



**Comisiynydd Pobl Hŷn Cymru**

**Older People's Commissioner for Wales**



# **Future Care Planning**

**Planning for your future today**

# **The Older People's Commissioner for Wales**

The Older People's Commissioner for Wales is an independent voice and champion for older people throughout Wales.

**The Commissioner is working for a Wales that leads the way in empowering older people, tackling inequality and enabling everyone to live and age well.**

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## **Accessible formats**

**This document is available in a range of accessible formats, including large print, easy read, BSL and audio versions. To receive a copy of the report in an accessible format, please contact us.**

**Mae'r ddogfen hon ar gael yn Gymraeg // This document is available in Welsh**

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# Introduction

**Future Care Planning (previously known as Advance and Future Care Planning)** involves thinking about, discussing, documenting and keeping under review, your wishes for the future.

Sharing your wishes and preferences for the future with those important to you such as your family, friends, as well as health and social care professionals can help ensure that everyone understands the kind of care and support you want - and what you don't want.

Future Care Planning is a voluntary process and Future Care Plans can be changed or amended at any time to reflect your preferences.

## **Future Care Planning can benefit everyone**

Future Care Planning is important because it identifies your preferences, values and needs so that your voice and opinions continue to be heard and respected if you become unable to make the decisions for yourself.

This guide provides you with information about how you can make plans for your future.

## **Future Care Planning may include:**

- **An Advance Statement**
- **An Advance Decision to Refuse Treatment (ADRT)**
- **A Health and Welfare Lasting Power of Attorney (LPA)**
- **Having important decisions recorded on a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) form**
- **Making or updating a will**
- **Organ donation**

**Future Care Plans should be revisited at least annually and after major life events (e.g. new diagnosis, bereavement or a hospital stay).**

# Advance Statement

An **advance statement** is a way to record your future wishes and preferences for care and treatment. An advance statement can vary from person to person, depending on individual values and beliefs. Talking with those who are important to you about your wishes can be a helpful first step in creating your own advance statement.

Anyone can make an advance statement, but it is especially useful for people who may lose the ability to make or communicate decisions in the future due to illness, injury, or mental health conditions.

When writing your advance statement, it's important to make sure your wishes are clearly expressed to others.

Some recommendations for writing an effective advance statement:

- Write your wishes down in plain language that is easily understood by others.
- Whilst signing the statement, and having your signature witnessed, is not compulsory, it is recommended.
- Include the date that you made the statement.
- Review, update and share your statement at least every year.
- Make several copies.
- Share copies with those involved in caring for you. This could include a nominated family member, friend, carer or healthcare professionals.
- Take the statement and a copy with you if you go into hospital or clinical settings.

These recommendations will confirm to people reading the advance statement that it is yours and that it reflects your most recent wishes and preferences.

An advance statement is **not legally binding** but if the above guidelines are followed it can be used to guide your care if at any time in the future you are unable to express your wishes yourself.

Advance statements can include anything that is important to you:

- The name of anyone who you wish to be consulted on your behalf at a later time.
- Your thoughts on different treatments or types of care that you might be offered.
- Your choice about where you would like to be cared for, whether at home, in a hospital, a care home or a hospice.
- Where you would like to be cared for at the end of your life and who you would like to be with you.
- How you might want any religious or spiritual beliefs you hold to be reflected in your care.
- How you like to do things, for example preferring a shower instead of a bath, or sleeping with the light on.
- Concerns or solutions about practical issues, such as who will look after your pet should you become ill.

Examples of advance statements used in Wales can be found on [www.wales.nhs.uk/afcp](http://www.wales.nhs.uk/afcp). To view the example statements, click on the section headed 'Advance Statement Form' where you can find the "ACP-A" form and the "My Life-My Wishes" form.

# Advance Decision to Refuse Treatment (ADRT)

As part of your Future Care Planning, you may want to think about kinds of treatment and care that you do not want in the future.

Whilst you are not able to insist on a particular treatment, you do have the right to refuse treatment.

This can be done by writing an **Advance Decision to Refuse Treatment**, sometimes shortened to ADRT or 'Advance Decision'.

This is a formal way for you to write down and share any decisions to refuse treatment. An ADRT is **legally binding if completed accurately**. You can write an ADRT yourself as long as you have the mental capacity to do so and your ADRT meets the necessary criteria for it to be considered valid and applicable.

It can be very difficult to think about what sort of care or treatment you would not want in the future. It is sensible to discuss your decision with a healthcare professional. They can talk you through some of the treatments that could be used and most importantly the consequences of a refusal.

