

GETTING YOUR VOICE HEARD

Your Guide To Making An Advance Statement

Produced in partnership with Rhondda Cynon Taff and Merthyr Tydfil Mental Health Service Users

1. What is an Advance Statement?

An Advance Statement is a record of your wishes and preferences for your care and treatment should you lose the capacity to express your choices at any time.

It is called an 'Advance Statement' because it is written in advance, i.e. whilst you are in good mental health, to be used at a time when you are unable to make informed decisions.

2. Why have an Advance Statement?

An Advance Statement is one way of making your views known to the professionals who will be looking after you. This could be especially important if you become unable to communicate your wishes or have no family member you can rely on to do this for you.

Doctors and other professionals must take your wishes into account if they are aware of them.

3. Will my Advance Statement make a difference?

Yes. Your care team are obliged to make every effort to carry out your wishes.

In some circumstances, this may not be possible. If this is the case, you will be given an explanation of why your wishes could not be carried out.

You cannot legally insist that you are given any particular treatment.

If you choose, your Advance Statement can be included in your medical and/or social care records. This will ensure that your wishes are known and taken into account by your care team.

Your Advance Statement can be attached to your CPA (Care Programme Approach) or UA (Unified Assessment) Care Plan. It could also form part of your Crisis Contingency Plan. Do ask your Care Co-ordinator, mental health worker or doctor if you are not sure about whether you have these.

If you choose not to have your Advance Statement kept in your records, you can give a copy to a family member, friend, advocate or solicitor. However, it is important to remember that the more accessible an Advance Statement is, the more likely that it will be available when it is needed.

4. Who can make an Advance Statement?

Anyone, as long as you are;

- ✓ Over 18
- ✓ Have mental capacity * at the time of writing it (if you think that your mental capacity could be in doubt, ask your Care Co-ordinator, mental health worker or doctor for advice)

* Mental Capacity is defined by the Mental Capacity Act (2005) as the ability to understand, remember and weigh up information in order to reach decisions, and also to be able to communicate the decision.

5. Can I have help to complete an Advance Statement?

You can ask your Care Co-ordinator or other mental health worker to help you think about what you want to write in your Advance Statement. They can also advise you if your wishes appear to be unreasonable or impossible to fulfil. If they feel that you should seek legal advice or undergo a mental capacity assessment, they can also advise you of this.

Your Care Co-ordinator can also help you make sure that your Advance Statement is kept where you want it to be.

Other sources of help may be voluntary mental health agencies, advocacy services or the Citizens' Advice Bureau or solicitors. You can ask your mental health worker how to contact these.

6. What should I include in my Advance Statement?

Attached to this information sheet is a blank form that has been produced by local mental health service users, which you might find useful. You do not have to use this. If you prefer to write your Advance Statement in any other way, or use a different form, then it should still be valid.

However, there are some important points to remember:

- Only a **refusal** of particular treatment is legally binding. This is called an 'Advance Decision' in the Mental Capacity Act, 2005
- The Mental Health Act generally over-rides any Advance Decision to refuse treatment for mental illness. Unless you are 'sectioned', you have a right to refuse treatment.
- If you intend stating that you wish to refuse treatment that would keep you alive (so-called 'life-sustaining treatment'), it is important that you see a solicitor and possibly undergo a formal 'mental capacity assessment' to ensure that your capacity at the time of making the Advance Decision will not be doubted at a future time.
- An Advance Decision cannot require a professional to act illegally, prevent the provision of basic care (food, hygiene, shelter), or compel doctors to perform treatments, which they do not believe to be right for you.
- An Advance Statement cannot insist on particular services, treatments or medicines, but it can say which treatments work well for you, and which you would not want. It might be helpful to include any reasons for your views.

7. What happens to my Advance Statement once I have made it?

- Keep a copy for yourself
- Give copies to everyone you want to share it with, including your care team.

8. Can I make changes to my Advance Statement?

Yes you can. It will be useful to review your Advance Statement at least every year in order to ensure that your wishes have not changed. You could link this task with your CPA review.

If you make a new Advance Statement, you must ensure that all copies of your previous Statement have been destroyed or marked as 'no longer valid' on your records.

OTHER USEFUL PUBLICATIONS

Produced with involvement from local mental health service users:

- **Your Guide to the Care Programme Approach** pamphlet
- **The Only Way Is Up** booklet
- **Emergency Crisis Card**

These are available from Community Mental Health Teams, mental health day units and the Service User Involvement Project at Interlink, Woodland Terr, Maesycoed, Pontypridd, RCT.

USEFUL WEBSITES

www.mind.org.uk/Information/Legal

www.ageconcern.org.uk

www.alzheimers.org.uk

www.mentalhealthsupport.co.uk (copies of this leaflet & form can be downloaded from this local site)

<http://new.wales.gov.uk/topics/health/nhswales/healthservice/mentalhealthservices/mentalcapacityact>