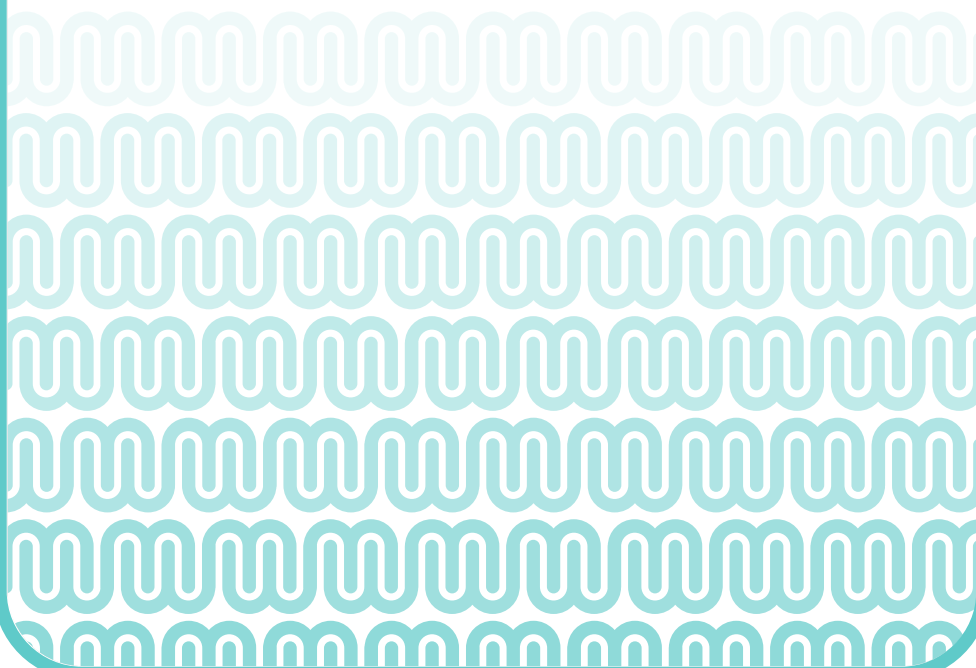




mental welfare
commission for scotland

Easy read

Advance statements





What is an advance statement?

Sometimes when people are unwell they find it difficult to tell their doctor what they want to help them get better.



An advance statement has information you decide about when you are well. You can say what treatment you do and do not want if you get unwell again.



It is important that you understand what you have written in your advance statement.



The Mental Health Act says that people treating you must pay attention to your advance statement when they make decisions about your treatment.



Staff should ask if you have an advance statement and check if there is one in your medical notes.

It must be easy to find in your notes.



Why should I bother with an advance statement?

An advance statement is a way of protecting your rights.



It helps to make sure staff caring for you think about your treatment and what you want to happen.

It does not mean these things will definitely happen but staff will try and do what you want.



More about an advance statement

To make an advance statement you must:

- understand what you have written;
- sign it yourself. It must be dated;
- get a witness to say you understand what you have written.



The witness must be a:

- medical doctor
- clinical psychologist
- occupational therapist
- manager of a care service
- registered nurse
- social worker
- or solicitor.



What should your witness talk about with you?

Your witness should talk about your wishes with you and why you have made the decisions.

They will make sure you understand what is in your statement.



It might also help to talk about your advance statement with your care team.

They may make suggestions for you to think about.



You decide what goes into your advance statement.

Your witness does not have to agree with what your advance statement says.

They are only signing to say you understand what is in it.



What can be in an advance statement?

- if you want to be treated in hospital or in the community.
- which medications or treatments you do or do not want to have and why.
- which other therapies you do or do not want to have and why.

It is a good idea to give reasons for what you want.

A suggested template is on our website.



You should give a copy of your advance statement to your doctor or consultant so that it can be put in your medical notes.



The health board must tell the Mental Welfare Commission that they have your advance statement and where it is.



The Commission keeps a list so that doctors can check if you have an advance statement.



