

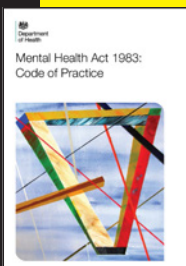


Department  
of Health

An easy read fact sheet

# Your decisions and wishes in advance

What you need to  
know about advance  
decisions and wishes  
and your rights.



## Know your rights

The Mental Health Act  
Code of Practice

# Your decisions and wishes in advance

## Key facts

- \* You can make sure people know what treatment you want when you become unwell by making an **Advance Decision**.
- \* You can also tell people what you would like in an **Advance Statement**.
- \* Advance Decisions and Advance Statements help other people know what you think will work best for you.

When you are not well sometimes it can be left to other people to make decisions about your life and your care.



# Advance Decisions and Advance Statements

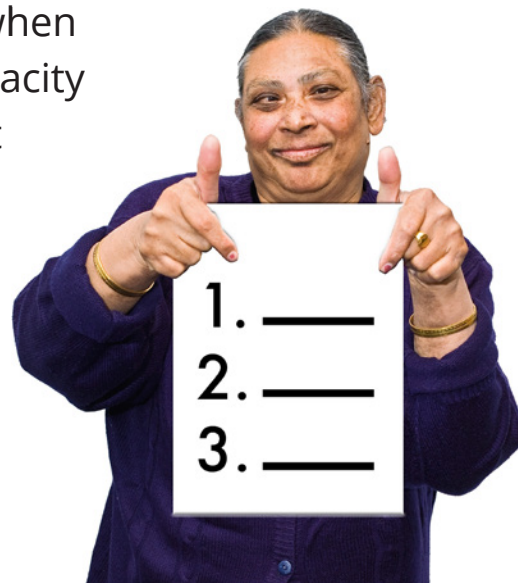
There are two ways to let the people treating you know what you think works best for you. These are called **Advance Decisions** and **Advance Statements**.

## Advance Decisions

If you have **capacity** you can make **legally binding** decisions about the treatment you do and don't want if you become unwell. These are called Advance Decisions.

### With Advance Decisions you can:

- Tell people about medical treatment you don't want to have when you become unwell
- Create a legally binding document when you have capacity (well and able to make decisions and give clear reasons for those decisions) to refuse specific medical treatment, for a time in the future when you may lack mental capacity to consent or refuse that treatment.
- Refuse treatment for a physical or mental disorder.





## What Advance Decisions cannot do:

- Give you the legal right to the treatment that you want
- Stop you from being detained in hospital under the Mental Health Act
- Stop certain treatment from being given to you if you are detained under the Mental Health Act.



It might be good to speak to your doctor or **Independent Mental Health Advocate** about this and to talk to a solicitor who is someone who will know all about the law.

# Advance Statements

With Advance Statements you can tell the people treating you what you would like to happen to you if you become unwell. Advance Statements of wishes and feelings are **not legally binding**.

## Advance Statements can:

- Let people know what helps you and what you do not want
- Lets people know about the support you need
- Help keep things going when you are unwell, like playing your bills for your home.



## Advance Statements cannot:

- Give you the legal right to the treatment that you want
- Stop you from being detained in hospital under the Mental Health Act
- Stop certain treatment from being given to you if you are detained under the Mental Health Act.



# If you are detained under the Mental Health Act

If you are detained under the Mental Health Act your Independent Mental Health Advocate can help you understand your rights.

## They can help you understand:

- The treatments and support you can get
- How to make your wishes and feelings clear to the people treating you
- How to make sure a record of your treatment is kept so it's easy to find when needed.







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## Where in the code?

**This easy read fact sheet comes from:**

- DH Mental Health Act 1983: Code of Practice, Chp 9 'Wishes in advance' pages 74–77

**Download the code:**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/396918/Code\\_of\\_Practice.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/396918/Code_of_Practice.pdf)

**Download the easy read fact sheets:**

[www.nhs.uk/easy-mentalhealthact](http://www.nhs.uk/easy-mentalhealthact)

**Download the easy read glossary:**

[www.nhs.uk/glossary](http://www.nhs.uk/glossary)

### More information:

**The Mental Capacity Act 2005**

[www.legislation.gov.uk/ukpga/2005/9/Contents](http://www.legislation.gov.uk/ukpga/2005/9/Contents)

**Rethink**

[www.rethink.org/living-with-mental-illness/rights-restrictions/advance-statements-planning-for-the-future](http://www.rethink.org/living-with-mental-illness/rights-restrictions/advance-statements-planning-for-the-future)