



Kent and Medway
NHS and Social Care Partnership Trust

Information Governance & Records Management Department

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Sent via email

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Dear [REDACTED]

Request for Information

I write further to your request FOI ID 51652 under the Freedom of Information Act 2000 regarding: -

Policies on Advance Decisions and Lasting Power of Attorney

Your request is set out below:

1. Do you have a policy (or policies) which outlines the responsibilities of health and care professionals and the Trust 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.

Yes, The Mental Capacity Act (MCA) & Deprivation of Liberty Safeguards (DoLS) Policy defines ADRT clearly, along with the conditions under which such decisions are valid and when they must be applied.

The policy also references relevant protocols like best interests' checklist, consideration of any advanced decisions made by a patient and involvement of Attorneys, advocates, family members in decision making and when to involve Court of Protection.

Please see attached MCA policy

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Trust Chair – Dr Jackie Craissati
Chief Executive – Sheila Stenson

2. In the event that a patient or family member, or someone using the Trust'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 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.

The Trust does not have a specific document, however in mitigation we have the following: KMPT patients and family have access to the PALS team who respond to concerns and compliant, PALS service information is provided to patients and families on admission and is promoted via leaflets and the KMPT public web page

KMPT staff can also access the KMPT legal team for support and or the Trust's Safeguarding Team for a consultation service for advice and support. Any concerns regarding the application of an Advance Decision to Refuse Treatment (ADRT) or a Health and Welfare Lasting Power of Attorney (LPA). The team will provide guidance, including input from the Lead Professional for the Mental Capacity Act (MCA).

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

If yes, please share their contact details.

The Trust has a Lead Professional for MCA & DoLS Safeguarding. In order to ensure that staff are able to fully meet their organisational public duties, personal contact details for individuals are exempt from release under section 36 (conduct of public affairs) Freedom of Information Act 2000, and both the public interest test, and prejudice test enable the organisation to engage this exemption in this instance. For further information about how to contact the organisation please see our website at <https://www.kmpt.nhs.uk/contact-us/>.

I confirm that the information above completes your request under the Freedom of Information Act 2000. I am also pleased to confirm that no charge will be made for this request.

If you have any questions or concerns or are unhappy with the response provided or the service you have received you can write to the Head of Information Governance at the address on top of this letter. If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision.

Yours Sincerely

On Behalf of
The Information Governance Department