

# DNACPRs and the Law



There are lots of different laws about DNACPRs. These laws protect your human rights.

This document talks about what some of the laws say.

## 1. European Convention on Human Rights



Human rights are our basic freedoms.

They make sure people are treated fairly and with respect.

They make sure people are listened to and have a say over their own lives.



Everyone has human rights.

Human rights cannot be taken away.

But sometimes they can be limited to protect other people's human rights.





The government and public services like the NHS must respect your rights.



The European Convention can be used in the UK because it is part of the Human Rights Act.

There are lots of different human rights and each one is called an article.



[You can find out more about human rights here.](#)



We are going to talk about some of the important ones for thinking about DNACPRs.

## Article 5: The right to liberty and security of person



Your right to 'security of person' means you can say no to medical treatment.

The right lets you say no even if you might die without it.



If you don't have the capacity to make a decision, then a decision will be made in your best interest.

This will use the rules from the Mental Capacity Act. You can read more about that in the next section.

### **Article 8: The right to respect for your private and family life**



This means the government or public services should only be involved in your life when they have to be.

This means people like doctors must have your permission to treat you.



It also means that if you say its okay your family can get information about your care and treatment.



If you cannot make decisions, this right means your family can be asked about what your wishes are.

This will help make decisions.

## Article 2: The right to life



This right means that public services have a duty to keep you safe.

Public services are things like the NHS or social care.



When you are in hospital, doctors have a duty to keep you safe and protect your life.

## 2. The Equality Act



The Equality Act says everyone must be treated equally.

It says you cannot be discriminated against because of your gender, age, disability, sexuality, or race.



This act means you cannot be treated differently or discriminated against because you are disabled.

### 3.The Mental Capacity Act



The Mental Capacity Act is a law about making decisions.

The act is sometimes called the MCA.



Some people can make all the decisions about their own lives.

Some people can make some of the decisions.



Some people cannot make decisions.

This is called lacking capacity.



The Mental Capacity Act makes sure that people have the support they need to make as many decisions as they can.

It also has rules to help people who need family, friends or staff to make decisions for them.



[You can read more about the Mental Capacity Act here.](#)



The act says:

## **Best Interest Decision Making**



If you lack capacity and someone has to make decisions for you, they must act in your best interest.

This means the decisions must be what is best for you, not anyone else.

## **Consultation**



If someone is making a best interest decision for you they must talk to the people who are important to you or know you really well.

This might be your family, friends, or carers. You can say who those people are.





Talking to your important people helps them understand what is important to you.



Understanding what your choices and wishes are helps them make the right decision.

What people have said, the decision made and why must be written down.

## Advance Decisions



If you have capacity, you can make an advanced decision.

This means you have made a decision before something happens.



This means you will have decided what is important to you.



If you then lose capacity because you are poorly people will know what is important to you.



You could make advanced decisions about DNACPR orders or the type of treatment you want.



Advanced Decisions are legal documents.

They can be about different things.

If the decision is about DNACPR orders, a solicitor should help you write the document.



A solicitor is someone who does legal work.

They give people advice and can write legal documents.

They make sure documents follow the law.



As this is a legal document it must be witnessed.

Being witnessed means that someone will watch you sign the document.





This is so people know it is what you want.

