

PLANNING FOR FUTURE CARE NEEDS

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KEY POINTS

- Planning for future health needs is vital, even if you are not currently ill.
- It is important to discuss your priorities for future care and treatment thoroughly with people close to you, as well as with your medical team and carer(s).
- Your GP can set up a KIS (Key Information Summary) if you ask them to. This is a file on your medical records which highlights what important treatment requests you have made.
- Through a solicitor, you can arrange legal documents to ensure your wishes are considered in future health crises. This includes Advance Directives, Powers of Attorney, and Wills.

This factsheet is designed for anyone who wants to ensure that their health care choices are considered in the future, especially people who have experienced health issues.

It explains how you can discuss your health care choices with the people around you, how you can legally ensure that your care is suited to your preferences even if you are unable to communicate, and how to develop an Advanced Care Plan.

Why do I need to plan ahead?

Your health can be unpredictable, and we do not always know what tomorrow brings. It is important to be prepared for sudden changes in your health, especially if you are at higher risk of a heart attack, stroke, or other health crisis. Even if your health is good right now, it is best to be ready for any healthcare needs that might affect you unexpectedly.

Some health crises may make it difficult for you to express your wishes after they happen, either because of changes in how you communicate, or changes to how you think and what you can understand. This means it is very useful to give the people around you an idea of what your priorities and wishes are in advance. You can always change them later!

For example, you might want to consider:

- Who would you like to make decisions for you, if you are unable to make decisions yourself?
- Who would you like to be involved in your care, added to any visitor lists, etc.? Which family and/or friends do you want around you in a health crisis?
- What is important to you in your care? Is it more important to you to be in your own home, or to be cared for by professionals? Is it important to you to have a carer of a specific gender?
- What parts of your life are most important for you to get back to? Where would you like your care and recovery to focus? (For example: getting back to socialising, a hobby you enjoy, exercise, independence, or living in your own home)
- Are there types of care or treatment that you know you would prefer to avoid? For example: some people are opposed to blood transfusions or organ transplants.
- In the case of a severe health crisis, would you want to be kept alive on life support?
- What are your wishes around your death? Your funeral, the disposal of your body, and how your inheritance will be handled are all important things to prepare for.

Advanced Care Planning

Advanced Care Planning means having conversations which outline your priorities, plans, and expectations for care in the event of a serious health event. Advanced care plans are **not legally binding**, but provide a starting point for the people around you to understand your needs and the best way to look after you.

These discussions are not formal. You should aim to have these conversations with anyone who you think might be involved in your future care - friends, family, health and care professionals, and people you are involved with in the community.

If you are placed in residential or long-term care, an advanced care planning discussion should take place early in the process. If not, ask your care team or health team to help you arrange one.

It is important to write down the outcomes of these discussions, and to keep them in one easy-to-access place. These are called **advance statements**, and should outline what you consider important in your future care.

We advise asking one or more specific people in your life to take responsibility for bringing these documents to health and care staff if you are unable to do so yourself. Make sure that this person is aware of where the documents are and able to get to them. Let them know if you have moved the documents, or if anything has drastically changed.

You should also **speak to your GP** about setting up a **Key Information Summary (KIS)**. This is a file on your medical records which can be updated at any time, and which will include any key information about your future medical care wishes, especially for emergency care. Because these files can be shared throughout the NHS, they are very important to ensure you get proper care as quickly as possible.

There are also some legally binding documents which may form part of your advanced care plan. These are discussed on the next page.

Organ donation

In Scotland, certain organ and tissue donations are considered to be subject to "opt-out consent". This means that by default, if you die and have healthy organs which could be used to treat other patients, these organs may be used for transplant. If you are uncomfortable with this, you have to specifically revoke your consent through the organ donation registry (www.organdonation.scot).

To set up any of the following legal documents, speak to a qualified solicitor and ask for an appointment to draft the documents.

You may qualify for legal aid to help with the costs of a solicitor to write up these documents. To find out more, go to: www.mygov.scot/legal-aid

It is vital that you **make sure your health and care team are aware** of the existence of any of these documents, as well as of other advanced care planning documents.

Legal documentation

Advance Directives

An Advance Directive is a document which lays out any specific wishes you have about end-of-life care. This document should be decided, written out, and signed by you.

An Advance Directive is designed to communicate any treatments that you do not want to have. This includes life-saving or life-extending treatments with severe side effects.

Wills

It is always a good idea to have a will in place, even if you do not have any health issues. A will makes sure that there is a framework for how your property is managed if you die suddenly, but there are many other advantages. Recording your wishes in advance can also give your friends, family, and loved ones an idea of how to handle:

- Who will be responsible for managing your estate.
- Funeral arrangements and management of your remains (whether you would like to be buried, cremated, etc.)
- Guardianship or custody of any children or dependents who you are responsible for.
- Who will look after your pets, if you have any.
- Donations to charitable causes.

