

CLINICALEDU

C7

Refusal of treatment, advance decisions and future wishes

Detailed learner reading material

Consent: Shared Decision-Making, Risk, Refusal and Valid Authority

Source review: 19 September 2026

Official and authentic sources only. This educational material is not legal advice and does not replace current local policy or case-specific clinical judgment.

Learning outcomes

- Respect an informed, voluntary refusal by an adult who can make the relevant decision, even where serious harm may result.
- Distinguish current refusal, advance statements/preferences, advance refusals, proxy authority and emergency care plans.
- Apply the validity/applicability concept to advance decisions in England and Wales without exporting MCA terminology across the UK.
- Recognise ReSPECT and DNACPR plans as clinical recommendations rather than universal legally binding refusals.

How to use this reading

Read this after the browser module or use it as a standalone revision resource. It provides fuller legal/professional context, worked scenarios, comparison tables and practical checks. Always verify current local policy and jurisdiction-specific law before applying the material to a real case.

Refusal today versus planning for tomorrow

For a person with capacity, the clinician's task is to support a voluntary, informed decision now. Where the person refuses, check whether misunderstanding, untreated distress, communication difficulty or coercion is influencing the decision, but do not label disagreement as incapacity.

Future planning becomes decisive when the person later cannot make or communicate the decision. The team then needs to identify the relevant documents, prior wishes and any legally authorised proxy under the law of the jurisdiction.

Do not confuse documents

An emergency care plan, an advance statement, a legally binding advance refusal and a proxy appointment are different things. Identify what you actually have.

A taxonomy of future-care instruments

An advance statement or values record can provide important evidence of what matters to the person but may not have the same binding legal effect as a valid advance refusal. An emergency care plan such as ReSPECT records clinical recommendations. A health and welfare attorney or other proxy may have legally defined decision-making powers. The exact scope must be checked.

The word 'living will' is not sufficiently precise for clinical action. If an old document is found, establish its legal form, authorship, date, scope, any later changes and applicability to the current treatment.

Current voice first

If the patient can make the decision now, speak to them now. An older advance plan should not override their present capacitous choice.

England and Wales: validity and applicability

The MCA requires clinicians to be satisfied that an advance decision exists and is valid and applicable to the treatment in question. A person may have withdrawn it or acted inconsistently with it, and the

circumstances may differ from those the refusal addressed. For life-sustaining treatment, the statutory formalities are stricter and should be checked against the Act and Code of Practice.

If uncertainty remains in a non-immediate situation, do not improvise. Seek senior and legal advice and obtain the document itself where possible. In an emergency, act within the applicable law while continuing reasonable efforts to verify relevant wishes and authority.

Scotland, Wales and Northern Ireland

Wales shares the MCA legal framework with England but also has national Future Care Planning resources. Scotland uses the Adults with Incapacity (Scotland) Act 2000 and Scottish power-of-attorney arrangements. Northern Ireland provides official advance care planning policy and a Department of Health review of advance decisions to refuse treatment; the wider 2016 Mental Capacity Act remains only partly commenced.

ReSPECT, DNACPR and treatment escalation

ReSPECT is designed to summarise personalised recommendations for future emergencies. It can contain recommendations about CPR and other emergency treatments, but Resuscitation Council UK is clear that it is not itself legally binding. DNACPR concerns CPR, not all treatment. These documents should prompt interpretation in context, not automatic withdrawal of care.

A legally binding advance refusal, where valid and applicable under the relevant law, is a different instrument. The course therefore teaches clinicians to read the document title, purpose and legal status rather than relying on colour, logo or familiarity.

Refusal and clinically inappropriate treatment

Respecting refusal does not mean that a patient can require any treatment they request. GMC end-of-life guidance explains that if a requested treatment would not be clinically appropriate or serve the patient's needs, clinicians should explain the reasons and consider other options, including second opinion where appropriate.

Documentation and escalation

Record the specific treatment refused or requested, the information given, the patient's understanding, voluntariness, capacity where relevant, any advance document or proxy checked, jurisdiction, and advice obtained. If there is doubt about validity, applicability or authority, make the uncertainty explicit and escalate it.

Future-care instrument check

Instrument	What it generally does	Key caution
Current refusal	Expresses the present choice of a person who can decide.	Do not displace it with an old plan.
Advance statement / values record	Records preferences, values and wishes for future care.	May inform decisions without being a legally binding refusal.
Advance refusal / advance decision	May refuse specified future treatment under the relevant jurisdictional law.	Check legal status, validity and applicability.
Legal proxy	May hold defined healthcare decision-	Check identity, registration where

	making powers.	relevant and scope of authority.
ReSPECT / DNACPR	Clinical recommendations for future emergencies / CPR.	Not legally binding in themselves; DNACPR concerns CPR only.

Four-nation control

Nation	Key orientation
England and Wales	MCA 2005 provides statutory advance-decision and LPA framework.
Scotland	Use AWI framework and Scottish powers of attorney; avoid MCA terminology as if universal.
Northern Ireland	Use current DoH NI advance planning / advance decision materials and local legal advice; 2016 Act remains partly commenced.

Worked scenarios

Scenario 1

A capacitous patient refuses dialysis after demonstrating understanding that the decision is likely to shorten life.

Application: Respect the refusal if the adult can decide and the decision is informed and voluntary; document the scope of refusal.

Scenario 2

An unconscious patient arrives with a document labelled "living will" but the team has not established its status, validity or applicability.

Application: Identify exactly what document exists and verify its legal status, validity and applicability before relying on it.

Scenario 3

A ReSPECT plan recommends not attempting CPR; a clinician tells the family that the document is legally binding for all treatment.

