Advance Statements

This factsheet explains what an Advance Statement is and how to make one. It is for people living in England and Wales. If you live in Scotland or Northern Ireland, or you would like more information about planning ahead for your future care and treatment, please contact us.

What is an Advance Statement?

An Advance Statement allows you to record your wishes, feelings, beliefs and values in case you later become unwell and need care or medical treatment. It provides a space for you to write down anything that is important to you in relation to your health and wellbeing. For example, you can use it to express your preferences for care or to detail any values or beliefs that inform the decisions you make. It gives those around you (your family, carers, and healthcare team) a clear idea of what you want if you are unable to communicate this yourself.

An Advance Statement helps to make sure that, if you lose capacity (the ability to make and communicate a decision), your wishes are known and can be followed. It supports people involved in your care to understand your wishes if you cannot make decisions for yourself.
What is capacity?

Capacity is the ability to make a decision for yourself. It is time and decision-specific. This means that whether or not you have capacity depends on when the decision needs to be made and what the decision is. So, you might lack capacity to make a decision on one day but be able to make that decision at a later date. This might be, for example, because you have dementia and your ability to remember information differs from one day to the next.

Also, you might have capacity to make some decisions but not others. For example you might have capacity to decide what you want to eat every day but not to understand what will happen if you refuse life-sustaining treatment.

You lack capacity to make a decision if

- You have an impairment or disturbance of the mind or brain (for example, because you are unconscious, have dementia, a mental health condition, a brain injury or a stroke)

and you cannot do one of these things:

- understand information relating to the decision
- retain that information for long enough to make the decision
- take that information into account when making the decision
- communicate the decision

The law says that people must be assumed to have capacity unless it is proven otherwise. However, if a decision needs to be made about your health or care and a healthcare professional thinks that you might lack capacity, then they will need to assess whether or not you have capacity to make that decision.
Who can make an Advance Statement?

Advance Statements are an important part of planning for your future care and anyone can make one. An Advance Statement will often form part of Advance Care Planning (ACP), which is a process of documenting care preferences for people with a terminal illness or life-limiting condition. However, you do not have to be nearing the end of life or have a diagnosed condition to complete one.

Completing an Advance Statement is entirely voluntary so you do not have to write one unless you wish to.

Why would I want to make an Advance Statement?

If you cannot make a decision about your medical treatment, care or welfare, then a health or social care professional, such as a doctor or social worker, will make a decision on your behalf. An Advance Statement will help to make sure that your wishes, feelings and beliefs are taken into account when these decisions are made.

It is a record of what is important to you, and will help a person making decisions to take action that you would want.

Writing an Advance Statement can also help to open up a dialogue between you and people close to you about your wishes for the future, helping to initiate what can sometimes be a difficult conversation.

Does a doctor have to follow what I say in my Advance Statement?

An Advance Statement is not legally binding and doctors do not have to follow it. However, it does have legal standing because it must be taken into account
when someone is deciding what is in your 'best interests'.

The law says that anyone who makes a decision on your behalf must act in your best interests, and when deciding what is in your best interests, the decision-maker must, amongst other things:

- Consider your wishes and feelings (this includes both anything you have said to other people and things you have written down)
- Consider any values and beliefs that would be likely to influence the decision

So, because an Advance Statement is evidence of your wishes, feelings, values and beliefs it must be considered when any action is taken on your behalf.

See our factsheet *What happens if I cannot make decisions about my care and treatment?* for more information on best interests.

### What can I include in my Advance Statement?

An Advance Statement gives you the chance to write down anything that is important to you. This can be about any aspect of your life, health or care, such as:

- Your food preferences
- Your religious or spiritual views
- Information about your daily routine
- Any fears you have around treatment or care
- Information about your personal care, such as whether you prefer a bath or a shower
- If you like to sleep with the light on
- Your preference over where you would like to be cared for, for example at home, in hospital or in a residential home
You can also use it to specify any people you would like to be consulted when decisions are being made on your behalf. However, doing this does not mean that a healthcare professional has to follow what that person says. The only way to give another person the legal power to make health or care decisions on your behalf is by making a Lasting Power of Attorney for Health and Welfare. For more information see our factsheet *Lasting Powers of Attorney for Health and Welfare – An introduction*.

