

INDEPENDENT ADVOCACY A GUIDE FOR PROFESSIONALS

*'Providing a voice
for the vulnerable'*



What is an independent advocate?

Advocates are independent professionals who support people to know what their rights are, to understand their options, and voice their views, wishes and feelings.

Independent Advocates ensure that people are involved and included as much as possible in the health and social care issues which might impact their lives.

An advocate is always on the person's side.



Duty to refer, arrange and inform

Some advocacy disciplines are a statutory right for eligible people in certain situations.

The **Mental Capacity Act 2005** and **Care Act 2014** state that certain professionals must refer eligible people for advocacy.

The **Mental Health Act 1983** states that certain professionals must make eligible people aware of how to access independent advocacy should they wish to.



An advocate CAN support someone to:

- Understand their rights
- Understand processes and decisions they are subject to
- Understand their options
- Communicate their views, wishes and feelings
- Make their own choices
- Challenge decisions
- Achieve the outcomes they want



An advocate CAN NOT:

- Offer legal advice
- Offer counselling or befriending services
- Tell people they support what decisions to make
- Tell health or social care professionals what decisions to make
- Make decisions on someone's behalf



THE FAMILY PARTNERSHIP
ADVOCACY, SUPPORT & ENGAGEMENT IN MEDWAY

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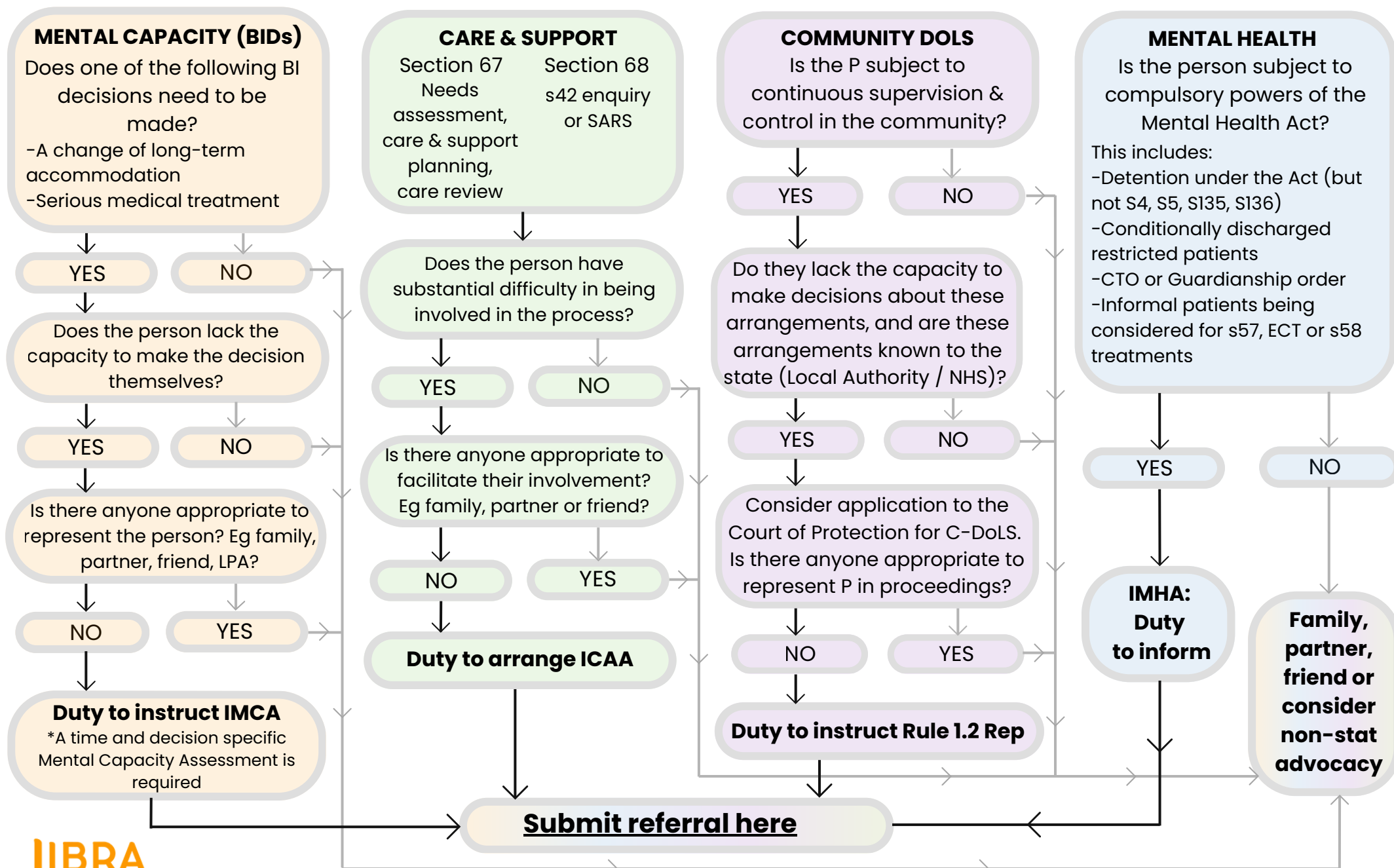


