



The Living Will

When you are ill, you can usually discuss treatment options with your doctor and then jointly reach a decision about your future care.

However, if you can't communicate or make decisions due to the fact you are unconscious or lack the mental capacity, doctors have a legal obligation to act in your best interests. This could happen in the case of a car accident, a stroke or if you are in need of palliative care for example.

A Living Will (also known as an Advance Directive or Advance Decision) means that you have made an advance decision regarding your future care. It is legally binding, and doctors are bound to follow your decision. For example, if you have been told you have a terminal illness you may choose to refuse certain types of treatment in the future.

This can give you and your loved ones peace of mind, knowing that your wishes will not be ignored if you are unable to communicate at the relevant time.

Can a Living Will be used to refuse treatment?

An adult with mental capacity can refuse treatment for any reason, even if this might lead to their death.

No one is able to insist that a particular medical treatment is given if it conflicts with medical opinion of what is in the patient's best interests. Therefore, a Living Will can only be taken to refuse treatment, rather than choose a particular course of action.

The Living Will must indicate exactly what type of treatment you wish to refuse, and give as much detail as necessary about the circumstances under which this refusal would apply.

A Living Will cannot be used to:

- Ask for anything illegal such as euthanasia or assistance to commit suicide
- Demand care that your healthcare team consider inappropriate
- Refuse the offer of food and drink by mouth
- Refuse appropriate pain relief, warmth or shelter (to maintain your comfort)
- Refuse basic nursing care such as washing, bathing and mouth care

Other considerations

You should consider creating a Health and Welfare Lasting Power of Attorney (LPA), in conjunction with a Living Will which would allow you to choose who should make decisions about your treatment if you are not able to do so yourself. If you have made a Living Will refusing treatment, and later create an LPA giving someone else the power to refuse medical treatment on your behalf, the Living Will becomes invalid. However a Living Will can contain more personal details than a Health & Welfare LPA will allow. It is important to choose the same people to be your voice in both documents in case of conflict.

A Living Will should be reviewed and re-signed regularly so that if you do lose capacity at some stage it still reflects your up-to-date wishes otherwise a healthcare professional may not consider it current enough to take your wishes on board.

Who to consult about a Living Will

It is always advisable to discuss your intentions with a medical professional such as your GP and your family and friends.

If you have a terminal illness, you may wish to speak to the doctor involved in your care. They can help you understand the consequences of your decisions and help you express your wishes clearly. They can also verify that you were competent at the time you prepared and signed the document.

Reviewing your Living Will

You will want to check your Living Will regularly to be sure it continues to reflect your views. New or improved medical treatments can become available and your personal circumstances might change.

How to cancel a Living Will

Although it is not necessary to put a cancellation in writing, it is advisable to do so. This will make sure that the relevant people are aware. You should destroy the original document or mark on it that it has been withdrawn.

Don't leave your choice of medical treatment to chance

Without a Living Will:

- You may not be able to convey your wishes to hospital staff verbally and so, any medical treatment you receive will be decided upon by the medical profession
- Your friends and relatives may not be fully aware of your wishes
- If you are an unmarried couple your partner is not your legal next of kin and may not be consulted by the medical profession on matters relating to you

