

Reference:	FOI.17948.25
Subject:	Policies on Advance Decisions and Lasting Power of Attorney
Date of Request:	30 July 2025

Requested:

1. Do you have a policy (or policies) which outlines the responsibilities of health and care professionals and the Trust/Health Board 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/Health Board'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/Health Board 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/Health Board's compliance with the Mental Capacity Act 2005?

If yes, please share their contact details.

Response:

1. Hywel Dda University Health Board (UHB) confirms it does have a number of policies which outline the responsibilities of Health and Care Professionals and the UHB towards anyone who has an Advance Decision to Refuse Treatment (ADRT) or Lasting Power of Attorney (LPA) for Health and Welfare in place. Copies of the policies detailed below can be found at Attachments 1-4:

- Policy Ref 419 - Advance Decisions to Refuse Treatment Policy – Attachment 1
- Policy Ref 163 - Deprivation of Liberty Safeguards Policy – Attachment 2
- Guideline Ref 811 - Mental Capacity Act (2005) Practice Guideline – Attachment 3

- Policy Ref 894 - 'Putting Things Right' Management and Resolution of Concerns Policy (Incidents, Complaints and Claims) – Attachment 4

2. The UHB confirms the process of implementing an ADRT or the exercising of an LPA's powers to consent on behalf of a person are deemed as matters of the law and are outlined in the Mental Capacity Act 2005 (MCA) and the Mental Capacity Act Code of Practice 2007. These are detailed within the relevant UHB policies provided in response to question 1.

Additionally, where a person is unhappy with the implementation of either an ADRT or the powers of an attorney with an LPA, this would be dealt in accordance with the UHB policy, 894 - Putting Things Right' Management and Resolution of Concerns Policy (Incidents, Complaints and Claims). Furthermore, the Consent and Mental Capacity Team may also be asked to provide advice and support as and when required, where any incidents or complaints are received which relate to consent or MCA concerns.

3. The UHB confirms it does not have an individual who is responsible for overseeing the UHB's compliance with the MCA. However, the UHB does have a Committee which supports the implementation of the MCA and Consent, chaired by the UHB's Deputy Chief Operating Officer. There is also a small team of Consent and MCA Practitioners who provide training and practical support to clinical colleagues for such matters.