

ADVANCE MEDICAL DECISIONS

Living Wills or Advance Directives Factsheet



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Some of us will have grave concerns over receiving life sustaining treatment regardless of whether a personally acceptable quality of life will be possible even if the treatment is successful. These or indeed any other views can be set out in writing within an AMD that can be legally binding on the medical profession.

Once you have made your AMD, it should be discussed with family, friends and healthcare professionals. It can be invaluable for them to know what you would want to happen at a difficult time.

The law in this area is a developing area and any AMD requires careful thought and planning. Our specialist team will be happy to discuss with you your views generally and particularly if there is any family history of any serious degenerative medical conditions the types of treatment you would and would not be prepared to receive.

Welfare Lasting Powers of Attorney

It is also possible that you may choose to sign a Welfare Lasting Power of Attorney appointing one or more people to make health and/or welfare decisions on your behalf if you are unable to do so yourself. In such a document, you would be able to appoint one or more Attorneys and to either give them or refuse them the power to consent to Life Sustaining Treatment. This enables your chosen Attorney(s) to make a decision on your behalf in circumstances which have not, or could not have been, envisaged within an AMD and should therefore afford the chosen Attorney(s) greater flexibility.

If you do make both Welfare LPAs and an AMD you will probably be reassured to know that the advanced decision(s) set out in your AMD are likely to take precedence over any views expressed by your Attorney(s). However, you should ensure that your chosen Attorneys are fully aware of the existence, whereabouts and contents of an AMD, and that you have absolute confidence that your chosen Attorney(s) will not seek to go against the views set out in it. It would be sensible that reference is made to an existing AMD within the LPA in the Guidance section of that document.

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Ongoing Implications after the signature of your AMD

It is vital that you review your AMD from time to time as your health may deteriorate over time or your views may alter in future. The law recognises that, as time goes by, the range of treatment options for any condition is likely to increase and that this could change your future views. The MCA 2005 Code of Practice confirms that a document that has been regularly reviewed is more likely to be accepted by a treatment provider than one that has been made a long time in advance and that may not take into account changes in a person's general health and any new treatment options actually available.

As a matter of good practice any future alterations/ amendments to an AMD should be prepared in the same manner as any existing AMD. Although a patient can revoke or amend their AMD, either orally or in writing, it would be better for any changes to follow the procedures referred to here and be prepared by a solicitor who is independent of your family.

Please feel free to contact our team to discuss any of the matters referred to in this leaflet in strictest confidence.

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01202 673011



info@coles-miller.co.uk



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