There are some important things to think about when making an ADRT to ensure it is legally valid:

- It must be clearly written in plain language.
- It should include a statement that indicates you are aware of the risks and consequences of each decision you have made, such as 'even if my life is at risk as a result of this decision'.
- It must be signed, and your signature must be witnessed.
- Both your signature and that of your witness must include the date.



To ensure that your ADRT is effective, you should:

- Review, update and share the ADRT regularly (at least every year is recommended).
- Make several copies.
- Share copies with those involved in caring for you. This could include a nominated family member or friend, health and social care professionals and carers.

It is important to remember that your ADRT is only used if at some time in the future you lose the ability to make your own decisions about your treatment. You can change your mind at any time. It's really important to make sure that you update your ADRT to reflect your current decisions.

An example of an ADRT form used in Wales can be found on [www.wales.nhs.uk/afcp](http://www.wales.nhs.uk/afcp). To view the example form and accompanying guidance, click on the section headed "Advance Decision to Refuse Treatment".

# Lasting Power of Attorney (LPA)

As part of your Future Care Planning, you may want to complete a **Lasting Power of Attorney (LPA)**. An LPA is a simple, legally robust way of giving a person or people you trust (known as attorneys) the power to make decisions for you if you become unable to make those decisions yourself. The decisions they make are as valid as those made by you.

There are two types of LPA:

- **Health and Welfare** LPAs cover decisions about your health and personal welfare. These may include things such as having medical treatment, day-to-day care or decisions made about where to live. The attorney speaks for you only when you're unable to make your own decisions.
- **Property and Financial Affairs** LPAs cover decisions made about your finances, such as managing your bank account or selling your house. Here the attorney speaks for you from whenever you authorise them to do so.

Each type of LPA needs to be completed separately. Most people will want to complete both types.

## How to make an LPA

There are some important things to consider when making an LPA to ensure it is legally valid:

- You must be 18 or over and have mental capacity.
- It needs to be a written document set out on the statutory form prescribed by the regulations. These prescribed forms are available from the Office of the Public Guardian.
- You have to sign it, as does the attorney. There needs to be a certificate completed by an independent third party confirming that you understand what is happening and that there is no evidence of fraud or undue pressure.
- Your LPA will need to be registered with the Office of the Public Guardian before it can be used.

It is not always necessary to get legal advice when completing an LPA, but it should be considered if there are any uncertainties.

The Office of the Public Guardian is best placed to advise how long it may take to process and register LPA applications.

You can find contact information for the Office of the Public Guardian in the Useful Resources section at the end of this guide.

Download the forms and guidance to make and register a lasting power of attorney from the gov.uk website:

<https://www.gov.uk/government/publications/make-a-lasting-power-of-attorney>

Please note: LPA replaces the old Enduring Power of Attorney (EPA) and increases the types of decisions that are covered. If you already have an existing EPA, it may still be valid, but it is advisable to check.

# Do Not Attempt Cardiopulmonary Resuscitation (DNACPR)

Cardiopulmonary Resuscitation (CPR) is an emergency intervention that attempts to restart your heart and breathing if they stop.

As part of your Future Care Planning, you may want to discuss with your healthcare team whether CPR is likely to be appropriate for you and what effect CPR might have on your future health and your quality of life.

Having conversations about CPR can be difficult. The decision to not restart your heart, known as **Do Not Attempt Cardiopulmonary Resuscitation (DNACPR)**, is usually made because it is believed not to be in your best interests. This may be because CPR is likely to be unsuccessful, may cause more harm than good, or you may simply choose not to have it.

It is advisable to talk with a healthcare professional if you can, as they will be able to describe to you the situations when CPR may not be appropriate and the consequences of choosing to refuse resuscitation.

Talking about DNACPR can help to minimise distress at a later stage. The important thing is that the professionals providing your healthcare know your views so that if you cannot express your wishes, they can take your wishes into account.

## **DNACPR:**

- A specific form needs to be completed by an appropriate healthcare professional to confirm a decision about DNACPR has been made.
- There is a duty to consult with you and/or family or representative, when a clinician completes these forms. This duty applies unless you have expressly said you do not want this topic discussed and it would cause harm holding such conversations.
- The completed form will become a part of your medical record and be shared digitally between agencies involved in your care (e.g. GP, ambulance service, hospitals). You will also be given a copy to keep with you.
- It is important to share your views regarding DNACPR with those important to you.
- It is important to let the healthcare professionals looking after you know straight away if you change your views about DNACPR so that they can discuss this with you.

