

**A Good to Know guide on**

# **Independent Mental Capacity Advocacy**



[wearepeoplefirst.co.uk](http://wearepeoplefirst.co.uk)

# What is independent advocacy?

Advocacy is about speaking up. It is about having the right information, at the right time to help you speak up for yourself. Sometimes people need help from advocates to speak up.

Independent Advocacy is when people get support from people who are independent from all health and social care services.

These people are called Independent Advocates.

Independent Advocates can help you to:

- Understand information and your rights
- Explore your options and choices
- Tell people what is important to you
- Access other services that may be able to help you

# What is Independent Mental Capacity Advocacy?

Independent Mental Capacity Advocates support people who have been assessed as lacking capacity to make a specific decision.

If a person does not have family or friends appropriate to consult and lacks capacity, an IMCA can help. They will work to ensure that you are fully represented in the decision-making process.

This is a statutory advocacy service defined by the Mental Capacity Act 2005.

This means that Local Authorities and NHS Bodies have a legal duty to instruct an Independent Mental Capacity Advocate.

**Support from an Independent Mental Capacity Advocate is free, confidential and independent from health and care services.**

# Eligibility checker

## Who is it for?

**You have a right to an Independent Mental Capacity Advocate:**

**1.**

**If you have been assessed as lacking capacity to make a decision about:**

- Serious medical treatment
- A Change of Accommodation that is being arranged by the local authority and will be for more than 8 weeks
- A Change of Accommodation that is being arranged by the NHS and will be for more than 4 weeks
- Deprivation of Liberty Safeguards Assessments and Authorisations

**2.**

**You do not have:**

- Family or friends who are appropriate to be consulted with about the decision.

3.

**You may also be eligible for support if:**

- You have a family member or friend who is being Deprived of their Liberty and you are their Relevant Person's Representative
- You are going through the Adult Safeguarding Process or having a review after you have changed accommodation.

# How Independent Mental Capacity Advocacy helps

**Independent Mental Capacity Advocates work to ensure you are fully represented in the decision-making process.**

**We will support you by:**

- Gathering your past and present feelings, wishes, values and beliefs
- Asking for second opinions on your behalf
- Reviewing information that's relevant to the decision. This could be health and social care records
- Consulting with people who know you well
- Writing a report for the professional who will be making the decision on your behalf
- Representing you during the best interest process
- Challenging the decision if we believe the decision was not made in your best interests

# What an Independent Mental Capacity Advocate can do for you

## **An advocate can:**

- Meet with you in private
- Access records relevant to the decision including medical and social care records
- Discuss your case with professionals involved in your treatment and other people who know you well
- Raise concerns and complains on your behalf

## **An advocate cannot:**

- Make decisions for you
- Assess mental capacity
- Be your next of kin

# Getting support Accessing advocacy

If you think you or someone you know is eligible for support from an Independent Mental Capacity Advocate, you can refer by:

- Calling us on: **03003 038 037**
- or completing our online referral form:  
**[wearepeoplefirst.co.uk/referral/](https://wearepeoplefirst.co.uk/referral/)**

**Please note:** if you are a professional making a referral on behalf of someone you are working with, we only accept referrals via our online referral form. You are welcome to telephone us prior to making the referral for information and guidance.



# Any questions?

If you have questions about Independent Mental Health Advocacy, take a look at the **Frequently Asked Questions** on our website, or get in touch.



You can call us **0300 303 8037**



Or email **hub@wearepeoplefirst.co.uk**



Or live chat **wearepeoplefirst.co.uk**

If you need this information in a different format please let us know

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