAs. However, searching the register can take a long time, so it is important to show anyone involved in your care your registered LPA form.

- MedicAlert provides jewellery for people who need to convey important information in an emergency. There is an annual fee and an additional charge for jewellery. For more information visit: [www.medicalert.org.uk](http://www.medicalert.org.uk)

- Order a free ‘bottle’ from Lions Club International to keep a copy of your Advance Statement or Advance Decision in the fridge. Paramedics should know to look for the Lions symbol when entering someone’s house. To order call 0845 833 9502.
Is it difficult to plan ahead?

Some people find completing an Advance Statement, Advance Decision or Lasting Power of Attorney for Health and Welfare straightforward and can complete it on their own; other people need more support.

Do I need a solicitor?

You do not need a solicitor to make an Advance Statement, Advance Decision or Lasting Power of Attorney for Health and Welfare. Compassion in Dying provides free support to complete these forms over the phone or by email:

Telephone: 0800 999 2434
Email: info@compassionindying.org.uk

Is it expensive?

It is free to make an Advance Statement and/or Advance Decision. Compassion in Dying provides free forms or you can complete them online at: www.mydecisions.org.uk

There is a one-off fee when you register an LPA, in 2018 it was £82. It is possible to get a reduced fee if you have an income under a certain amount, or are receiving certain benefits.

For more information you can contact the Office of the Public Guardian:

Main website: www.gov.uk/power-of-attorney
Email: customerservices@publicguardian.gov.uk

Telephone: 0300 456 0300
Textphone: 0115 934 2778

Monday, Tuesday, Thursday, Friday, 9am to 5pm
Wednesday, 10am to 5pm
Legal arrangements for people who already lack capacity

Deputies

You can apply to become someone’s deputy if you believe they already ‘lack mental capacity’ to make some decisions for themselves.

As a deputy, you’ll be authorised by the Court of Protection to make decisions on their behalf. There are two types of deputy:

- Property and financial affairs deputy - You’ll do things like pay the person’s bills or organise their pension.

- Personal welfare deputy - You’ll make decisions about medical treatment and how someone is looked after.

Find out more about becoming a deputy at: www.gov.uk/become-deputy

Become an appointee for someone claiming benefits

You can apply for the right to deal with the benefits of someone who cannot manage their own affairs because they lack the capacity to do so or are severely disabled.

To find out more visit the Department for Work and Pensions Website: www.gov.uk/become-appointee-for-someone-claiming-benefits
Helpful contact details and websites

Office of the Public Guardian:

Website: www.gov.uk/government/organisations/office-of-the-public-guardian
Telephone - 0300 456 0300 (Monday, Tuesday, Thursday, Friday 9am to 5pm
Wednesday 10am to 5pm)

Compassion in Dying:

‘We can help you prepare for the end of life. How to talk about it, plan for it, and record your wishes.’

Website: www.compassionindying.org.uk/
Telephone - 0800 999 2434
Email: info@compassionindying.org.uk

Age UK

Website: www.ageuk.org.uk/
Telephone - 0800 055 6112 (open 8am to 7pm, every day of the year)

Mencap

Website: www.mencap.org.uk/
Telephone: 0808 808 1111 (9am to 3pm, Monday to Friday)
Email: helpline@mencap.org.uk