

# Planning for your future healthcare



# Who we are

**Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 and promote their rights and interests.**

**Our vision** is a Scotland which is the best place in the world to grow older.

**Our mission** is to inspire, involve and empower older people in Scotland, and influence others, so that people enjoy better later lives.

**We have three strategic aims:**



**We help older people to be as well as they can be**



**We promote a positive view of ageing and later life**



**We tackle loneliness and isolation**

# How we can help

**We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.**

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

Our **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.



**Call us free on: 0800 12 44 222**  
**(Monday – Friday, 9am – 5pm)**



**Visit [agescotland.org.uk](https://www.agescotland.org.uk)**  
**to find out more.**

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# Introduction

If you have a serious health problem or are concerned about medical treatment you may need in future, you might want to make plans about the treatment you would or would not want to receive.

It is important you write down your plans while you have the mental capacity to make and communicate these decisions. You could also decide who you would want to speak for you if in future you could not make or communicate decisions for yourself.

Many people find it difficult to think about what may happen in the future if they were to become unwell. However, it is best to make these decisions before things happen, so you have time to think about and discuss them with those close to you and your healthcare team. This guide looks at some of the options you might want to consider.

# What is mental capacity?

Mental capacity refers to the ability to make decisions for yourself and act on them. Some people may have had limited capacity all their lives. Others may have a reduced capacity caused by a progressive illness such as dementia, or may suddenly lose capacity after a stroke or an accident.

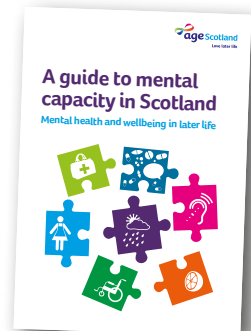
In Scotland, if somebody is incapable of managing their finances or making decisions about their welfare, the Adults with Incapacity (Scotland) Act 2000 provides protection for them. The Act states that a person may not have mental capacity if they are unable to:

- make or act on decisions
- communicate decisions
- understand decisions, or
- remember decisions.

Mental capacity can vary throughout the day, from day to day or over a longer period of time. It may not affect every kind of decision. For example:

- someone may struggle to make decisions in a morning, but can make informed choices more easily in an afternoon
- someone may not have the capacity to make complex decisions about the pros and cons of medical treatment, but they may have the capacity to make decisions about where they live and who they want to spend time with.

For more information see our **Guide to Mental Capacity in Scotland**.



# Future care planning

In Scotland, the process of thinking about, discussing and writing down your wishes about medical care is called **future care planning**. You may also hear this referred to as anticipatory care planning.

A future care plan is usually made when someone knows they have a condition that is going to get worse. However, anyone can make a future care plan.

Your plan is developed with your healthcare team and can also involve family, friends or carers. It can then be attached to your medical notes so that people treating you in the future will know your preferences.

The plan will normally include information about:

- your views, priorities and concerns
- what you want to happen if your health declines or there is a crisis
- details about your Power of Attorney for welfare and your Will, or plans to arrange these
- your views about end of life care

If you are a carer, you can include information about the person you care for and the type of care you provide. This will allow others to take over if you become unwell.

NHS Inform can provide more information about **future care planning**. Search future care planning at **[www.nhsinform.scot](http://www.nhsinform.scot)** or call **0800 22 44 88**.



To record wishes about life-saving treatments, or treatment preferences if you are living with a mental health condition, there are specific documents you will need to complete. These are covered in more detail in the following sections.

# Advance directives

## What is an advance directive?

An advance directive is a document that allows you to set out decisions about receiving treatments that could save your life. Making an advance directive allows you to record your wishes while you have the mental capacity to make these decisions for yourself, in case you become unable to in future. An advance directive is sometimes called a living will, or in England, an advance decision.

There may be circumstances where you would prefer to refuse certain lifesaving medical treatment, perhaps for cultural, religious or personal reasons. You may, for instance, want to refuse a treatment that would prolong severe discomfort or lead to a significant decrease in your quality of life.



