

Dear xxx

Freedom of Information request: Policies on Advance Decisions and Lasting Power of Attorney (CORP 25/26 – 102)

Thank you for your request for information which the Trust received on 30th July 2025.

Your Request:

- 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.*

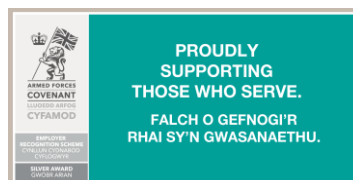
Please find the Trust's response below:

- 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,**

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- **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.**

The Trust uses the All Wales Consent Policy which has a whole section (8) on ADRT and there are appendices in relation to obtaining legal advice and Court of Protection:
<https://velindre.nhs.wales/policies/quality-and-safety/qs17-all-wales-policy-for-consent-to-examination-or-treatment/>

We also have an LPA information sheet which can be found in Appendix 1 below.

- 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.

Our complaints process and documentation can be found on our website:
<https://velindre.nhs.wales/raising-concerns-and-complaints/>

- 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.

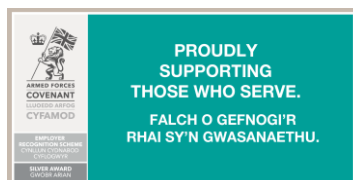
Nicola Williams, Executive Director of Nursing, AHP's & Healthcare Scientists, is Executive Lead for Safeguarding for the Trust, which includes the Mental Capacity Act.

I trust this answers your request for information, however, should you not be satisfied with the information supplied or the process of supplying it, you have a right to complain and request a review. Please note that you must submit a request for a review within 40 days of the date of this letter.

You should forward your complaint to:

Mr Ian Bevan via FOI.VUNHST@wales.nhs.uk
Head of Information Governance
Velindre University NHS Trust
2, Charnwood Court
Heol Billingsley
Parc Nantgarw
Cardiff CF15 7QZ

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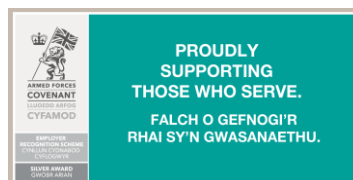
Should you wish to take your complaint further, if you are still unhappy with the decision after review, you can contact the:

Information Commissioner's Office - Wales
2nd Floor
Churchill House
Churchill Way
Cardiff CF10 2HH
Telephone: 0330 414 6421
email: wales@ico.org.uk

Yours sincerely

Non Gwilym
Interim Director of Corporate Governance
Velindre University NHS Trust
2 Charnwood Court
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Appendix 1

LASTING POWER OF ATTORNEY INFORMATION

Introduction

Dementia, Parkinson's disease, or a stroke can cause making your own decisions regarding finances or health and welfare, virtually impossible. • If you lose mental capacity without an LPA, it can cost your family time and thousands of pounds to be given permission to handle your property and financial affairs. • Without an LPA, any joint bank accounts you hold with your partner could become severely restricted. • This can be devastating, especially if the joint owner has their income or pension paid into this account, or they use it to pay critical bills such as a mortgage or utility costs.

What is a lasting power of attorney (LPA)?

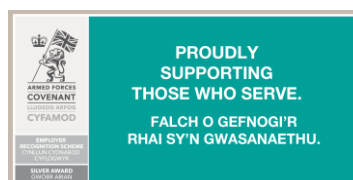
A lasting power of attorney (LPA) is a legal document which allows individuals to give people they trust the authority to manage their affairs if they lack capacity to make certain decisions for themselves in the future. To set up an LPA a person must be 18 or over, and have the mental capacity to decide to do so.

The people you appoint to manage your affairs are called the attorneys. A lasting power of attorney is a completely separate legal document to your will although many people put them in place at the same time as getting their will written, as part of planning for the future.

What does a lasting power of attorney cover?

There are two types of LPA.

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A **health and care LPA** lets your attorney make decisions about your medical treatment and day-to-day care. This can include where you live, what you eat, what medical treatment you receive and who you see.

A **financial decisions LPA** lets your attorney handle (and make decisions about) your money and property. This can include paying your bills, selling your property, collecting your pension and collecting your benefits.

How much does a lasting power of attorney cost? EXAMPLE

A lasting power of attorney costs from £120 including VAT. Mirror lasting power of attorney start from £240 for two people. These prices are for a digital LPA service.

Fully advised LPAs start from £354.

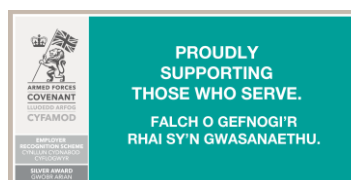
How does an LPA work?

If you ever become unable to express your wishes, an LPA enables someone to step in and make decisions for you about your health and care or your finances. These important decisions will be made by someone you choose and trust, and you can choose the right type of LPA for your circumstances.

Without an LPA, if you need someone to step in and manage your finances in the future, their only option will be to apply for a deputyship order through the court. This can be a costly, complex and lengthy process. If you have an LPA, it can take effect as soon as it's needed, meaning your chosen attorney can step in straight away.

Once your LPA is in place, you can have peace of mind that someone you trust can look after your affairs if you're ever unable to yourself, because of an illness or accident.

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Your LPA can include instructions for your attorney, as well as your general preferences, to help them make the right choices for you. Your LPA should reflect your wishes so you know that the things that matter most would be taken care of.

When should an LPA be put in place?

You can only put an LPA in place whilst you are capable of understanding the nature and effect of the document. If you wait until it's needed, it will be too late for you to put an LPA in place.

Who needs a lasting power of attorney?

An accident or illness can strike anyone at any age, often without warning. For this reason, an LPA is an important legal document for anyone to put in place.

If you lose capacity to make decisions and you don't have an LPA, no one has the legal authority to manage your finances for you or make decisions about your healthcare. If you wish to retain control over the decisions that are made on your behalf and give this authority to someone you trust, you should consider making an LPA.

Without an LPA, someone you might not have chosen could be appointed by the court to manage your affairs for you, under a deputyship order.

If you want peace of mind that a particular person will have the legal authority to look after your affairs, without them needing to go through the costly and complicated process of making a deputyship order, consider making an LPA.

SG/November 2024

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