

Your duty to refer to independent advocacy

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



0300 222 5947



General enquiries:
CWAdvocacy@voiceability.org

(do not use this email address for referrals unless following the secure referral instructions on our website)



voiceability.org/Coventry&Warks



@VoiceAbilityCW

Health Advocacy

A guide for professionals



Independent

Free

See at a glance who is eligible for Health Advocacy and when you must make a referral

Confidential

Health Advocacy Services

	Independent Mental Health Advocacy (IMHA)	NHS Complaints Advocacy	General Health Advocacy
Entitlement	To support with issues specifically relating to a person's mental health care or treatment. This will likely mean that they could have a diagnosed mental illness, but could also be going through an assessment.	To support someone who is unhappy about treatment or care that they, or someone they know, has received from the NHS.	To support with issues relating to a person's general NHS health care or treatment. This could include offering the person: <ul style="list-style-type: none"> • help to have their voice heard in relation to treatment and care • support with hospital discharge planning arrangements • help to access specialist support to resolve issues with unsuitable housing following discharge, benefit issues, eviction, financial difficulties and legal matters.
Eligibility	When a person is: <ul style="list-style-type: none"> • detained under the Mental Health Act OR • subject to a Community Treatment Order or a Guardianship OR • being considered for treatment specified in the Mental Health Act section 57 or section 58. In Coventry and Warwickshire, we can also support: <ul style="list-style-type: none"> • vulnerable voluntary/informal in-patients • those receiving NHS mental health services in the community who require specific support in order to remain in the community. 	Anyone living in Warwickshire who wants to make a complaint about an NHS service or a service funded by the NHS. We also encourage people to download our self-help information pack from our dedicated website: nhscomplaintsadvocacy.org	The person is: <ul style="list-style-type: none"> • an NHS patient currently undergoing treatment AND • finds it difficult to represent themselves but is not eligible for statutory advocacy (e.g. Care & Support Statutory Advocacy, IMHA) AND • is unable or would find it extremely difficult to resolve a significant issue either at the point of a discharge from a hospital, or during a community or other treatment. This will usually mean patients: <ul style="list-style-type: none"> • with a physical or learning disability OR • with a mental health disability being treated in a general acute hospital setting OR • patients aged 65 years and above. Others facing a significant issue may be deemed appropriate, according to the difficulties they face in advocating for themselves.
Availability	For people living (or registered at a GP) in either Warwickshire or Coventry.	For people living (or registered at a GP) in Warwickshire ONLY. However, Healthwatch Coventry provide a similar service in Coventry: healthwatchcoventry.co.uk/nhs-complaints-support	For people living (or registered at a GP) in Warwickshire ONLY.

If in doubt about eligibility, call us for advice on 0300 222 5947. You can also make a referral by phone using the same number.

Alternatively, see our website for details of other ways to refer securely using a form: voiceability.org/Coventry&Warks.

As well as the Health Advocacy described in this leaflet, we also offer Care and Support Advocacy (IMCA and Care Act Advocacy).

For more information on this, contact us or visit our website.