## How to make an advance directive

To be sure your advance directive will be respected if it is ever needed, it is best to discuss it with your family and carer. You must also discuss it with your doctor, specialist or healthcare team. They can give you a clear idea of what you might want to include, particularly in relation to your medical condition.

To avoid possible legal challenges later on, you need to show that you had mental capacity when you created your advance directive. Many people will use a solicitor to write the document when they are arranging their Power of Attorney and Will (see page 9 for more information about Power of Attorney). If you use a solicitor, they can confirm you have understood the document and that you were not pressured or influenced by someone else. They can also make sure it is clearly written with no room for misunderstanding.

Your advance directive must be witnessed and signed by a healthcare professional. Advance directives are not legally binding in Scotland, but they should be taken into account by doctors when making decisions about your treatment.

Advance directive forms are available from some charities, including **Compassion in Dying**. You can download an Advance Decision pack, including a form, at [www.compassionindying.org.uk/how-we-can-help/living-will-advance-decision](http://www.compassionindying.org.uk/how-we-can-help/living-will-advance-decision) or call **0800 999 2434**.

Some charities also provide specialist information and advice, including:

Marie Curie [www.mariecurie.org.uk](http://www.mariecurie.org.uk) / **0800 090 2309**

Macmillan [www.macmillan.org.uk](http://www.macmillan.org.uk) / **0808 808 0000**



An advance directive will only be referred to if you have lost the capacity to make your own decisions about your treatment, and under the conditions you specify. It will not affect your treatment under any other circumstances.

## What to do with your advance directive

It is important that everyone involved in your care is aware of your advance directive. You should give a copy to your GP, any specialist medical professional treating you, and your attorney if you have one. You should also keep a copy for yourself.

You should discuss your advance directive with those close to you, so they understand your wishes. They may find it helpful to know the reasons you have made certain decisions.



You can include your advance directive in your official Power of Attorney document if you have one. See page 9 for more information.

## Changing your mind

If you are no longer happy with what you have included in your advance directive, you can change or cancel it. This might happen if your condition changes or if you begin to feel differently about your treatment options. If you do change or cancel your advance directive, make sure your doctor, Power of Attorney, medical specialists and family know about this.

# Advance statements

Advance statements are for people living with a brain or mental health condition, including dementia, a learning disability or a personality disorder. They differ from advance directives as they are not for decisions about end-of-life treatment.

They allow you to set out the treatments you are comfortable with, and those you are not. This informs the people treating you about your wishes if decisions need to be made when you do not have mental capacity to make them. For example, there may be certain medications that have side effects you do not want to experience, and others you would prefer to have instead where possible.

An advance statement cannot force a doctor to give you certain treatments; it will be taken into account alongside all other aspects of your care and treatment. If a doctor acts against your decision, they must give reasons in writing, to you, your welfare attorney if you have one (see page 9 for more information), and the Mental Welfare Commission.

You should make your advance statement with your health and care professionals and those close to you. Tell everyone involved in your care and welfare about your advance statement and review it regularly to ensure you are happy with it. If you want to change or cancel it, you should update everyone involved.

The legal framework of advance statements is set out in the Mental Health (Care and Treatment) (Scotland) Act 2003. You can view this at [www.legislation.gov.uk](http://www.legislation.gov.uk) or call the **Age Scotland helpline** on **0800 12 44 222** for help accessing a copy.

The **Mental Welfare Commission** provides information on advance statements, including guidance for individuals, guidance for professionals and a template you can use. For advice on mental health and incapacity law, you can call their Advice Line **0800 389 6809** or visit [www.mwscot.org.uk/law-and-rights/advance-statements](http://www.mwscot.org.uk/law-and-rights/advance-statements).

# Do not attempt cardiopulmonary resuscitation (DNACPR) forms

Cardiopulmonary resuscitation (CPR) is a way of trying to restart the heart and breathing if they stop. It can include:

- repeatedly pushing down firmly on your chest
- using a mask or tube to help you breathe
- using electric shocks to try to restart your heart

You can discuss with your healthcare team whether you would benefit from CPR if it were needed. This discussion should include your wishes, your health, the likelihood of success and whether it would have a serious impact on your quality of life.

