


Let's think ahead



Anticipatory Care Planning

Things to think about



A young woman with dark hair tied back, wearing blue scrubs, is smiling and talking to an elderly woman with short grey hair. The elderly woman is sitting on a dark green leather couch, wearing a purple sweater over a red top. They are in a living room with a stone fireplace on the left, a wooden coffee table in the foreground, and a television in the background. A green semi-transparent box with white text is overlaid on the image.

This booklet outlines some things to think about for your future care when planning what is important to you, and how others can help these things to happen.

Contents

Power of Attorney	4
Independent advocacy	6
Advance Directive	6
People with mental health problems	8
Other information	10

Power of Attorney

What is Power of Attorney?

If you are unwell, there may be a time when you are unable to communicate your wishes or make decisions for some reason.

In this situation, have you thought about who you would want to be your spokesperson?

If the person you wish to speak for you has Power of Attorney, they would have more legal right to represent your wishes and views.

Having a Power of Attorney lets you plan what you want your chosen person to do for you in the future, should you become incapable of making decisions about your own affairs. This might be a member of your family or perhaps a close friend.

All the decisions made must be those of most benefit to you.

Types of Power of Attorney

A Continuing Power of Attorney and a Welfare Power of Attorney are written, legal documents giving someone else (your attorney), authority to take these actions or make decisions on your behalf (the granter).

Powers relating to your financial or property affairs are known as “continuing powers” and may be given with the intention of taking effect immediately and continuing if you lose capacity to make decisions for yourself.

Powers relating to your health, personal care and welfare are known as “welfare powers” and cannot be used until such time as you have lost the ability to make these decisions yourself.

You should make sure that the powers granted to your attorney are specific and cover all the relevant aspects of your affairs and your care.

A Power of Attorney document should contain either continuing powers, welfare powers or both. Once you are well and able to make decisions again, the Power of Attorney can be reversed and you can be in charge of decisions about your care again.

How Power of Attorney works

Once the Power of Attorney comes into effect, your attorney or attorneys will have the legal authority to act on your behalf in whatever financial and personal welfare matters you have chosen.

A Power of Attorney document includes a certificate signed either by a solicitor who is registered to practice law in Scotland or by a medical doctor working in the UK.

More information about Power of Attorney can be found at www.publicguardian-scotland.gov.uk/power-of-attorney

Independent advocacy

Independent advocacy is a way to help people have a stronger voice and to have as much control as possible over their own lives. More information about independent advocacy can be found on the Scottish Independent Advocacy Alliance website at www.siaa.org.uk

Advance Directive

“Advance Directive” is a Scottish term, but in other parts of the UK these documents are also called Advance Decisions or Living Wills.

An Advance Directive is a recorded statement that allows you to make a refusal of treatment or indicate your choice in advance of a time when you can't communicate your wishes, or don't have the mental capacity to make a decision. It only comes into effect if either of these situations occur.

Although Advance Directives are not legally binding, health and care professionals should take them into account when deciding how to treat you.

Family and friends can also use them as evidence of your wishes.

What can an Advance Directive not do?

You cannot use an Advance Directive to:

- ask for your life to be ended
- refuse basic care that attends to your comfort, pain and/or personal hygiene, or
- demand certain treatments that may not be considered medically appropriate.

If an Advance Directive is something you would like to consider, you are advised to discuss this with your doctor or other health or care professionals who are aware of your medical history.

More information can be found at <http://compassionindying.org.uk/wp-content/uploads/2014/11/AD02-Understanding-Advance-Directives-Scotland.pdf>

People with mental health problems

Advance Statement

If you become unwell with a mental illness, you may need treatment. Sometimes, when people are very unwell, they are unable or unwilling to consent to treatment.

In some cases if you are unwell you may be given treatment that is considered to be in your best interest, although at that time you did not want it. The Mental Health Act has been developed to make sure people are treated in the most appropriate way at all times.

You may find it helpful to write an Advance Statement when you are well, stating how you would like to be treated if you become ill in future. Anyone who makes decisions about your treatment, like doctors or a Tribunal, should read your Advance Statement and consider your wishes.

An Advance Statement is not a guarantee that your wishes will be followed, but it is a guarantee that they will be taken into account. An Advance Statement should be witnessed and signed by a health or care professional.

It's a good idea to review your Advance Statement every 6 or 12 months to make sure it's up to date.

More information can be found at www.mwcscot.org.uk/media/128044/advance-statement_find_version_jan_2014.pdf

Named Person

If you need treatment under the Mental Health (Care and Treatment) (Scotland) Act 2003 you can choose someone to act in your interest. This person is called a Named Person and they can make important decisions about your care if you are unable to decide yourself. You can choose your own Named Person but not a professional involved in your care. If you don't choose, a carer or relative becomes your Named Person.

More information about Named Persons can be found at www.gov.scot/resource/doc/26350/0012825.pdf

Welfare Guardianship

Welfare Guardianship refers to a court appointed guardian who can make decisions on behalf of any adult who has been assessed as “lacking capacity”. This assessment is carried out by a doctor who has deemed that the adult is unable to make decisions about their own welfare. The Guardian is permitted to make decisions about various welfare issues, including where a person lives, as well as their personal and medical care. Welfare Guardianship differs from Power of Attorney in that the order is granted after the adult has been assessed as lacking capacity; the adult does not instruct the appointment of the Guardian. A Welfare Guardian can be a relative, friend, carer or even the local authority. The law that sets out the role and responsibilities of guardians is the Adults with Incapacity (Scotland) Act 2000.

What does mental capacity mean?

Mental capacity is the ability to make decisions for yourself about a particular matter. Having “capacity” means having the ability to understand and retain information relating to the decision, understanding the consequences of any choice you make, taking that information into account, and being able to communicate your wishes.

Other information

Key Information Summary (KIS)

A Key Information Summary can be completed in your GP electronic health record and contains relevant details your Anticipatory Care Plan. With your consent this can be shared with others who are involved in looking after you.

Information may be shared with the Scottish Ambulance Service, NHS 24, GP Out of Hours, accident and emergency departments and other healthcare professionals within the hospital setting who are involved in looking after you.

Making a will

Making a will is a way of making sure that people know your wishes and your family and friends are provided for in the way you want. A will makes it easier for your family and friends to settle your affairs.

If you would like more information about writing a will, the following website may be useful <http://dyingmatters.org/page/writing-will>

Organ donation

Many people consider organ donation as a way of helping others.

For more information you should contact Organ Donation Scotland:
www.organdonationscotland.org

Funeral planning

Some people choose to think about what sort of funeral they would like and write this down along with whether they would want a burial or a cremation.

For more information about dealing with death, dying and bereavement visit www.goodlifedeathgrief.org.uk

You can read and download this document from our website. We are happy to consider requests for other languages or formats. Please contact our Equality and Diversity Advisor on 0141 225 6999 or email contactpublicinvolvement.his@nhs.net

Edinburgh Office

Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

0131 623 4300

Glasgow Office

Delta House
50 West Nile Street
Glasgow
G1 2NP

0141 225 6999