

Your duty to refer to independent advocacy

Professionals have a **duty to refer** eligible people to independent advocacy under the Care Act, the Mental Capacity Act and the Mental Health Act.

Independent **advocacy** is a **statutory right** for individuals who, without independent support, are unable to be involved in making important decisions about their lives.

Eligibility criteria for advocacy prioritises those most in need.

Advocacy is there to ensure:

- people are involved in decision-making about their health and care as much as possible or are represented where required
- their views and wishes are sought and listened to
- their rights are respected

What does an independent advocate do?

- Seek the person's views, wishes and preferences
- Help the person to know their rights and communicate what they want
- Support the person to understand information, processes and decisions
- Support the person to challenge decisions they are unhappy with, or do so on their behalf if required
- Work with professionals to keep the person and their well-being at the centre of the care process
- The advocate has the right to access the person's records if they lack capacity or the person wishes them to
- An advocate may write a report outlining their findings that must be taken into account by professionals

Contact us....



01604 592702
(Mon - Fri 9am to 5pm)



totalvoicenorthamptonshire.org

www.voiceability.org

All leaflets available in local languages.

Registered Charity 1076630 Limited Company 3798884



Deafconnect
Breaking Barriers Enabling Equality



The Shared Voice Network

VoiceAbility
TotalVoice
Northamptonshire

Advocacy Services



A guide for professionals

Free, independent and confidential advocacy services for people in Northamptonshire



Advocacy Services in Northamptonshire

	Independent Care Act Advocacy	Independent Mental Health Advocacy (IMHA)	Independent Mental Capacity Advocacy (IMCA)	Independent NHS Complaints Advocacy
Entitlement	<p>To support the person to understand their rights under the Care Act and to be fully involved in:</p> <ul style="list-style-type: none"> • needs or carers' assessments, including self-assessment and child's needs assessments for children in transition • care and support planning • care reviews • safeguarding enquiries and adult reviews 	<p>To support with issues specifically relating to a person's care or treatment. This will likely mean that they could have a diagnosed mental illness but could also be going through an assessment.</p>	<p>To represent someone if a best-interest decision is being made about a:</p> <ul style="list-style-type: none"> • serious medical treatment • long term accommodation <p>If the person may be deprived of liberty (DoLS) to provide support:</p> <ul style="list-style-type: none"> • during an assessment of DoL (39A) • between the appointment of Relevant Person Representatives (RPR) when an authorisation is in place (39C) • the person, RPR or both when authorisation is in place (39D) 	<p>To support someone who is unhappy about treatment or care that they, or someone they know, has received from the NHS.</p>
Eligibility	<p>Without support, the person will find it very hard to:</p> <ul style="list-style-type: none"> • understand information necessary to fully engage with care and support processes • retain information for long enough to be fully involved • weigh-up information to make their own decisions • communicate their wishes and views <p>AND they do not have any appropriate, able and willing family or friends to support the person's active involvement.</p>	<p>When a person is:</p> <ul style="list-style-type: none"> • detained under the Mental Health Act • subject to a Community Treatment Order or a Guardianship • being considered under the Mental Health Act section 57 or section 58. <p>If someone has mental health issues but is not entitled to an IMHA, they should be signposted to VoiceAbility's Shared Voice Network. www.voiceability.org/svn</p>	<p>A person is assessed to 'lack capacity' to make a specific decision:</p> <ul style="list-style-type: none"> • the person has an impairment or disturbance of the mind (e.g. a brain injury, dementia, autism, learning disabilities, mental health problems) AND • they are unable to either understand or retain information for long enough to make a decision, weigh-up information to make a decision or communicate their decision. <p>AND there are no family or friends considered appropriate to consult about the decision.</p>	<p>Anyone who wants to make a complaint about an NHS service or a service funded by the NHS.</p> <p>We also encourage people to download our self-help information pack from our website. nhscomplaintsadvocacy.org</p>

If in doubt about which service you need, **just make a referral**. We will work together to get the person the appropriate advocate.