



MEDICAL AND EMERGENCY SERVICES COMMITTEE

Lasting Power of Attorney, Advanced Decision to Refuse Treatment and Advanced Care Plan

If you live in Sark and want to influence what happens to you, in your future, then a Lasting Power of Attorney (LPA) and/or Advanced Care Plan (ACP) and/or Advanced Decision to Refuse Treatment (ADRT) are the mechanisms that will help you.

An ADRT and ACP are different from an LPA. As they allow you to record your wishes about care and treatment to be taken into account if you lose the capacity to make decisions yourself, whereas an LPA allows you to legally appoint someone to make decisions on your behalf, in line with your wishes and beliefs.

What is an LPA?

A Lasting Power of Attorney (LPA) is a legal document that allows you to choose one or more people you trust (called 'attorneys') to help you make decisions, or to make decisions for you, if you are unable to do so yourself because of illness or an accident. You must be Age 18 and have Capacity.

Having an LPA in place helps you stay in control of what happens to you in the future. The Island Safeguarding Officer and the Medical and Emergency Services Committee recommend that everyone on Sark - no matter their age or health - considers setting up an LPA for themselves and encourages their family members to do the same.

Types of Lasting Powers of Attorney (LPA)

There are two types of LPA:

Property and Financial Affairs (P&F) - covering money, property, and financial decisions, you can choose to start this immediately (whilst you have capacity to manage your property and financial affairs, or only if you lose Capacity).

Health and Welfare (H&W) - covering health care and personal welfare decisions, this only starts when you lack Capacity.

These can be completed and registered separately (Form A2 for P&F); (Form A3 for H&W) or the combined form for registering both LPA's (Form A1).

If it becomes necessary to activate the LPAs subsequently, there is no further fee to pay.

The Ordinance does not require an individual wishing to register an LPA to use an Advocate to complete and submit the form, but there is nothing to preclude this if they wish to do so.

Fees:

The fee for one LPA is £91.00 - for registering either Form A2 or Form A3.

If a person wishes to register both types of LPA at the same time, the fee is £114.00 (for the combined Form A1 - or separate forms A2 and A3).

How to apply:

LPA application forms can be downloaded from the Royal Court website, or printed for you at the Committee Office, by emailing committeeoffice@sarkgov.co.uk or telephoning 01481 832118.

Once completed and **fully signed** by the person making the LPA (the grantor) and their attorney(s) (and replacement attorney(s)), the applicant should submit the LPA form to the Greffe;

by email: Registrar@guernseyroyalcourt.gg

or by post to: The Greffe, Royal Court House, St James Street, St Peter Port, Guernsey. GY1 2NZ.

What happens next?

Registration staff at the office of the Greffe in Guernsey will review the submitted form and contact you (the Grantor) (or specified person) to arrange an appointment with a Deputy Greffier for the Grantor to complete the registration.

If you are due to be travelling to Guernsey, the appointment can be held at the Royal Court. Alternatively, the registration team is happy to visit Sark in person. You can contact the Committee Office for more information.

At the registration appointment, the Grantor will need to show photographic ID (passport or similar document) and sign an additional form to confirm that the application process has been completed correctly and that the Grantor wishes H.M. Greffier to register the LPA. There is no requirement for the Attorney(s) to attend the appointment.

Payment of the relevant fee(s) will be taken at this time, so that the LPA(s) may be registered. Payment can be made in cash, by card or cheque made payable to: States of Guernsey.

For questions, the registration team can be contacted on **01481 225 277**, selecting option 1.

Advanced Decision to Refuse Treatment and Advanced Care Plans

Advanced Decision to Refuse Treatment (ADRT) is a specific signed refusal of treatment and an Advanced Care Plans (ACPs) sets out where and how an individual would like their care to be provided if they lose the capacity to consent to care arrangements, as well as any other views or wishes that may affect their care.

An ADRT is a formal, written decision to refuse a specified treatment, whilst you have capacity to make that decision. The ADRT then takes effect when that person loses capacity to consent to or to refuse the relevant treatment. A valid ADRT will have the same effect as a decision made by a person with capacity.

An ACP only takes effect once the person lacks capacity to consent to or refuse treatment or care. A valid ACP has the same effect as a decision made by a person with capacity and will be taken into account by healthcare professionals. You must be aged 16 or over to make an ACP.

An ADRT/ACP must be made in writing. Forms are available on the States of Guernsey website, or can be printed for you by the Committee Office. Email: committeeoffice@sarkgov.co.uk

Once an ADRT/ACP has been completed, it is important that copies are shared with your GP and family members, so that it can be considered and followed at the appropriate time.