



*Fy Mywyd, Fy Nymuniadau*  
My Life, My Wishes

# My Life, My Wishes

## *Guidance*



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**Advance Care Planning** is for anyone.

It is a voluntary way to help you think about, prepare and plan for your future and the end of your life.

Your end of life might be years, months, weeks or days away, but many people find it helpful to think about advance care planning sooner rather than later. It can help you to discuss and decide what is most important to you, as well as sharing your wishes with others.

This is the guidance to references made in the 'My Life, My Wishes' Advance Care Plan (ACP) for adults.

'My Life, My Wishes' is the Powys Teaching Health Board Advance Care Planning document and can be found at;

<https://pthb.nhs.wales/about-us/programmes/my-life-my-wishes>

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## **Advance Care Plan (ACP):**

### **'My Life, My Wishes'**

An **ACP** is a written statement that sets down your preferences, wishes, beliefs and values regarding your future care. It is also known as an Advance Statement or Statement of Wishes.

The aim is to provide a guide to everyone who might have to make decisions in your best interests if you have lost the capacity to make your own decisions, or to communicate them.

An **ACP** can cover any aspect of your future health or social care. By writing your wishes down now you can make things clear to your family and anybody involved in your care later.

Keep the **ACP** somewhere safe, and tell people where it is, in case they need to find it in the future. You can keep a copy in your medical notes if you want to share it with your health care professionals.

An **ACP** is not legally binding but should always be taken in to account if you have lost your mental capacity or the ability to communicate for yourself.

'My Life, My Wishes' is the Powys Teaching Health Board Advance Care Planning document for adults and can be found at;

<https://pthb.nhs.wales/about-us/programmes/my-life-my-wishes>

## **Mental Capacity**

The Mental Capacity Act (2005) was designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 or over.

Someone can lack capacity to make some decisions (for example complex financial issues) but will still have the capacity to decide what to buy at the local shop. Capacity is specific to the decision being made.

If an individual lacks capacity for a specific decision regarding their medical care their health care professionals must make the decision following the Best Interests requirements of the Mental Capacity Act (see page 6).

The 'My Life, My Wishes' document is for people with the mental capacity to make their own advance care decisions.

A person with the mental capacity can make any decision they wish, even if others view that decision as unreasonable or unwise.

If you, or someone you are completing the form with, do not have the mental capacity, please ask your Health Care Professional about Future Care Planning for people without mental capacity.

## Best Interest

If someone lacks the capacity to make a decision about their health care, and the decision needs to be made for them, it must be made in their **best interest**.

It is vital for health care professionals to consult with others about the person's best interests. For example: anyone previously named by the individual, people caring for them, close relatives and friends, and any attorney or deputy appointed by the court of protection.

The individual's own views should also be sought, including their values and beliefs. These values could be expressed in the 'My Life, My Wishes' **ACP** document. Assumptions should not be made about the person's preferences.

This encourages participation and identifies anything that the person would take into account if they were making their own decision. It should also be assessed whether the person might regain mental capacity at any point.

Before making a decision or acting on behalf of someone who lacks capacity, the health or care professional should always question if they can do something else that would interfere less with the person's basic rights and freedom.

Where there is more than one option, it is important to explore ways that will be less restrictive or allow the most freedom for a person who lacks capacity.

## Advance Decision to Refuse Treatment (ADRT)

As part of your advance care planning, you may want to think about kinds of treatment and care that you do not want in the future.

Whilst you are not able to insist on a particular treatment, you do have the right to refuse treatment.

This can be done by completing an **Advance Decision to Refuse Treatment (ADRT)** sometimes known as a living will.

ADRT is a formal way for you to write down and share your decision to refuse a specific treatment. An ADRT is legally binding if completed accurately while you have the mental capacity to do so.

It can be very difficult to think about what sort of care or treatment you would not want in the future. If you can, discuss your thoughts with a healthcare professional. They can talk you through some of the treatments that may be appropriate in your specific circumstances, and the consequences of declining these treatments.

There are some important things to think about when making an **ADRT** to ensure it is legally binding:

- It must be clearly written in plain language.
- It should include a statement that indicates you are aware of the risks and consequences of each decision you have made, such as **“even if my life is at risk as a result of this decision”**.
- It must include your signature and that of a witness.
- Both your signature and that of your witness must be dated.

To ensure that your **ADRT** is effective, you should:

Review and update it regularly (at least every year is recommended).

Make several copies. Share these copies with those involved in caring for you. This could include a nominated family member or friend, your doctor, healthcare professionals and carers.

