LPASafe

How to sign and share your advance decision

Order LP-SAMPLE

Your advance decision to refuse treatment has been generated from your answers, together with your advance statement of wishes. Read every word before you sign. It only says what you told us: if anything does not match what you want, do not sign it.

What makes it legally binding

An advance decision is binding on the people treating you if it is valid and it applies to the treatment and the circumstances at the time. You must be 18 or over and have mental capacity when you make it. It only takes effect if, later, you lack the capacity to decide about that treatment yourself.

Your decision covers life-sustaining treatment, so these four things are required by law

1. It must be in writing. It is.

2. It must include a statement that it applies even if your life is at risk. Clause 5 says exactly that.

3. Mrs Jane Elizabeth Sample must sign it, and the signature must be made in the presence of a witness.

4. The witness must then sign it in your presence.

If any one of these is missing, the refusal does not apply to life-sustaining treatment (Mental Capacity Act 2005, section 25(5) and (6)).

How to sign it

1. Print it

Print the advance decision single-sided on plain white A4 paper.

2. Choose a witness

The law asks for a witness and does not say who it must be. Choose an adult, and preferably someone who does not stand to gain from your death, such as a friend or neighbour, so that nobody can suggest you were pressured.

3. Sign in front of your witness

With the witness watching, Mrs Jane Elizabeth Sample signs and dates the last page and initials the foot of every page.

4. The witness signs in front of you

The witness signs, writes their full name and address, dates it, and initials every page, while you are still present.

5. Sign your advance statement

Sign and date the advance statement too. It does not need a witness because it is not legally binding, but a signature shows it is yours.

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Who needs a copy

An advance decision only works if the people treating you know it exists. Nobody is told automatically, and LPASafe does not send it to anyone.

- Your GP surgery: ask for a copy to be added to your medical records, and check a few weeks later that it has been.
- The people closest to you, and anyone likely to be contacted in an emergency.
- Any hospital team, care home or hospice involved in your care.
- You told us you plan to give copies to: my GP, my daughter Lucy Sample.

Keep the signed original somewhere it can be found quickly, and carry the card at the end of this guide.

If you have, or later make, a health and welfare LPA

If, after signing this advance decision, you make a lasting power of attorney for health and welfare that gives your attorneys authority over the same treatment, this advance decision stops being valid for that treatment (Mental Capacity Act 2005, section 25(2)(b)). On the health and welfare form, Option A in section 5 gives attorneys authority over life-sustaining treatment.

You told us you are planning to make a health and welfare LPA. Because that LPA would be made after this advance decision, look carefully at section 5 of that form, and review this document once the LPA is made. The rule in section 25(2)(b) only catches an LPA made after the advance decision, which is why some people sign and date a fresh advance decision once their LPA has been made.

Changing your mind

You can withdraw or change your advance decision at any time while you have capacity. Withdrawing it does not need to be in writing, but tell everyone who has a copy and destroy the copies. If you change it and it covers life-sustaining treatment, the new version must be written, signed and witnessed in the same way. Review it every year or two and after any change in your health, and re-sign and date it so that it is clearly still your decision.

What an advance decision cannot do

- It cannot ask for a particular treatment. It can only refuse treatment.
- It does not apply while you still have capacity to decide for yourself.
- It does not apply to treatment or circumstances you did not write down, so be as clear as you can about both.

Free alternatives

You do not have to pay for an advance decision. The charity Compassion in Dying offers a free form and an online service, and Alzheimer's Society publishes a free template. Your GP or care team can also talk through your choices with you, which we cannot do.

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LPASafe generates this document automatically from the answers given. No person and no solicitor has checked or reviewed it. LPASafe is not a law firm and this is not legal advice. England and Wales only. This is not medical advice. If you are unsure what a treatment involves or what refusing it would mean for you, talk to your GP or the team caring for you before you sign.

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Card to carry

Cut along the line, fill in where your documents are kept, and keep the card in your wallet or purse.

I HAVE MADE AN ADVANCE DECISION TO REFUSE TREATMENT

Name: Jane Elizabeth Sample

Date of birth: 14 March 1950

My signed advance decision is kept at:

.....

A copy is held by (name and phone):

.....

Fold the card in half so that it fits with your bank cards.

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