

Our ref: IG/FOI/FOI.438.25

18 August 2025

Sent via email to: [REDACTED]

Dear [REDACTED]

## Request under the Freedom of Information Act 2000

I write further to your request for information, which was received on 30 July 2025, to confirm, in accordance with S.1(1)(a) of the Freedom of Information Act 2000, that Powys Teaching Health Board (PTHB) partly holds the information that you require but have applied an exemption to elements of this request.

For ease of reference your request is set out below and my response follows each question individually.

### Your Freedom of Information (FOI) Request and Powys Response (Bold):

I am writing to kindly request the information under the Freedom of Information Act 2000.

Q1. Do you have a policy (or policies) which outlines the responsibilities of health and care professionals and the Trust/Health Board towards a patient who has an Advance Decision to Refuse Treatment (ADRT) or Lasting Power of Attorney (LPA) for Health and Welfare? This document might include:

- How an ADRT/LPA should be used in decisions about a person's treatment,
- What to do if there are doubts about the validity and/ or applicability of the document.
- How to involve Health and Welfare Attorneys when making treatment decisions.
- How or when decisions will be referred to the Court of Protection.

If yes, please share a copy with us in any available format.

**I can confirm that Powys Teaching Health Board (PTHB) does not have a policy but we do however have guidance for staff, patients and families; please see FOI.438.25 Attachment 1- Older People's Commissioner for Wales - Lasting Power of Attorney.**

Q2. In the event that a patient or family member, or someone using the Trust's/Health Board's services has a concern about the implementation of an Advance Decision to Refuse Treatment (ADRT) or a Lasting Power of Attorney (LPA) for Health and Welfare, does the Trust/Health Board have a documented process or course of action that would be provided to the person to allow them to resolve their concerns? If yes, please share a copy with us. If this information is covered within a policy you have included in the response above, please leave blank.

**PTHB does not have a dedicated policy on this matter, however any concerns should be raised through the standard PTHB concerns process. Relevant guidance to this can be found within the Mental Capacity Act (MCA) and Consent Policy. Please refer to these documents for further information:**

- **FOI.438.25 Attachment 2 Mental Capacity Act 2005 Policy**
- **FOI.438.25 Attachment 3 Consent to Treatment & Examination Policy**

Q3. Do you have a named individual who is responsible for overseeing the Trust's/Health Board's compliance with the Mental Capacity Act 2005? If yes, please share their contact details.

**I can confirm that there is a Mental Capacity Act (MCA) Operational and Practice Improvement Group where Health Board compliance with the Mental Capacity Act 2005 is monitored. The Chair of this meeting is the MCA Senior Practitioner who reports to the Assistant Director of Nursing Safeguarding & Public Protection. You may wish to contact the MCA Senior Practitioner via the following email address: [Powys.Geninfo@wales.nhs.uk](mailto:Powys.Geninfo@wales.nhs.uk)**

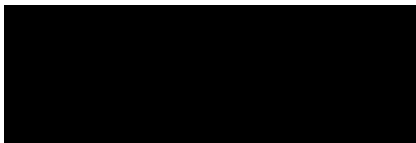
**The Health Board is withholding the name of the member of staff whose job role may fit this title. This decision has been made as it is not within the expectations of the individual that their personal data would be put into the public domain. This information is classed as personal data of third parties and is therefore being withheld in accordance with section 40 (2) of the Freedom of Information Act 2000 (the Act) by virtue of section 40 (3) (a) (i) of the Act which permits a public authority to withhold personal data other than the requester's where the disclosure would breach a Data Protection Principle.**

**The Data Protection Act 2018 (DPA) / General Data Protection Regulation (GDPR) defines personal data as data which relates to a living individual who can be identified solely from that data or from that data and other information which is in the possession of the data controller.**

Under the terms of the Health Board's Freedom of Information procedure, individuals seeking access to recorded information held by the Health Board are entitled to request an internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request, please contact us directly at the address below or register your complaint via [Powys.FOI@wales.nhs.uk](mailto:Powys.FOI@wales.nhs.uk)

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 0330 414 6421.

Yours sincerely



**Jayne WheelerSexton**  
**Assistant Director of Nursing Safeguarding & Public Protection**

Rydym yn croesawu derbyn gohebiaeth yng Nghymraeg. Byddwn yn ateb y fath ohebiaeth yng Nghymraeg ac ni fydd hyn yn arwain at oedi.

We welcome receiving correspondence in Welsh. We will reply to such correspondence in Welsh and this will not lead to a delay.