If your healthcare team believes CPR will not work, you cannot insist on receiving it. If this is the case, or if you do not want CPR, your healthcare team will agree with you in advance not to try it. This will be recorded on a form called a Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) form.

Your DNACPR form will be kept with your health record. You can also keep a copy at home where it can easily be found. DNACPR forms are different from advance directives as they relate to CPR only.

If you want to review your decision about CPR, you should discuss this with your healthcare team. If you are unhappy with a decision made about CPR, you can ask for a second opinion or make a complaint. Contact the **Patient Advice and Support Service (PASS)** on **0800 917 2127** for help with this.

**NHS Scotland** has a patient information leaflet called **Cardiopulmonary resuscitation decisions: information for patients, relatives and carers**. Call the **Age Scotland helpline** on **0800 12 44 222** for help accessing a copy or visit **[www.gov.scot/publications](http://www.gov.scot/publications)**.

# Power of Attorney

If you want someone to be able to speak on your behalf about your treatment if you become unable to do so, you can grant them Power of Attorney for welfare. This involves creating a legal document which must be registered with the Office of the Public Guardian Scotland.

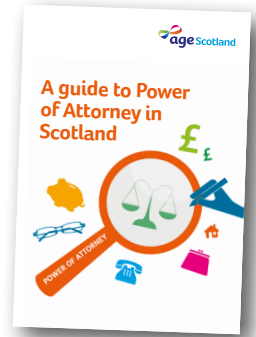
The person (or people) you grant these powers to is known as your attorney. They must by law be consulted about the types of decisions you specify in the Power of Attorney document if you become unable to make these decisions yourself.

If you have not recorded your wishes about these decisions in writing, your attorney must communicate the decisions they believe you would have made. It is therefore important you choose someone who you feel knows you well, and whom you trust to act in your best interests.

If you have an advance directive, an advance statement or a future care plan, your attorney must refer to these when asked to speak on your behalf. An advance directive can be included in your Power of Attorney document so it is officially recorded; this does not make the advance directive any more legally binding. You should tell medical professionals, friends and family about your advance directive, even if you include it in your Power of Attorney.

Having Power of Attorney in place can be valuable for people living with dementia, to make sure their wishes and instructions are respected if they become unable to express them. Mental capacity can be affected by more than just dementia, and any of us could lose mental capacity due to an accident or illness. It is therefore worth thinking about setting up Power of Attorney whatever your situation or age. A Power of Attorney must be made while you have the mental capacity to grant it, so it is best not to delay.

You can also grant someone Power of Attorney for finances. For more information, you can order a copy of **A guide to Power of Attorney in Scotland** at [www.age.scot/publications](http://www.age.scot/publications) or call the **Age Scotland helpline** on **0800 12 44 222**.



# What happens if I don't record my wishes?

If you **have not** recorded your wishes but you **have** granted someone welfare Power of Attorney, your attorney will be able to make decisions based on what they believe you would want, and is in your best interests.

If you **have not** recorded your wishes and you **have not** set up welfare Power of Attorney, the doctor responsible for your care will talk to your family and friends to find out your likely wishes. The final decision about treatment will rest with medical staff, who must make the decision they think is in your best interests. The formal steps they need to take are set out in law; they need to complete a **Certificate of Incapacity** under Section 47 of the Adults with Incapacity (Scotland) Act 2000 to show that they have followed the proper process.

# Useful organisations

## **Age Scotland helpline 0800 12 44 222**

The Age Scotland helpline provides information, friendship and advice to older people, their relatives and carers.

If you need an interpreter, call **0800 12 44 222** and simply state the language you need e.g. Polish or Urdu. Stay on the line for a few minutes and the Age Scotland helpline will do the rest.

You can call us for a copy of our publications list. You can also view or order copies of our guides at **[www.age.scot/information](http://www.age.scot/information)**.

