

Ref. No: 1956
Date: 1st August 2025
Subject: Policies on Advance Decisions and Lasting Power of Attorney

REQUEST

1. Do you have a policy (or policies) which outlines the responsibilities of health and care professionals and the Trust towards a patient who has an Advance Decision to Refuse Treatment (ADRT) or Lasting Power of Attorney (LPA) for Health and Welfare?

This document might include:

- how an ADRT/LPA should be used in decisions about a person's treatment,
- what to do if there are doubts about the validity and/or applicability of the document,
- how to involve Health and Welfare Attorneys when making treatment decisions
- how or when decisions will be referred to the Court of Protection

If yes, please share a copy with us in any available format.

2. In the event that a patient or family member, or someone using the Trust's services has a concern about the implementation of an Advance Decision to Refuse Treatment (ADRT) or a Lasting Power of Attorney (LPA) for Health and Welfare, does the Trust have a documented process or course of action that would be provided to the person to allow them to resolve their concerns?

If yes, please share a copy with us.

If this information is covered within a policy you have included in the response above, please leave blank.

3. Do you have a named individual who is responsible for overseeing the Trust's compliance with the Mental Capacity Act 2005?

If yes, please share their contact details.

RESPONSE

Please note - STHK & Southport and Ormskirk have merged to form MWL and the policies are currently being reviewed and harmonised.

- 1. Do you have a policy (or policies) which outlines the responsibilities of health and care professionals and the Trust towards a patient who has an Advance Decision to Refuse Treatment (ADRT) or Lasting Power of Attorney (LPA) for Health and Welfare?**

Current policies and Standard Operating Procedure embedded

- **Future Care Planning Policy (Legacy STHK)**
- **Treatment Decisions at the End of Life Policy (Legacy Southport & Ormskirk)**
- **Policy on Advanced Care Planning (Legacy Southport & Ormskirk)**
- **MCA and DoLS Policy (MWL)**
- **Future Care Planning Standard Operating Procedure (MWL)**

Please note that the legacy Trust Policies are currently being reviewed for the purpose of harmonisation

Please see attached

- 2. In the event that a patient or family member, or someone using the Trust's services has a concern about the implementation of an Advance Decision to Refuse Treatment (ADRT) or a Lasting Power of Attorney (LPA) for Health and Welfare, does the Trust have a documented process or course of action that would be provided to the person to allow them to resolve their concerns?**

If the concerns related to potential abuse towards an individual, then there would be consideration for a safeguarding referral as per the Safeguarding Adults Policy (Policy Attached)

Please see attached

If the concern related to the process and management then this would be managed by the Trust Complaints process (Policy attached)

Please see attached

- 3. Do you have a named individual who is responsible for overseeing the Trust's compliance with the Mental Capacity Act 2005?**

Compliance with the MCA is overseen by the Assistant Directors of Safeguarding:

Anne Monteith Anne.monteith@merseywestlancs.nhs.uk

Sharon Seton Sharon.seton@merseywestlancs.nhs.uk