It is important to remember that your **ADRT** is only used if at some time in the future you lose the ability to make your own decisions about your treatment. You can change your mind about your **ADRT** at any time.

Templates for making an **ADRT** are available at:

<https://wales.pallcare.info>

<https://www.nhs.uk/conditions/end-of-life-care/advance-decision-to-refuse-treatment>

<https://compassionindying.org.uk/wp-content/uploads/2018/07/Advance-Decision-Pack-v2.1.pdf>



## Lasting Power of Attorney (LPA)

As part of your advance care planning, you may want to complete a **Lasting Power of Attorney (LPA)**.

An **LPA** is a simple, legally binding way of giving a person or people you trust (known as **attorneys**) the power to make decisions for you if you become unable to make those decisions yourself. The decisions they make are as valid as those made by you in law.

You can only make **LPA** if you are 18 or over.

There are two types of **LPA**:

- **Health and Welfare LPA**: covers decisions about your health and personal welfare. These may include things such as having medical treatment, day-to-day care, or decisions made about where to live.  
*A Health and Welfare LPA gives power to the attorney **only if you cannot speak for yourself at the time or you experience a loss of mental capacity.***
- **Property and Affairs LPA**: covers decisions made about your finances, such as managing your bank account or selling your house.  
*A Property and Affairs LPA gives power to the attorney **from the moment you register it.***

Each type of **LPA** needs to be completed separately. Most people will want to complete both types.

**Please note:** **LPA** replaces the old Enduring Power of Attorney (EPA) and increases the types of decisions that are covered. If you already have an existing EPA, it may still be valid but it is advisable to check.

## How to make an LPA

There are some important things to consider when making an **LPA** to ensure it is legally binding:

- You must be over 18 and have the mental capacity to make this decision.
- The **LPA** needs to be written on an official 'Lasting Power of Attorney' form available from the Office of Public Guardian office or downloaded from the DirectGov website: [www.gov.uk/power-of-attorney](http://www.gov.uk/power-of-attorney) (You can find information on how to contact the Office of the Public Guardian in the **Useful Contacts** section at the end of this guide).
- You have to sign it, as do the attorneys and the witnesses.
- There needs to be a certificate completed by an independent third party confirming that you understand what is happening and that there is no evidence of fraud or undue pressure. This is according to the Mental Capacity Act 2005.
- Your **LPA** will need to be registered with the Office of the Public Guardian before it can be used. The cost at the time of printing is **£82** per LPA registered.

It is not always necessary to get legal advice when completing an **LPA**, but it should be considered if there are any complications.

## Do Not Attempt Cardio Pulmonary Resuscitation (DNACPR)

As part of your advance care planning you may wish to discuss whether you would benefit from efforts to restart your heart if it stops beating. A document to prevent this from happening is a **Do Not Attempt Cardio Pulmonary Resuscitation (DNACPR)** form.

Cardio Pulmonary Resuscitation (CPR) involves chest compressions, delivery of high-voltage electric shocks across the chest, attempts to ventilate the lungs and injection of drugs. The likelihood of recovery varies greatly according to individual circumstances. Unfortunately, expectation of the likely success of CPR is often unrealistic.

You and your health care professional can discuss if you would be likely to benefit from Cardiopulmonary Resuscitation (CPR) in the event of your heart stopping. If you both agree that this would not be in your best interests then your health care professional can complete the **DNACPR** form. The form will be respected by all of the healthcare professionals who work for the NHS in Wales.

It is important that your loved ones and the professionals providing your healthcare know your wishes and are aware of any **DNACPR** order made, so that if you cannot communicate they can take it into account.

If you are unable to express your preference because of illness your health care professional will talk through the decision with your attorney or family.

Your health care professional will then make a decision whether to complete a **DNACPR** form in your **best interests**.

## **Last Will and Testament**

As part of your Advance Care Planning, it is important to consider writing a **Last Will and Testament**. This lets you decide what happens to your money, property and possessions after your death and helps avoid problems and misunderstandings concerning your final wishes.

If there is no will (dying intestate), the time taken to sort things out can be lengthy and expensive for your loved ones.

Writing a will doesn't have to be expensive or complicated, and can provide you with reassurance that your wishes will be respected.

You can write your will yourself, but you should get legal advice if your affairs are complicated.

Your Will needs to be witnessed by 2 individuals who do not benefit from the will and be signed by you all.

If you want to update your Will, you need to make an official alteration, or make a new one.

It needs to include any arrangements you would want for your dependants or pets.

Decide who you would like to be your executor. This is the person who will deal with distributing your money and possessions after your death. You may have up to four executors. It is recommended to have at least two.

