

Sutton Housing Partnership Limited

Advance Directives (Living Wills) Policy

Company Registration Number: 05589014

OUR VISION

“By listening to and involving our residents and others, Sutton Housing Partnership will create and maintain **neighbourhoods where people feel at home**”



Advance Directives (Living Wills) Policy

Policy statement	<p>Sutton Housing Partnership aims to support all its service users to maximise their independence and right to make decisions in respect of their lives.</p> <p>This includes the legal right of all adult UK residents who have the mental capacity to do so, to making advance directives respect of their decisions relating to medical treatment.</p>
Objectives	<p>The objective of the policy is to ensure that Sutton Housing Partnership adopts a consistent, fair and transparent approach in the way it deals with treating service users who have made advance directives in the event of an emergency.</p> <p>It aims to clarify for residents, staff and other stakeholders, Sutton Housing Partnership's position in respect of advance directives (or Living Wills).</p>
Scope	<p>This document explains how Sutton Housing Partnership defines and responds to advance directives and their duty of care towards all service users.</p>
Definitions	<p>For the purpose of this policy, Advance Directives, otherwise known as 'Living Wills' are defined as decisions that an individual has made in advance, in respect of their wishes to not receive or refuse treatment in an emergency situation or in the event of serious illness.</p> <p>Examples of these decisions might be to refuse resuscitation or any particular form of life sustaining treatments, despite refusal, potentially leading to death.</p> <p>Life sustaining treatments are defined within the Mental Capacity Act 2005 as being those treatments which in the view of the person providing health care are necessary to sustain life, and can include fluids to ensure hydration, food, pharmaceutical treatments and resuscitation.</p>
Legal Context	<p>For an Advance Directive to be legally valid, this directive must have been made whilst the individual was mentally competent to make the decision, and over 18 years of age. This means that the individual must have been able to understand, retain and consider all the options potentially available, and be able to communicate these.</p>

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	<p>The Mental Capacity Act 2005 which came into force in 2007, enables people who are mentally competent to make legally binding decisions in certain circumstances, to refuse life sustaining treatments.</p> <p>The legal requirements for a decision to refuse life sustaining treatments to be legally binding are that:</p> <ul style="list-style-type: none"> • the decision must be in writing (it may be written by a third party if the individual is unable to write it themselves) • this written document must be signed by the individual or by their representative if they are unable to sign it themselves • the signing of the document must be witnessed by an independent witness, and this witness must also sign the document in the presence of the individual who has made the advance directive • the directive must identify that the individual is refusing specific or all life sustaining treatments (as appropriate) <p>Advance Directives which have been made, which meet the above criteria are legally binding providing that:</p> <ul style="list-style-type: none"> • the doctor or health professional is aware that such an advance directive exists; <i>and</i> • the doctor or health professional believes that the individual has not altered their decision since the directive was made <i>and</i> • the doctor or health professional is confident that circumstances have not altered since the advance directive was made that might affect the individual's decision
<p>SHP's duties and Responsibilities in the event of knowledge of an individual having made an advance directive</p>	<p>Where SHP staff are aware that an individual has made an advance directive, they will record this within the relevant files (support plans etc.). Staff will at the point of review of information in relation to the individual (e.g. support plan review), verify whether the directive remains active.</p> <p>In the event of an emergency situation or serious illness, staff have a duty of care to seek medical attention for the individual, but will, where this is known, make the practitioner aware of the advance directive.</p> <p>It will be the responsibility of the medical practitioner to</p>

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	make the decision to uphold the advance directive or otherwise treat the individual.
Equality and Diversity	<p>This policy and associated procedures will apply to all.</p> <p>SHP is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, class, financial status and any other difference that can lead to discrimination or unfair treatment.</p>
Related Documents	<p>The following documents are available to support this Policy:</p> <ul style="list-style-type: none">• Advance Statements, Advance Directives and Living Wills (October 2007) Age Concern Ref IS5• Mental Capacity Act 2005• First Aid and Dealing with Emergency Situations Policy