If you die intestate (without a will), then there is a general arrangement for how your estate will be managed, but you have no control over this arrangement and it may not be the way you want things arranged. Setting up a will through a qualified attorney is one of the most helpful things you can do to make things simpler in the event of a health crisis, and to save your loved ones stress and conflict.

Power of Attorney

“Power of attorney” refers to giving someone (or multiple people) the legal power to manage your affairs if you are no longer able to do so. You have to have the legal capacity to manage your own affairs in order to give someone power of attorney. All powers of attorney have to be registered with the Office of the Public Guardian.

Being an attorney in this sense carries a complicated set of responsibilities. It is important that both you and anyone you give power of attorney understand these responsibilities fully. You should make sure you fully trust the person you make your attorney, and you should never appoint an attorney because they are personally pressuring you to do so.

A power of attorney document can be drafted by most solicitors in Scotland. It needs to include:

- Who you are appointing to be your attorney or attorneys (you can nominate multiple people to share the responsibility)
- Which powers your attorney will have - continuing (financial) powers over your estate, welfare powers over your care and treatment, or other powers.
- When the attorneyship comes into effect, and how this will be determined.
- A section to say that the PoA will remain in place until you recall/withdraw it in writing or until your death.

In order to sign the power of attorney into effect and register it with the Office of the Public Guardian, you will need to attach a certificate of capacity. This means you need to be assessed either by a qualified medical doctor or by a qualified solicitor, who will make sure that you are able to meaningfully consent to the power of attorney.

There are three main types of power of attorney: continuing, welfare, and combined.

Continuing PoA

Continuing power of attorney covers finance and property. This can either take immediate effect, or have a provision that says it will take effect if you are incapable of managing your own affairs.

Welfare PoA

Welfare power of attorney only comes into effect if you are incapable of making your own decisions about your care. It gives your attorney the power to make decisions on your health and social care.

Combined PoA

A combined power of attorney includes both the combined and welfare power of attorney.

For more information, or to register your power of attorney, visit the Office of the Public Guardian: www.publicguardian-scotland.gov.uk

Discussing the future with friends and family

It is important to involve your loved ones in planning your future care needs, since they are likely to be your best chance of having your wishes heard when you are unable to communicate them. However, it can be difficult to discuss serious topics like illness, aging, and death with loved ones. These are heavy conversations, but there are ways to make them easier to manage. For example:

Prepare in advance. It can be useful to know exactly which points you need to cover, what you need out of the conversation, and any questions you need to clarify. It is also important, if possible, to let the other person know what to expect.

Take breaks and don't rush. When having difficult conversations, it is important to give yourself space. Split the conversation over several occasions, if necessary.

Be honest about your feelings. While it is important to stay as calm as possible, it is also important to be open about your own fears, hopes, and needs, as well as listening to other people and encouraging them to be honest with you.

Focus on the facts. Feelings are important, but it is often easiest to have difficult conversations if you build them around the known facts - why you want to have this conversation, what support and help is available, and what you want to do.

Remember - planning for the worst doesn't mean expecting the worst! Talking about the bad things that might happen does not make them more likely. It just makes the possibility more manageable, and takes off some of the stress of health problems.

Support with planning your care

For help with your advanced care planning:

- Speak to **your GP**, and ask for their advice on discussing your possible future care needs.
- If you are already accessing care services, or in a residential care home, speak to **the person leading your care team** about any concerns and priorities you may have.
- Discuss with **your close friends and immediate family** what concerns you have about future care, and invite them to do the same for you.
- Contact a **solicitor** to begin drafting your will.
- Explore the information and guidance on death and dying available through www.goodlifedeathgrief.org.uk
- Contact your local **Citizens Advice Bureau** (www.citizensadvice.org.uk/scotland) for advice and support on the legal aspects of planning.
- Explore the **NHS Inform** information on anticipatory care planning - www.nhsinform.scot/care-support-and-rights/decisions-about-care/anticipatory-care-planning-acp

You can also get personal support, information, and advice by calling our Advice Line on **0808 801 0899** or texting **NURSE** to **66777**.

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You can also go to our website for information, advice and support: www.chss.org.uk

Find a range of easy-to-read booklets and factsheets at our resources hub:

www.chss.org.uk/resources-hub

Chest Heart & Stroke Scotland

2nd Floor, Hobart House
80 Hanover Street
Edinburgh EH2 1EL
Tel: 0131 225 6963

Scottish Charity Number: SC018761
Limited company number: SC129114

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