## Organ or Tissue Donation

As part of your advance care planning you may want to think about **organ, corneal and tissue donation**.

In December 2015, Wales introduced a presumed consent system for organ donation to make it easier for people to become a donor in the event of their death. However, many people don't realise that their next of kin's support is needed for organ donation to go ahead after their death. So, take time to talk to your family about organ donation if this is your wish so that they will support your decision.

If you **do not want** to become an organ or tissue donor, you must register to 'opt-out' by contacting Organ Donation Wales (See page 16).

Please be aware that even if your organs can't be used due to an illness, you could still help others by donating your corneas (eyes). For general enquiries contact 0300 1232323 or email [enquiries@nhsbt.nhs.uk](mailto:enquiries@nhsbt.nhs.uk)

Also see page 16.

## **Useful Contacts and Further Information:**

### **Advance Care Planning**

Website of useful resources and advice

Web: <http://advancecareplan.org.uk>

### **Dying Matters in Wales (Byw Nawr)**

Organisation helping people to talk more openly about dying, death and bereavement, and to make plans for the end of life.

Web: [www.dyingmatters.org](http://www.dyingmatters.org)

### **My Life, My Wishes ACP Template**

<https://pthb.nhs.wales/about-us/programmes/my-life-my-wishes>

If you need help to complete this document please contact your GP surgery, local ACP champion or any health care professional involved in your care.

### **Mental Capacity: An Easy Guide**

A practical guide produced by the Older People's Commissioner for Wales.

Tel: 03442 640 670

Web: [www.olderpeoplewales.com/Libraries/Publications\\_2018\\_19/Mental\\_Capacity\\_An\\_Easy\\_Guide.sflb.ashx](http://www.olderpeoplewales.com/Libraries/Publications_2018_19/Mental_Capacity_An_Easy_Guide.sflb.ashx)

### **Mental Capacity Act: Making Decisions**

Guidance from the UK Government.

Web: [www.gov.uk/government/collections/mental-capacity-act-making-decisions](http://www.gov.uk/government/collections/mental-capacity-act-making-decisions)

## **An Easy Guide to Lasting Powers of Attorney**

A simple guide from the Older People's  
Commissioner for Wales.

Tel: 03442 640 670

Web: [www.olderpeoplewales.com/Libraries/  
Publications\\_E/LPA\\_Final\\_Eng.sflb.ashx](http://www.olderpeoplewales.com/Libraries/Publications_E/LPA_Final_Eng.sflb.ashx)

## **Lasting Power of Attorney**

Web: [www.gov.uk/power-of-attorney](http://www.gov.uk/power-of-attorney)

Official form download from the DirectGov website:

[www.gov.uk/government/collections/lasting-power-  
of-attorney-forms](http://www.gov.uk/government/collections/lasting-power-of-attorney-forms)

## **Office of the Public Guardian**

Government agency protecting people who may not  
have the mental capacity to make certain decisions  
for themselves. Provides an online service to create a  
lasting power of attorney.

Tel: 0300 456 0300

Web: [www.gov.uk/government/organisations/office-  
of-the-public-guardian/about](http://www.gov.uk/government/organisations/office-of-the-public-guardian/about)

## **Safeguarding for Adults**

If you have concerns about the welfare of an adult,  
please contact ASSIST

Tel: 0345 602 7050

## **Last Will and Testament**

Making a will: Practical guidance from the UK  
Government

Web: [www.gov.uk/make-will](http://www.gov.uk/make-will)

## **DNACPR**

Information on DNACPR decision making:

[www.resus.org.uk/dnacpr/decisions-relating-to-cpr/](http://www.resus.org.uk/dnacpr/decisions-relating-to-cpr/)

## **Resuscitation**

Frequently asked questions about DNACPR

Tel: 020 7388 4678

Web: [www.resus.org.uk/home/faqs](http://www.resus.org.uk/home/faqs)

## **Talk Cardio Pulmonary Resuscitation (CPR)**

Website with useful resources from NHS Wales.

Tel: 0845 46 47 (NHS Direct)

Web: [www.talkcpr.wales](http://www.talkcpr.wales)

## **Organ Donation Wales**

Information from the Welsh Government, including information on how to opt-out of organ donation.

Tel: 0300 123 2323

Web: <https://gov.wales/organ-donation-guide>

## **Tissue and Corneal Donation**

Contact the National Blood and Transplant team:

Tel: 0300 1232323

Web: [www.nhsbt.nhs.uk/what-we-do/transplantation-services/tissue-and-eye-services/](http://www.nhsbt.nhs.uk/what-we-do/transplantation-services/tissue-and-eye-services/)