### How do I make an Advance Statement?

You should talk to your family or friends about what is important to you, so that they understand what you want. It is also important to discuss your wishes for future care with any health or care professionals involved, for example your social worker, doctor or nurse. If people involved in your care understand what you want, it will be easier for them to follow your wishes.

You can make an Advance Statement verbally, but it is better to write it down. If it is written down it becomes a permanent record of your wishes and is less likely to be called into question by someone else at a later date.

There are no formal guidelines for making an Advance Statement but it is a good idea to write your name, date of birth and address on the document and to also sign and date it. Including your personal information and signature helps to confirm that it is your wishes that are written down.

You should keep a copy for yourself and also give a copy to anyone involved in your care, as well as anybody close to you.
Is an Advance Statement the same as an Advance Decision?

No, an Advance Decision allows you to record any medical treatments that you do not want to be given in the future, in case you later lack capacity and cannot make or communicate a decision for yourself. The legal name is an Advance Decision to Refuse Treatment, and it was previously known as a Living Will.

An Advance Decision only covers refusals of medical treatment, whereas an Advance Statement can include any information that you feel is important in relation to your health or care.

Can I have both an Advance Statement and an Advance Decision?

Yes. If you feel that there are situations in which you would not want a medical treatment then you should make an Advance Decision.

If you have made an Advance Decision then it is also a good idea to make an Advance Statement as it helps your healthcare team to get a better understanding of your wishes when they need to make decisions in your best interests. This means that if you are in a situation that isn’t specified in your Advance Decision, the doctors treating you are more likely to be able to make a decision that reflects what you want.

If you wish to complete both an Advance Decision and an Advance Statement then Compassion in Dying’s free Advance Decision form contains a section that allows you to express your wishes in this way.

For more information see our factsheet Advance Decisions (Living Wills) – An introduction.
How can we help?

We can send you a free Advance Decision and Advance Statement form along with guidance notes that explain how to complete them. It also comes with guidance notes that explain how to complete it. Alternatively, you can complete these documents online for free at www.mydecisions.org.uk.

We can also support you to complete your forms over the phone.

If you have any questions about Advance Statements, Advance Decisions, Lasting Power of Attorney for Health and Welfare, planning ahead or medical decision-making more generally then please contact our Information Line (our contact details are at the end of this factsheet).

The following free publications may also be helpful:

- *Advance Decisions (Living Wills) – An introduction*
- *Lasting Power of Attorney for Health and Welfare – An introduction*
- *Advance Care Plans*
- *Planning Ahead: Making Choices for the End of Life - a comprehensive guide to planning ahead for your future care and treatment*
- *Starting the Conversation - a booklet to support you to talk to your family, friends and doctor about your wishes for the end of life*
Advance Statements

Every effort has been made to ensure that the information provided in this factsheet is accurate and up-to-date, but information can change over time. Compassion in Dying does not accept any liability arising from its use, and it should not be used as an alternative to legal or medical advice. You can find the latest version of this publication on our website.

© Compassion in Dying, 2015. All rights reserved. Except for personal use, no part of this work may be distributed, reproduced, downloaded, transmitted or stored in any form without the written permission of Compassion in Dying.

Registered charity no. 1120203. A company limited by guarantee and registered in England no. 05856324.

Contact our Information Line:
Phone: 0800 999 2434
10am-4pm Monday-Friday

Email: info@compassionindying.org.uk

Address: Compassion in Dying
181 Oxford Street, London W1D 2JT

Compassion in Dying supports people to plan ahead to ensure their wishes for treatment and care are respected.

Factsheet code: IN07
Publication or last review date: May 2016
Next review due: May 2019
Version number: 3

A list of references is available on request