

# Independent Mental Capacity Advocacy (IMCA)



There is a law called the **Mental Capacity Act**.



The **Mental Capacity Act** is a law about people who are not able to make decisions and choices about their lives. It says what rights they have.

One of the rights in the Act is to have an **Independent Mental Capacity Advocate** (IMCA).



**Independent Mental Capacity Advocate** (IMCA) – this is someone who speaks up for people who have no family or friends to do this for them.

They help when important decisions have to be made by the NHS or local authority about a person.



VoiceAbility is an organisation that provides this service.



## Who can use the IMCA service?

There are NHS and local authority staff called decision makers. They could be a doctor or care manager. They make important decisions about people. They **must** tell the IMCA service about anyone with no family or friends to help, when they cannot make a decision about:



- Serious medical treatment.
- A move to hospital for more than 28 days.
- A move to a care home for more than 8 weeks.
- **Deprivation of Liberty Safeguards.**



**Deprivation of Liberty Safeguards** make sure that people are looked after properly who must live in a certain place for:

- Their own safety.
- Or the safety of others.

Decision makers **may** also tell the IMCA service about anyone who cannot make decisions about:



- A care review, when they have no friends or family.
- Action being taken when they are not safe from other people, or it is thought other people may not be safe from them. This is called a 'Safeguarding referral'. It can happen even if the person has family or friends.



# What will an Independent Mental Capacity Advocate (IMCA) do?

- Be independent of the decision maker. This means the advocate does not work for the same service.
- Listen to the person. They will try to find out as much as they can about:
  - What the person wants.
  - What the person likes.
  - What the person does not like.
  - Any beliefs the person may have.



They will also try to work out what the person would say if they could make decisions and choices.

- Speak up for the person in any talks about decisions that are being made. This is so that the best decision is made.
- Talk to staff who work with the person to find out what they think is best.
- Give information to everyone. This information will make sure a decision is made that is right for the person.
- Make sure the **Mental Capacity Act** agrees with the decision.
- Write a report. The decision maker must read this and think about what it says. Then they will make the final decision.





## The **Independent Mental Capacity Advocate (IMCA)** is allowed to:



- Meet the person in private.



- Read and copy social and medical records that are to do with the decision.



- Get another medical professional to give their views about the situation.

- Ask questions about the decision or disagree with it.



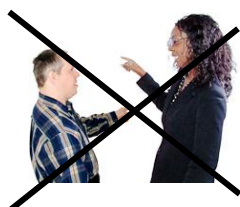
## The **Independent Mental Capacity Advocate (IMCA)** does not:



- Make the decision.



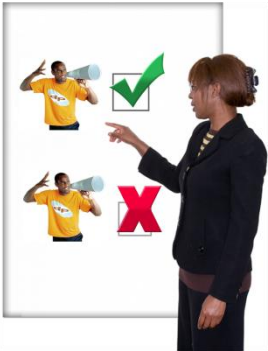
- Do the test to see if someone can make their own decisions and choices.



- Tell the person what to do.

- Decide who are the right people to talk to about the situation.

## How does someone get an **Independent Mental Capacity Advocate (IMCA)**?



The decision maker must decide if the person should have an IMCA. Then they must contact the IMCA service.



The decision maker will be a doctor if the decision is about medical treatment. It will be a Care Manager if it is about where someone should live.



A different professional can contact the service. But we would need the decision maker's contact details. We would contact them to make sure we could talk to the person.

## Our Contact Details



**Tel:** 0300 222 597



**Email:** [CWAdvocacy@voiceability.org](mailto:CWAdvocacy@voiceability.org)