

COMPASSION

IN DYING

SUPPORTING YOUR CHOICES
AT THE END OF LIFE

FACTSHEET – Setting your wishes out in writing in Scotland (Advance Directives)

This is a quick guide to Scottish law and setting out your wishes in writing. Contact Compassion in Dying for more information.

INFORMATION LINE: **0800 999 2434**

How do I set my wishes out in writing?

An **Advance Directive** is a document that contains your wishes for future treatment. You can use it to tell doctors what you would want if you lost the ability to make or communicate decisions - for example, if you had severe dementia or were in a coma.

Advance Directive is a Scottish term, but these documents are also called **Advance Decisions** or **living wills** in other parts of the UK.

This factsheet uses the term Advance Directive at all times, unless it refers specifically to the form which Compassion in Dying provides. This is called an **Advance Decision**.

It is a good idea to make an Advance Directive because:

1. It helps you to think about what treatment you would want if you couldn't make or communicate your own decisions.
2. It can help you to talk to your loved ones about what you would want, so they know your wishes.
3. Your doctor will keep your Advance Directive with your notes, so other doctors will know how you want to be treated.

Are Advance Directives legally binding?

Advance Directives are binding under **common law** in Scotland but they don't have **statutory force**.

Judges in the past have ruled that an Advance Directive should be followed, however there is no law that makes them legally binding. This means that doctors should follow your Advance Directive if they can, but they do not have to.

If you want to make sure that your wishes are legally binding, you might want to consider making a **Welfare Power of Attorney**.

See **FACTSHEET – Giving someone the power to make decisions for you (Welfare Powers of Attorney)** for more information.

How do I make an Advance Directive?

1. Compassion in Dying provides free Advance Decision forms that can be used in Scotland. You don't need a solicitor to fill it in.

See **FACTSHEET – Helpful questions for making an Advance Decision** for help asking yourself what you would want.

2. Speak to your loved ones about your Advance Directive so that they know what your wishes are.

See **Quiz – How well do you know my wishes?** to check how well your loved ones have understood what you want.

3. Speak to your doctor about your Advance Directive. They will be able to talk to you about which treatments you should include.
4. Fill in your Advance Directive. Then sign and date it, and have your signature witnessed.

How will people know that I have made an Advance Directive?

It is important that the people close to you and the medical staff who provide your care know that you have made an Advance Directive. The following steps can help you to do this:

1. Ask your doctor to keep a copy of your Advance Directive with your notes.
2. Carry the 'Notice of Advance Decision' card (which comes with the Compassion in Dying Advance Decision) in your wallet or keep a copy of your Advance Directive on your person.
3. Give a copy of your Advance Directive to someone you know could be contacted in an emergency. There is space to put their telephone number on the 'Notice of Advance Decision' card.
4. Give a copy of your Advance Directive to everyone else who is regularly involved in your care. E.g., a consultant, health visitor or local hospital.
5. Keep a copy of your Advance Directive yourself and make sure other people know where it is. If you have made photocopies of your Advance Directive, make sure you keep the original.
6. Some areas of Scotland use **Palliative Care Summaries** or ePCS. If you have an ePCS you can ask the doctor to record your Advance Directive on it.
7. **Optional:** Record your Advance Directive with a medical identification organisation such as **MedicAlert**.

Palliative Care Summaries (ePCS)

Web: www.scotland.gov.uk

MedicAlert

Tel: 0800 581 420

Web: www.medicalert.org.uk

How can we help?

- We can send you a free **Advance Decision** form and help you to fill it in
- We can give you information about **Welfare Powers of Attorney**

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