



Advance Care Planning Factsheet

What is Advance Care Planning?

Advance Care Planning gives you peace of mind – knowing that the people you rely on understand what is important to you if you were too unwell to make your own decisions about your healthcare. It can relieve your loved ones from the burden of having to make decisions without knowing your wishes.

This could happen if you had an accident, a condition like dementia or a stroke and became too ill to communicate. Advance Care Planning is for everyone, but particularly for people with progressive or life-limiting conditions. Having early and repeated conversations about end of life care with your family, friends and doctor is useful. It does not necessarily mean that you will die soon.

What are the benefits of advance care planning?

- Your wishes will be known if future decisions about your healthcare need to be made by others.
- Helps you to talk about sensitive issues with people you rely on.
- Assists in relieving emotional distress of the people you love when having to make important decisions on your behalf.
- Reduces confusion or conflict at a time when making difficult decisions.

What does advance care planning involve?

- ✓ Talking to the people you rely on about what is important to you.



- ✓ Having open discussions with your treating doctor and your healthcare team about your possible health needs.
- ✓ Identifying your *Person Responsible*, also known as your *Substitute Decision-Maker*.
- ✓ Including your *Person Responsible* in discussions about your healthcare.
- ✓ Considering writing your values and wishes in a document as during times of stress it may be hard for your *Person Responsible* to recall your wishes. These documents can be changed at any time.
- ✓ Continuing these discussions and update your document as your wishes or situation changes.

Who is my Person Responsible?

In NSW the treating doctor will decide your *Person Responsible* according to the following hierarchy, from the NSW Guardianship Act:

- 1 An Enduring Guardian (a person legally appointed by you) or a guardian appointed by the NSW Guardianship Tribunal.
- 2 Your spouse or de facto partner with whom you have a close ongoing relationship.
- 3 Your carer. This is a person who provides ongoing, regular care (not a care worker or volunteer).
- 4 A close friend or relative (with whom you have an ongoing relationship).

If you have any doubts or want to change this order, you should legally appoint the person/s you prefer as your Enduring Guardian (the first person in the hierarchy).

There are 2 types of documentation that you could consider:

Both these documents may include the following:

- Identification of your Enduring Guardian (if formally appointed) or *Person Responsible* so they can make decisions on your behalf.
- Directions about healthcare in the event of a life-threatening illness or accident.
- A record of your wishes, including cultural, spiritual and social needs that are important to you.
- Any combination of the above.

Advance Care Directive (ACD)

This is a document **written by you** and is recognised by common law in NSW so **is legally binding**. It is also known as a “living will”. It is used for future healthcare decision-making if you are unable to communicate your own decisions.

There are many Advance Care Directive forms available, all of which are acceptable as legal documents, however, Sydney Local Health District (SLHD) recommends you consider using the SLHD Advance Care Directive form available from your GP or on the *My Wishes* website www.slhd.nsw.gov.au/myWishes

Advance Care Plan (ACP)

This is a document **written for you or with you** about your values and preferences for healthcare. It could be written as a letter or a plan, however, SLHD recommends you consider using the SLHD Advance Care Plan available from your GP or on the *My Wishes* website www.slhd.nsw.gov.au/myWishes

It is written from your perspective and used **as a guide** for future healthcare decision-making if you are unable to communicate your own decisions. This type of document is not legally binding.

Legal Considerations:

It is highly recommended that you include your treating doctor in your planning discussions.

Your treating doctor is not obliged to provide non beneficial treatments. Healthcare professionals may assist in guiding decisions according to the medical situation at the time.

An Advance Care Directive is the preferred document by healthcare professionals. If you decide to write an Advance Care Directive the following four things are necessary for it to be legally valid and enforceable:

- 1** You had capacity when you wrote it.
Capacity means that you understand the facts and choices involved, can weigh up the consequences and communicate your decision. This assessment is usually best made by your doctor and we recommend you discuss this with them further.
- 2** It was made voluntarily (a witness to your signature is recommended).
- 3** It has clear and specific details about treatments that you would accept or refuse.
- 4** It is current and applicable to the situation.

Where should you keep it?

Make sure you keep the original documentation and give copies to:

- Your treating Doctor.
- Your Person Responsible.
- The hospital where you receive most of your healthcare.

Further information:

- Sydney Local Health District (SLHD) My Wishes website www.slhd.nsw.gov.au/myWishes
- NSW Ministry of Health: 1300 887 529 or online at www.planningaheadtools.com.au
- Advance Care Planning Australia: <http://advancecareplanning.org.au>
- Enduring Guardian 1300 00 228, or 02 955 7634 or online www.ncat.nsw.gov.au/Pages/guardianship/publications_resources/gd_fact_sheets.aspx
- For translation fact sheets about Enduring Guardian <http://planningaheadtools.com.au/planning-ahead-publications>
- For translation fact sheets about Advance Care Planning: SLHD My Wishes website www.slhd.nsw.gov.au/myWishes