

# What is an Advance Decision to Refuse Treatment?

**An Advance Decision to Refuse Treatment allows you to plan ahead for a time when you lack the mental capacity to decide about the treatment being offered. An Advance Decision allows you to state particular types of treatment that you do not want.**

Advance Decisions to Refuse Treatment are legally binding. They must be followed by doctors and other health professionals, providing they are valid and apply to the current circumstances.

## How to make an Advance Decision to Refuse Treatment

An advance decision does not have to be in writing, unless it is a decision to refuse life-sustaining treatment. Verbal instructions to a medical practitioner, such as a GP can amount to a valid Advance Decision. However, **to avoid uncertainty over your decision, you may wish to put your Advance Decision in writing.** You do not need to use a specific form.

The following guidelines are not legal requirements, but might prove to be helpful:

- Put the decision in writing
- Include your name, date of birth, home address, your GP and any distinguishing features (in case healthcare professionals need to identify you when you are unconscious)
- Include a statement that you wish the Advance Decision to apply if you lack the mental capacity to make the decision yourself at the relevant time
- Specify exactly what kind of treatment is to be refused and in precisely what circumstances. Give as much detail as possible. It may be useful to explain your reasons, such as particular religious beliefs, so that people fully understand your wishes
- Sign and date the document
- Ask someone to witness your signature.

If your Advance Decision to Refuse Treatment involves life-sustaining treatment, then there are specific legal requirements that must be complied. Turn over for more information about this.

## How to make an Advance Decision to Refuse Life-Sustaining Treatment

If you want to make an Advance Decision to Refuse Life-Sustaining Treatment, this decision must meet additional requirements set out in the Mental Capacity Act 2005. Life-sustaining treatment is treatment which a healthcare professional who is providing you with care, regards as necessary to sustain your life.

The legal requirements for a valid Advance Decision to refuse life-sustaining treatment are as follows:

This type of advance decision must:

- Be in writing. If you are unable to write, someone else can write it down for you, for example a family member or healthcare professional
- Contain a specific statement which says that your Advance Decision applies even if your life is at risk.

The decision must be:

- Signed by you (or by someone else that you appoint, in your presence, if you are unable to sign);
- Signed in front of a witness; and
- Signed by the witness in front of you.

If you do not comply with these rules then your Advance Decision to Refuse Life-Sustaining Treatment may not be followed.

### Things to consider.....

- If you are considering making an Advance Decision to Refuse Treatment **it is strongly recommended you discuss this with your doctor**. They will be able to help you understand and weigh up the implications of your decisions.
- You should take steps to make sure that the people providing your treatment will be aware of your Advance Decision at the relevant time. You could for example, ask for your Advanced Decision to be kept in your medical notes.
- It is often helpful to make your family and friends aware of your decision.
- Review your Advance Decision from time to time, to make sure it reflects your current views.
- An Advance Decision allows you to set out what treatment you do not want. You may also want to make an Advance Statement of what treatment you do want. Unlike an Advance Decision, an Advance Statement of what treatment you would like is not legally binding, but it makes your views clear and must be taken into account by those people providing you with treatment.

### More information – Mental Capacity

The Office of the Public Guardian has a range of information leaflets  
To order a copy, telephone 0300 456 0300; to download them go to:

[www.justice.gov.uk/protecting-the-vulnerable/mental-capacity-act](http://www.justice.gov.uk/protecting-the-vulnerable/mental-capacity-act)



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