



## You're right to refuse future medical treatment



If you think your health will affect your ability to make decisions in future, you can make an advance decision to refuse medical treatment. This can detail treatment you don't want to have. Find out about making an advance decision, including one saying you don't want treatment to keep you alive.

### **An advance decision – what it is**

Some health conditions may mean you can't make and communicate your own decisions (known as a 'lack of capacity').

If you're concerned about having a lack of capacity in the future, you can make statement explaining medical treatments you would not want at that future time. The statement, verbal or written, is called an 'advance decision to refuse treatment'.

Read the section 'Who can make an advance decision?' to find out how to make sure your advance decision is legal.

### **How you wish to be cared for in future**

You may have heard of a 'living will' or an 'advance directive' before. These were ways of explaining how you wished to be cared for in future if you lost mental capacity. They might have included how you wanted or preferred to be cared for such as always having a shower instead of a bath.

However, an advance decision only applies to where you want to refuse medical treatments.

### **What you can't use an advance decision for**

You can't use an advance decision to:

- ask for specific medical treatment, or anything that is against the law, like requesting help to commit suicide
- say you want someone else to decide what treatment you should have
- if you want to choose someone to make decisions about your treatment you have to make what is called a 'Lasting Power of Attorney'
- [Making and registering a Lasting Power of Attorney](#)

## Who can make an advance decision?

Your advance decision will only be valid (accepted legally and by health care professionals) if you:

- are 18 or over and had capacity when you made it
- have set out exactly which treatments you don't want in future (if you don't want life-saving treatment, your decision must be signed and witnessed)
- have explained the circumstances under which you would want to refuse this treatment
- have made the advance decision without any harassment by, or under the influence of, anyone else
- haven't said or done something that would contradict the advance decision since it was made

## Advance decisions and the law

Advance decisions to refuse treatment are covered by the Mental Capacity Act 2005 that became part of law in April 2007.

By law, a valid advance decision refusing life-saving treatment means you can't be treated. If a doctor did treat you, legal action might be taken against them.

- [Understanding the Mental Capacity Act](#)

## Making an advance decision to refuse treatment

There is no set format for making an advance decision but it is helpful to include the following:

- your full details
- a clear statement of the treatment to be refused and the circumstances in which the decision applies
- the date you wrote or reviewed the document
- your signature or that of the person writing for you (if you aren't able to write)

## Who needs to know about an advance decision?

Make sure your close relatives, friends, GP and medical staff know about what you have put in your verbal or written advance decision.

## Getting help to make an advance decision

You can get help from your care coordinator or doctor and also:

- [Mind legal advice lines Opens new window](#)
- [Citizens Advice Bureau - get advice Opens new window](#)

## **Refusal of life-saving treatment**

By law, if you want to make an advance decision refusing treatment to keep you alive, you have to:

- make a written statement (if you can't write, ask someone else to do it for you)
- sign the decision and put a date on it (if you can't sign it, ask someone to sign it while you are present)
- get a witness, who has mental capacity, to sign the decision confirming that you have signed it (or asked someone else to sign it) while they were present
- make sure the decision says that you are refusing the treatment you have mentioned even if your life is in danger

### **New treatments**

You could allow for new treatments in your advance decision even if you don't want ones that are presently available.

## **When might an advance decision to refuse treatment not be followed?**

A doctor might not follow an advance decision if:

- you have done something to contradict the advance decision (for example, changing your faith to a religion that doesn't allow refusal of treatment)
- they think that new circumstances would have affected your decision (for example, a new treatment that could have a big effect on your health condition)
- the advance decision isn't clear about what should happen

Also, a doctor might not follow an advance decision because it refuses treatment for a mental health condition. Under Part 4 of the Mental Health Act a doctor is allowed to treat you without your consent for a mental health condition. An advance decision to refuse other forms of treatment will still be valid.

A doctor can also treat you if there is a doubt or a dispute about the validity of an advance decision and the case has been referred to the court.