



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Trust Headquarters

Chief Nurse

Royal Albert Edward Infirmary

Wigan Lane

Wigan

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T: 01942 773291

E: kevin.parker-evans@wwl.nhs.uk

Ref: FOI/2025/10982

Date Received: 4th August 2025

Response Due: 2nd September 2025

Date: 28th August 2025

Dear Sir/Madam

With reference to your request for information received on 4th August 2025, I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below.

In your request you asked:

I am writing to kindly request the information in the 3 questions below under the Freedom of Information Act 2000

- 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.

The Trust has Mental Capacity Act (MCA) 2005 and Deprivation of Liberty Safeguards (DoS) Policy (TW13-039) in place which outline the responsibilities for staff, there is an associated Standard Operating Procedure around assessing capacity which further supports. More detailed information is contained within Best Interest Meeting/Decisions (TW24-082 SOP).

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/Health Board 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.

There is no specific document to advise staff around the detailed issue, however any member of staff with concerns re: implantation of ADRT or LPA routinely and regularly contact the Safeguarding Service and MCA/DoLS Lead for advice and support, alongside legal advice from the Trust Solicitor. This happens on a frequent basis and is related to any safeguarding concerns when someone other than the patient is making/involved in decision making, whereby there is a risk of abuse and/or harm. These actions are outlined in the Trusts Think Family Safeguarding Policy.

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.

Yes, the Trust employs an MCA/DoLS Lead. Additionally, there is explicit duties and responsibilities for compliance with the MCA 2005 within the role of the Named Nurse Safeguarding Adult, Amy Booth and the Associate Chief Nurse for Safeguarding, Carlene Baines.

We are unable to release the names of staff that are NOT in a public facing role and are below AfC Band 8a.

The Trust does not routinely give out email addresses and direct telephone numbers of staff members, as large numbers of unsolicited emails/telephone calls, could cause disruption by blocking email accounts/telephone lines thus preventing true work-related emails/calls from being delivered. However, any of the above staff can be contacted via main switchboard on 01942 244000.

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



KEVIN PARKER-EVANS

Kevin Parker-Evans MBA, FCMJ, CMgr. RN Dip HE

Chief Nursing Officer & Director of Infection Prevention and Control

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

Helpline number: 0303 123 111