



Dying Matters – Planning for the future

This week (13-19th May) is [Dying Matters Awareness Week](#), run by the Dying Matters Coalition. It aims to raise public awareness about the importance of talking more openly about dying, death and bereavement, and of making your wishes known in advance.

Planning for the future is essential and “Are you ready?” is indeed the theme of this year’s Dying Matters Awareness week.

Top tips for preparing for the future:

1) Make a Will

Dying Matters research identified that just 35% of adults said they had made a Will.

A Will is a legal document that expresses your wishes as to who should benefit from your estate when you die.

Without a valid Will, you risk dying intestate. This means that your estate will be distributed in accordance with the [statutory intestacy rules](#). Under these rules, you have no control over who receives your property after your death, and you will not have taken the opportunity to carry out tax planning, which can be very beneficial for your loved ones or charities close to your heart.

2) Discuss with your loved ones your end of life care and funeral wishes

Dying Matters research identified that just 30% of adults had let someone know their funeral wishes.

Where can funeral wishes be recorded?

Coming to terms with a bereavement is a challenging time for any family. It can be even harder if your loved ones are not aware of what your wishes and preferences are in advance.

You can document your funeral wishes within a Will, or letter of wishes to accompany your Will. If you are registered with the NHS organ donation register, it is important that your family know this so that they can take

the appropriate action when you die.

Dying Matters research identified that just 7% had written down wishes or preferences about the care they would want if they couldn't make decisions.

What is an Advance Decision and what is the practical effect?

An [Advance Decision](#) is a document in which an adult with capacity (aged 18+) specifies how proposed medical treatment is to be carried out, continued or discounted by a healthcare professional in the future, should they lack capacity at the time a decision is required.

When making an Advance Decision you may want to consider issues such as whether you wish to refuse CPR. This may require you to liaise with health professionals to ensure a DNACPR (do not attempt resuscitation) Order is completed and saved with your medical records.

What is an Advance Statement? Is it legally binding?

By contrast, an Advance Statement is not legally binding, but sets out in writing an adult's general wishes about care. Factors to consider include where you would prefer to receive end of life care. This may be at home or in a hospice.

Can a Lasting Power of Attorney (LPA) be used to record your wishes regarding future care and medical treatment?

Yes, and a Health and Welfare LPA can also be used to allow your attorneys to consent or refuse life-sustaining treatment on your behalf.

It is important to take advice about the interaction between Advance Decisions and Health and Welfare LPAs, to ensure that one document does not invalidate the other.

You should make your loved ones and your GP aware if you have signed an Advance Decision, Advance Statement or Health and Welfare LPA.

Need advice?

We take a collaborative approach at Lester Aldridge, to provide you with a range of advice tailored to your needs.

If you have been affected by any of the issues raised in this article, please contact the [Tax Trust Wills and Probate](#) or the [Community Care team](#) for a no-obligation, free consultation today.

T: Tax Trust Wills and Probate: 01202 786161 and Community Care: 02380 827483

E: online.enquiries@LA-law.com and communitycare@LA-law.com

Written by [James Pantling-Skeet](#) in our Community Care team and [Melanie Wilkins](#) in our Tax, Trusts, Wills & Probate team.