Hammersmith & Fulham
Advocacy Network

Who is eligible?

Use the flow chart below to help decipher when referrals should be made.

STATUTORY ADVOCACY REFERRAL FLOWCHART



OUR INDEPENDENT ADVOCACY DISCIPLINES

We also provide paid **Relevant Person's Representation (RPR)** and **Litigation Friend** services

Independent Mental Capacity Advocacy (IMCA)	Independent Care Act Advocacy (ICAA)	Rule 1.2 Representation (Community DoLS)	Independent Mental Health Advocacy (IMHA)	NHS Complaints Advocacy (IHCA)	Community Advocacy
Defined by: <i>The Mental Capacity Act 2005</i> Duty to instruct Age: 16+ An IMCA must be instructed when a person is subject to a best interest process and both conditions apply: 1. The person is assessed to lack capacity in relation to a decision about: • serious medical treatment • a change of long-term accommodation 2. There are no family or friends considered appropriate to consult in the best interest process	Defined by: <i>The Care Act 2014</i> Duty to arrange Age: 18+ An ICAA must be arranged when all three conditions apply: 1. One of these processes is taking place: • Care and support function eg. care review, needs assessment or support planning • Safeguarding processes: s42 enquiry or SAR 2. Without support, the person will have 'substantial difficulty' being involved 3. There are no appropriate, able or willing family or friends to support the person's active involvement	Defined by: <i>The Mental Capacity Act 2005 & The Court of Protection Rules 2017</i> Duty to instruct Age: 16+ A Rule 1.2 Rep must be instructed when a person is deprived of their liberty and living in the community, (eg. at home or in supported living), and requires representation in the Community DoLS application process. We can support with: • Annexe C – Outlines how the person wishes to be involved. • CoP24 Witness Statement – to inform the application process. • Rule 1.2 Rep visits – Monitoring visits during authorisation	Defined by: <i>The Mental Health Act 1983</i> Duty to inform Age: 18+ A person must be informed about the local IMHA service when they are: • Detained under the Mental Health Act (excluding people under short term sections 4, 5, 135 and 136) • Conditionally discharged • Subject to a Community Treatment Order (CTO) or a Guardianship Order • Being considered for S58A treatment (including informal patients under 18) • Being considered for S57 treatment (including informal patients)	Defined by: <i>The Health & Social Care Act 2012</i> Self referrals-welcome Age 16+ / Under 16 if able to do so • The complainant must live in Medway or Hammersmith & Fulham AND • would like to complain about NHS treatment or care, eg. about a GP, a hospital, ambulance service, pharmacy or dentist. Patients over the age of 16, whose mental capacity is unimpaired, can complain or authorise someone to complain on their behalf. Children under the age of 16 can also make their own complaint, if able	Non-statutory advocacy Self-referrals welcome Age: 18+ For people who need support with a specific issue, but do not meet eligibility criteria for statutory advocacy In Medway, we are part of The Family Partnership and support people to navigate child protection proceedings. In LBHF our partners HF Mencap support people with various issues including: • Housing/tenancy • Health access • Social care support and planning • Benefits and entitlements • Multi-agency coordination



Make a referral

Find our referral forms online



MEDWAY/NATIONAL REGIONS:



www.librapartnership.co.uk

referrals@librapartnership.co.uk

0333 305 1329

HAMMERSMITH & FULHAM:



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