You can also give a copy to your carer or family member, mental health officer or solicitor.

Check your advance statement every year in case your views change.



Keep a list of who has a copy of your advance statement.

If you change your statement you must send them a copy.

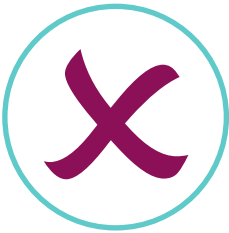


If you decide you do not want to have an advance statement anymore, or you want to change your statement, you must do it in writing.



It must be signed by a witness.

They must agree you understand why you are doing this



Your advance statement should not include:

- treatments that are not available on the NHS.
- preferences such as single rooms or particular wards.

These can be included in a personal statement.



What is a personal statement?

A personal statement is a way of recording any other information that will help staff care for you.



This can be things like:

- who to contact if you become ill;
- who you would like information shared with;
- arrangements for looking after your home or pets;
- family circumstances;
- information about your physical health, and dietary needs;
- spiritual needs.



The Mental Health Act says staff should think about your wishes when they make decisions about your care.



As your personal statement has your wishes in it, staff should pay attention to it.

Your personal statement does not need to be witnessed but you should sign it and it should be dated.



Can I be given treatment my advance statement says I do not want?

Sometimes the doctor treating you will not agree with something you have written in your advance statement.



That is because they do not think it is the right thing to do. Sometimes this is called an advance statement override.

If this happens the doctor must write down why they decided this.



They must tell you and the Mental Welfare Commission about this.

If you have a named person or someone who helps you like an attorney or welfare guardian they need to be told as well.



The doctor must send you and these other people a copy of their reason for not doing what your advance statement says. A copy must be put in your medical notes.



It is best if the doctor writes you a letter to tell you about their decision.



The Mental Welfare Commission will look at the doctor's decision and decide if it is right.

If they do not think it is a good explanation they will ask for more information.

If the Mental Welfare Commission think it was not the right decision they might get in touch with you to say what they will do about it and look more closely at what has happened.



Can anyone apart from my own doctor make a decision that is against my advance statement?

Sometimes a Mental Health Tribunal needs to make a decision that is against your advance statement.



An example is if the advance statement says the person does not want to go to hospital, but the Tribunal says they need to go to hospital under the Mental Health Act.



Another person who might need to make a decision against your advance statement is a second opinion doctor under the Mental Health Act.

These doctors are called designated medical practitioners (DMPs).



If the Tribunal or a DMP makes a decision against your advance statement, they need to tell you and all the same people in the last section.

The Mental Welfare Commission will look at the decision and decide if it is right.



What does the Mental Welfare Commission do?

It is the Mental Welfare Commission's job to make sure that the law is used properly to look after people.

We make sure people's rights are protected.

The Commission is independent.

This means it does not work for another organisation.



We give advice to the Scottish Parliament about making things better for people with mental health problems, learning disabilities, dementia and other related conditions.



We visit people in hospitals, care homes and at home to make sure their rights are being respected and they are getting proper care and treatment.



If we think someone is not getting the right care and treatment we can look into it. Most of the time we do this by talking or writing to people.



Sometimes if things have gone badly wrong we look into it to make sure things change and to stop it happening again.



We use what we learn to help services and government policies to change and be better.



We give advice on the laws that affect people with mental health problems, learning disabilities, dementia and other related conditions.



We check how services use the laws.

We tell people what is working well.

We have guidance to help professionals, people who use services, families and carers.



Get in touch with us

You can talk to us confidentially.

This means we will not tell anyone what you have said:

- unless we are worried about your safety or the safety of other people.
- unless we have asked you.



Call Freephone:

0800 389 6809

email:

mwc.enquiries@nhs.scot



Write to:

Mental Welfare Commission
for Scotland,
Thistle House,
91 Haymarket Terrace,
Edinburgh EH12 5HE



Do you use British Sign
Language?

You can use the
ContactScotland online
interpreting service.



You can find out more
about the Mental Welfare
Commission and our work at:
www.mwcscot.org.uk