# Making or updating a Will

As part of your Future Care Planning, it is important to think about making a will. This lets you decide what happens to your money, property and possessions after your death and helps avoid problems and misunderstandings concerning your final wishes.

If there is no will, the time taken to sort things out can be lengthy and expensive. More importantly, the outcome may not be as you would wish. Making a will doesn't have to be expensive or complicated and can provide you with reassurance that your wishes will be respected.

There are some important things to think about when considering writing your will to ensure it is legally valid:

- You can write your will yourself, but you should get legal advice if your will isn't straightforward.
- Your will needs to be signed and witnessed.
- Your will needs to include a list of all beneficiaries (people who you would like to benefit from your will) and what you would like them to receive.
- Your will needs to include a list of your possessions including savings, pensions and insurance policies.
- Your will needs to include any arrangements you would want for your dependants or pets.
- Decide who you would like to be your executor. This is the person who will deal with distributing your money and possessions after your death. You may have up to four executors. It is recommended to have at least two.
- If you want to update your will, you need to make an official alteration or make a new one.

# Organ Donation

As part of your Future Care Planning, you may want to think about **organ and tissue donation**.

Like England and Scotland, Wales operates a presumed consent system for organ donation, which makes it easier for people to become donors. If you do not wish to donate your organs, you must register your decision to opt out. It's important to note that if you want to be an organ donor but have not recorded your decision or discussed it with your family, your wishes could be disputed and may not be considered after your death.

It is the important people in your life that will be asked to consent to organ donation on your behalf after your death. Make sure to let those important to you know about your preferences. This allows them to respect your wishes and avoid having to make what can be a difficult decision during a very emotional time.

You can find information on Organ Donation in the Useful Resources section at the end of this guide.

# Useful Resources

There are many useful templates and guides available to assist you with writing your specific wishes and preferences.

For further support, advice and assistance speak to a solicitor or a health or social care professional.

There are several agencies that also offer additional advice and guidance.

## Future Care Planning

**Websites providing useful resources and advice:**

- [www.wales.nhs.uk/afcp](http://www.wales.nhs.uk/afcp)
- <http://advancecareplan.org.uk/resources/>

## Mental Capacity

**Mental Capacity: An Easy Guide:**

A practical guide produced by the Older People's Commissioner for Wales. A hard copy can be provided on request.

- 03442 640 670
- [ask@olderpeople.wales](mailto:ask@olderpeople.wales)
- <https://olderpeople.wales/resource/mental-capacity-an-easy-guide/>

**Mental Capacity Act 2005: Making decisions Guidance from the UK Government.**

- <https://www.gov.uk/government/publications/making-decisions-who-decides-when-you-cant>



# Lasting Power of Attorney

Information and guidance from the UK Government:

- 0300 456 0300
- <https://www.gov.uk/power-of-attorney>

## Lasting Power of Attorney: A simple guide

A guide from the Older People's Commissioner for Wales. A hard copy can be provided on request.

- 03442 640 670
- [ask@olderpeople.wales](mailto:ask@olderpeople.wales)
- <https://olderpeople.wales/resource/an-easy-guide-to-lasting-powers-of-attorney/>

## Office of the Public Guardian

UK Government agency protecting people who may not have the mental capacity to make certain decisions for themselves. Provides a service to create a Lasting Power of Attorney.

- 0300 456 0300
- <https://www.gov.uk/government/organisations/office-of-the-public-guardian>

## DNACPR

An NHS Wales public information leaflet which contains information on when and how a DNACPR form is used.

- <https://performanceandimprovement.nhs.wales/functions/networks-and-planning/peolc/professionals/dnacpr/patient-and-carer-information/>

### DNACPR Information Hub

A helpful information hub from the Older People's Commissioner for Wales. A hard copy can be made available on request.

- 03442 640 670
- [ask@olderpeople.wales](mailto:ask@olderpeople.wales)
- <https://olderpeople.wales/resource/understanding-dnacpr-information-and-advice-about-do-not-attempt-cardiopulmonary-resuscitation-decisions/>

## Organ Donation

Information from the NHS, including information on organ donation, and how to opt-out of organ donation.

- 0300 123 2323
- [www.organdonation.nhs.uk](http://www.organdonation.nhs.uk)

## Making a Will

Practical guidance from the UK Government.

- [www.gov.uk/make-will/writing-your-will](http://www.gov.uk/make-will/writing-your-will)





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