

## Making advance health decisions

Few of us want to think about how we might die and make plans for that. It's not a comfortable topic to contemplate and in normal times not something we would ordinarily have to consider. However, given the grim reality of the current coronavirus pandemic, the question of how we might die is one that many of us will want to address.

### What is an advance decision?

An advance decision (sometimes known as an advance decision to refuse treatment), allows you to record any medical treatments that you don't want to be given in the future, in case you later become unable to make or communicate decisions for yourself. Previously they were known as "Living Wills".

You can use an advance decision to refuse any treatment, including life-sustaining treatment such as resuscitation, artificial nutrition and hydration, or breathing machines.

You can't use an advance decision to:

- Refuse basic hygiene treatment such as washing, bathing, changing dressings, and procedures to control the spread of infection to other patients.
- Refuse measures to control pain and maintain personal comfort.
- Ask for any treatments that are against the law, and that may be considered as assisting you in taking your own life or are associated with euthanasia.
- Refuse treatment for mental disorder if you have been or are likely to be detained under the Mental Health Act 1983.

If made correctly, an advance decision is legally binding in England and Wales and must be respected by the health professionals administering your care. It's valid as soon as it's signed and witnessed.

### Why make an advance decision?

An advance decision ensures you have choice and dignity at the end of your life. Made while you're fit and well (and mentally sound) it covers the "What if?" situation. Should it ever be needed, it will relieve your family of having to make difficult decisions about your care.

An advance decision will only be used if, at some time in the future, you're not able to make your own decisions about your treatment.

## How do you draw up an advance decision?

There's no statutory form for an advance decision, and it can be as simple or complex as you like. However, to ensure the advance decision is legally binding, it must meet specific criteria, so we recommend that you seek guidance from a legal representative.

If you're considering drawing up an advance decision, we offer a free initial 30-minute discussion where we can talk you through the process.

If you'd like to go ahead, we can take care of the documentation and process for you. When the documents are ready, we'll arrange to witness you sign the documents either at your home or at our business premises while fully complying with the government guidelines on social distancing.

If you have any questions on advance decisions or would like to set one up, please call us on 01404 515427 or email us at [advice@eastdevonlaw.co.uk](mailto:advice@eastdevonlaw.co.uk).

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