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Bwrdd Iechyd Prifysgol
Cwm Taf Morgannwg
University Health Board



Freedom of Information Request: Our Reference CTMUHB_352_25

You asked:

Compassion in Dying is a national charity. To ensure that we provide the right information to the people we support and to inform our policy work I am writing to kindly request the information below under the Freedom of Information Act 2000.

For context, we support people to make informed decisions, start honest conversations about death and dying with loved ones, and record and revisit their wishes whenever they want to. We also support healthcare professionals to discuss, record and implement advance care plans with a particular focus on Advance Decisions to Refuse Treatment, Advance Statements and Lasting Powers of Attorney for Health and Welfare.

We receive over 4,000 contacts to our free nurse-led information line each year and are committed not just to supporting individuals to consider and record their treatment wishes, but to ensuring those wishes are known and respected when it matters most. The people we support consistently experience two particular challenges in hospital settings:

- 1) Advance Decisions to Refuse Treatment not being followed
- 2) Health and Welfare Attorneys being excluded from the decision-making process when someone lacks capacity

These experiences, which we hear through our nurse-led information service, are also reflected in a recent Court of Protection case (AB, Re (ADRT: Validity and Applicability) [2025] EWCOP 20 (T3) (10 June 2025) which examined how Advance Decisions to Refuse Treatment should be acted upon by NHS Trusts.

Link to judgment:
<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcaselaw.nationalarchives.gov.uk%2Ffewcop%2Ft3%2F2025%2F20&data=05%7C02%7CCTM.FreedomOfInformation%40wales.nhs.uk%7C9cd87b5fce5348833bf308ddcf6c8a51%7Cbb5628b8e3284082a856433c9edc8fae%7C0%7C0%7C638894788033230895%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIIYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMtIsIkFOIjoITWFpbCIIsIldUIjoyfQ%3D%3D%7C40000%7C%7C%7C&sdata=snjFzkfLz1QwGzTxg0SdBnhiuxEs2P%2FCs994nWSzsv4%3D&reserved=0>

Questions:

- 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**

The Health Board does not currently have a standalone policy specifically for Advance Decisions to Refuse Treatment (ADRT) or Health and Welfare Lasting Powers of Attorney (LPA). However, both are embedded within the wider Advance Care Planning training and support delivered by the Future Care Planning team and are underpinned by the Mental Capacity Act 2005 and its Code of Practice (notably Chapters 7 and 9).

We also draw upon the following national guidance:

NICE NG142: End of Life Care for Adults – recommends recording and reviewing ADRTs as part of high-quality care

<https://www.nice.org.uk/guidance/ng142>

Office of the Public Guardian (OPG) – provides detailed guidance on LPAs

<https://www.gov.uk/power-of-attorney>

NHS Wales Advance and Future Care Planning Strategy and Resources – includes tools and guidance for practitioners across Wales

<https://performanceandimprovement.nhs.wales/functions/networks-and-planning/peolc/professionals/advance-and-future-care-plans/>

The Wales ADRT Guidance Notes, available via NHS Wales PEoLC Network, also support safe and consistent completion of ADRTs in clinical settings:

<https://performanceandimprovement.nhs.wales/functions/networks-and-planning/peolc/documents/wales-adrt-guidance-notes-pdf/>

The health board do not currently have a policy for the Court of Protection. However, we are in the process of writing one. Once the policy has been drafted it will then need to go through a consultation process and approval from the Operational Management Board (OMB) prior to publication.

Within CTMUHB, we promote recognition and use of ADRTs and LPAs as part of personalised care and planning.

When an individual completes an ADRT, we share it using the same pathway as an Advance Care Plan — including communication with professionals involved in the person's care recommending upload to relevant clinical systems, and encouraging the person to share copies with their GP, family, or legal representative. This helps ensure accessibility and clarity if the person later lacks capacity.

We acknowledge that in practice, there can be variability in how ADRTs and LPAs are identified and upheld — particularly in acute or unscheduled care settings. To address this, we continue to provide education, guidance, and case support to clinical teams.

2. If yes, please share a copy with us in any available format.

Please see response above.

3. 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?

No documented process. However, in the event that a patient, family or someone using the Health Boards services have a concern about ADRT or LPA which cannot be resolved at point of service, they would be directed to the Concerns Team.

4. 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.

N/A.

5. Do you have a named individual who is responsible for overseeing the Trust's/Health Board's compliance with the Mental Capacity Act 2005?

Our [Executive Director of Nursing /Deputy Chief Executive](#) is responsible.

6. If yes, please share their contact details.

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