## **Office of the Public Guardian Scotland**

The official government body for registering a Power of Attorney. They can give information about Power of Attorney and legal options if people have lost mental capacity.

**01324 678 300 / [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)**

## **Mental Welfare Commission**

Promotes the welfare of individuals with mental illness, learning disability and related conditions by empowering individuals and their carers and influencing and challenging service providers and policy makers.

**0800 389 6809 / [www.mwscot.org.uk](http://www.mwscot.org.uk)**

## **Patient Advice and Support Service (PASS)**

An independent service providing free confidential advice and support to patients, their carers and families in their dealings with the NHS. They can help you to give feedback, raise concerns or make a complaint about treatment and care provided by the NHS in Scotland.

**0800 917 2127 / [www.pass-scotland.org.uk](http://www.pass-scotland.org.uk)**



This information guide has been prepared by Age Scotland and contains general advice only. It should not be relied upon as a basis for any decision or action, nor used as a substitute for professional advice. Neither Age Scotland nor any of its subsidiary companies or charities accepts any liability arising from its use and it is the reader's sole responsibility to ensure any information is up to date and accurate.

Please note that the inclusion of named agencies, websites, companies, products, services or publications in this information guide does not constitute a recommendation or endorsement by Age Scotland or any of its subsidiary companies or charities.

# How you can help

## Our vision is a Scotland which is the best place in the world to grow older.

All the information we provide is free and impartial. It helps older people access their rights and entitlements and can be life changing.

We are also a lifeline for older people who are feeling lonely and isolated. You can help us to support older people who need us most.

Together, we can make a difference.



### Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- Call **03330 15 14 60**
- Visit **age.scot/donate**
- Text **AGESCOTGIVE** to **70085** to donate £5\*
- Complete the **donation form** and return by Freepost



### Fundraise

Whether it's having a bake sale or running a marathon, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



### Leave us a gift in your Will

By choosing to leave us a gift in your Will, you can help us to continue being there for older people in the years to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

\*Texts cost £5 plus one standard rate message

# Please donate today

Complete the form and return by Freepost to RSBS-KEHC-GBBC, Age Scotland, Edinburgh, EH9 1PR

## Your details

Title:	Forename:	Surname:
Address:		
	City:	
Postcode:	Date of birth:	

By providing us with your telephone number and email address you are consenting to us contacting you via phone, text and email.

Email:

Home tel:  Mobile tel:

## I WOULD LIKE TO DONATE

£75  £50  £25  Other (£)

I wish to pay by (please tick):

MasterCard  Visa  CAF

CharityCard  Cheque  (payable to Age Scotland)

Signature

Name on Card

Card No.

Expiry date  Security code

Date

I prefer not to receive a thank you acknowledgement for this donation

I would like information about leaving a gift in my Will

## I WOULD LIKE TO MAKE MY DONATION WORTH 25% MORE

I want Age Scotland\*\* and its partner charities to treat all donations I have made for the four years prior to this year, and all donations I make from the date of this declaration until I notify you otherwise, as Gift Aid donations.

I am a UK tax payer and understand that if I pay less income tax and/or capital gains tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference.

Yes, I want Age Scotland\*\* to claim Gift Aid on my donations

I do not wish you to claim Gift Aid on my donations

Date

*giftaid it*

## Keeping in touch

We will stay in contact by post unless you ask us not to. We will never sell your data and we promise to keep your details safe and secure. You can change your mind at any time by emailing us on [contact@agescotland.org.uk](mailto:contact@agescotland.org.uk) or calling us on 0333 323 2400.

You can read Age Scotland's privacy policy at [agescot/privacypolicy](https://www.agescot.org.uk/agescot/privacypolicy).

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**Our vision is a Scotland which is the best place in the world to grow older.**

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## Let's keep in touch

### Contact us:

#### Head office

0333 323 2400

#### Age Scotland helpline

0800 12 44 222

#### Email

info@agescotland.org.uk

#### Visit our website

www.agescotland.org.uk



### Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today at [agescot/roundup](https://www.agescotland.org.uk/agescot/roundup)



### Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



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