*Please read this guidance -* [*https://www.resus.org.uk/library/additional-guidance/guidance-dnacpr-and-cpr-decisions*](https://www.resus.org.uk/library/additional-guidance/guidance-dnacpr-and-cpr-decisions)

*If there is a dispute over applying a* “Do Not Attempt Cardiopulmonary Resuscitation” *(DNACPR) then consider sending a letter following the format set out below to the treating team.*

**To:**

[*This letter should be sent by email to the ward on which the patient is being treated, and copied to the hospital’s medical director’s office and/or legal department and/or the office of the chief executive of the trust. If you are not able to obtain the relevant email addresses, you should print a hard copy of the letter and hand it to a member of staff on the ward.]*

**URGENT - [*insert name of patient and their date of birth here*]**

I am writing in respect of [*name of patient*] who is currently a patient at [*name of hospital including, if possible, the name of the ward*].

[*Include a short summary here of the date of admission to hospital and the circumstances of their admission*].

I understand that [*name of patient*]’s treating team have place a “Do Not Attempt Cardiopulmonary Resuscitation” (DNACPR) notice on [*his/her*] records. I wish to make it clear that [*I*] / [[*name of patient*]*’s family*] do not agree to this DNACPR notice being in place.

[As far as I am aware, no second opinion has yet been sought from an expert from outside of the hospital. If such an opinion has been sought, please provide me with the details of this. If not, we would wish to request that a second opinion is sought and we would wish to be consulted about the identity of the clinician providing the second opinion.]

[*name of patient*] is currently in a [*unconscious/partially conscious*] state as a result of [*his/her*] illness or injury and I therefore believe that [he/she] does not have the mental capacity to make medical treatment decisions, in accordance with the Mental Capacity Act 2005.

Under the provisions of the Mental Capacity Act 2005, together with the relevant Code of Practice, any decision made in these circumstances must be made in the best interests of the patient and must take into account the views of others involved in the patient’s life.

The 2016 “Guidance from the British Medical Association, the Resuscitation Council (UK) and the Royal College of Nursing - decisions relating to cardiopulmonary resuscitation” states, in relation to decisions not to offer CPR, “[w]here there is objection to or disagreement with this decision, a second opinion should be offered. The court may be asked to make a declaration if it is not possible to resolve the disagreement.”[[1]](#footnote-1)

Furthermore the guidance note of the Vice President of the Court of Protection dated 17 January 2020[[2]](#footnote-2), makes it clear that in cases where there is “a lack of agreement as to a proposed course of action from those with an interest in the person’s welfare … and the decision relates to the provision of life-sustaining treatment an application to the Court of Protection **must** be made. This is to be regarded as an inalienable facet of the individual's rights, guaranteed by the European Convention on Human Rights ('ECHR')”.

In circumstances, such as here, where agreement cannot be reached as to a patient’s best interests in respect of life-sustaining medical treatment, an urgent application to the Court of Protection **must** therefore be made.

If you decline to remove the DNACPR notice until an independent second opinion has been sought or fail to seek authorisation for the DNACPR notice from the Court of Protection, I consider that this will be a clear breach of the hospital’s statutory duties pursuant to the Mental Capacity Act 2005 and a clear breach of [*name of patient*]’s rights pursuant to Article 2 of the European Convention on Human Rights and both [*name of patient*] and [*his/her*] family’s rights under Article 8 of the European Convention on Human Rights.

**In the circumstances,** **I therefore request that you provide urgent confirmation in writing that the DNACPR notice has been removed** **and that no further steps will be taken to place a DNACPR notice on [*name of patient*] without first seeking authority from a judge of the Court of Protection to do so.**

Please provide this confirmation as a matter of urgency, and by no later than [*XXam/pm*] [*today/tomorrow*].

Yours sincerely

1. <https://www.bma.org.uk/advice-and-support/ethics/end-of-life/decisions-relating-to-cpr-cardiopulmonary-resuscitation>, at page 20 [↑](#footnote-ref-1)
2. <https://www.bailii.org/ew/cases/EWCOP/2020/2.html> [↑](#footnote-ref-2)