Application: Correct the explanation: ReSPECT is a clinical recommendation plan, not a legally binding refusal of all treatment.

Practice checklist

- Clarify exactly what treatment is being accepted or refused.
- If the patient can decide now, give priority to their current decision.
- Identify the precise type and legal status of any future-care document.
- In England and Wales, check validity and applicability of an advance decision and any proxy authority.
- Do not describe ReSPECT or DNACPR as universally legally binding consent/refusal forms.

- Escalate uncertainty about legal status, applicability or authority and document the reasoning.

Official references

S001 - GMC: Decision making and consent. Scope: UK.

<https://www.gmc-uk.org/professional-standards/the-professional-standards/decision-making-and-consent>

S015 - GMC: Treatment and care towards the end of life: good practice in decision making. Scope:

UK. <https://www.gmc-uk.org/professional-standards/the-professional-standards/treatment-and-care-towards-the-end-of-life>

S016 - GMC: End-of-life guidance: decision-making models. Scope: UK.

<https://www.gmc-uk.org/professional-standards/the-professional-standards/treatment-and-care-towards-the-end-of-life/decision-making-models>

S024 - UK legislation: Mental Capacity Act 2005. Scope: England and Wales.

<https://www.legislation.gov.uk/ukpga/2005/9/contents>

SUPP - Office of the Public Guardian: Mental Capacity Act Code of Practice. Scope: England and

Wales. <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

S028 - Scottish legislation: Adults with Incapacity (Scotland) Act 2000. Scope: Scotland.

<https://www.legislation.gov.uk/asp/2000/4/contents>

S030 - Department of Health NI: Mental Capacity Act (Northern Ireland) 2016 - topic hub. Scope:

Northern Ireland. <https://www.health-ni.gov.uk/topics/mental-capacity-act>

S042 - Resuscitation Council UK: FAQs: Emergency treatment plans and recommendations about

CPR. Scope: UK. <https://www.resus.org.uk/professional-library/faqs/faqs-decision-making-cpr>

S048 - NHS Wales Performance and Improvement: Future Care Planning. Scope: Wales.

<https://performanceandimprovement.nhs.wales/our-work/peolc/professionals/future-care-planning/>

S054 - NHS England: Universal Principles for Advance Care Planning. Scope: England.

<https://www.england.nhs.uk/publication/universal-principles-for-advance-care-planning/>

S056 - Department of Health NI: Advance Care Planning: For Now and For The Future. Scope:

Northern Ireland. <https://www.health-ni.gov.uk/publications/advance-care-planning-now-and-future>

S057 - Department of Health NI: Review of the law relating to Advance Decisions to Refuse

Treatment. Scope: Northern Ireland. <https://www.health-ni.gov.uk/publications/review-law-relating-advance-decisions-refuse-treatment>

Verification note: Official links were rechecked for Pass 3 on 19 September 2026 where web retrieval was available. Legislation.gov.uk URLs are official statute links; amendment status and any high-risk source must be rechecked immediately before publication.

Key takeaways

- A capacitous adult may refuse treatment even where the consequences are grave.
- Current capacitous wishes generally take precedence over old future-care documents.
- Future-care documents do not all have the same legal status.
- ReSPECT/DNACPR are clinical recommendations; verify any legally binding refusal separately.

ClinicalEdu - Authoritative Stage 2 source map

C7: Refusal of treatment, advance decisions and future wishes

This appendix is the controlling source map for this module. Source IDs follow the Stage 2 Research Dossier v1.0 (evidence reviewed through 18 September 2026). Any legacy shorthand labelled SUPP is supplementary and is not a Stage 2 source ID.

S001 - GMC: Decision making and consent

<https://www.gmc-uk.org/professional-standards/the-professional-standards/decision-making-and-consent>

S007 - GMC: Circumstances that affect the decision-making process - part 2

<https://www.gmc-uk.org/professional-standards/the-professional-standards/decision-making-and-consent/circumstances-that-affect-the-decision-making-process-continued-1>

S015 - GMC: Treatment and care towards the end of life: good practice in decision making

<https://www.gmc-uk.org/professional-standards/the-professional-standards/treatment-and-care-towards-the-end-of-life>

S016 - GMC: End-of-life guidance: decision-making models

<https://www.gmc-uk.org/professional-standards/the-professional-standards/treatment-and-care-towards-the-end-of-life/decision-making-models>

S024 - UK legislation: Mental Capacity Act 2005

<https://www.legislation.gov.uk/ukpga/2005/9/contents>

S028 - Scottish legislation: Adults with Incapacity (Scotland) Act 2000

<https://www.legislation.gov.uk/asp/2000/4/contents>

S030 - Department of Health NI: Mental Capacity Act (Northern Ireland) 2016 - topic hub

<https://www.health-ni.gov.uk/topics/mental-capacity-act>

S042 - Resuscitation Council UK: ReSPECT process

<https://www.resus.org.uk/respect>

S048 - NHS Wales Performance & Improvement: Future Care Planning

<https://performanceandimprovement.nhs.wales/our-work/peolc/professionals/future-care-planning/>

S054 - NHS England: Universal Principles for Advance Care Planning

<https://www.england.nhs.uk/publication/universal-principles-for-advance-care-planning/>

S056 - Department of Health NI: Advance Care Planning: For Now and For The Future

<https://www.health-ni.gov.uk/publications/advance-care-planning-now-and-future>

Publication control: recheck every high/very-high update-risk source immediately before publication. This educational resource does not replace current law, national/local guidance or patient-specific clinical judgement.