

Advance decision checklist

To confirm whether an advance decision to refuse life-sustaining treatment is valid (for one written after 1 October 2007)

<i>Does the person have mental capacity to consent to or refuse the treatment?</i>	<p>Yes – if they have mental capacity, the advance decision has no authority and the patient will state their wishes.</p> <p>No – if they currently lack capacity in relation to the planned treatment go to next question.</p>
<i>Is the treatment proposed the same as the one stated in the advance decision? If the refusal of treatment is linked to certain circumstances, are these also present?</i>	<p>Yes – go to next question.</p> <p>No – the advance decision does not apply.</p>
<i>Was the person 18 or over when they made the advance decision?</i>	<p>Yes – go to next question.</p> <p>No – this is not a valid advance decision.</p>
<i>Is the advance decision in writing? (in any format, for example handwritten)</i>	<p>Yes – go to next question.</p> <p>No – this is not a valid advance decision to refuse life-sustaining treatment. It could still be applicable to other treatment.</p>
<i>Is it signed by the person or someone authorised by them to do so on their behalf? (ie. because they were physically unable to sign it)</i>	<p>Yes – go to next question.</p> <p>No – this is not a valid advance decision to refuse life-sustaining treatment. It could still be applicable to other treatment.</p>
<i>Is the advance decision also signed by someone who witnessed the patient/writer signing the advance decision? (the witness can be any person)</i>	<p>Yes – go to next question.</p> <p>No – this is not a valid advance decision to refuse life-sustaining treatment. It could still be applicable to other treatment.</p>
<i>Does it recognise that the treatment being refused is life-sustaining treatment? (for example, 'I understand that I could die by refusing this treatment')</i>	<p>Yes – go to next question.</p> <p>No – this is not a valid advance decision to refuse life-sustaining treatment. It could still be applicable to other treatment.</p>
<i>Is there any evidence the person changed their mind or withdrew this advance decision after it was made? (this could be verbally or in writing)</i>	<p>Yes – the advance decision is not applicable and should not be followed.</p> <p>No – go to next question.</p>
<i>Does the person have a health and welfare lasting power of attorney that was made after the advance decision?</i>	<p>Yes – the attorney may have authority. Speak to them before acting. Check their form is valid and registered and covers the treatment mentioned in the advance decision.</p> <p>No – go to next question.</p>
<i>Has the person acted in a way contrary to the nature of the advance decision (such as changing their faith), or have the expected outcomes of the proposed treatment changed since the person wrote their advance decision which could have affected their decision?</i>	<p>Yes – the advance decision could be inapplicable. Seek further advice.</p> <p>No – the advance decision is legally valid and must be followed.</p>