

Who can make the referral?

The decision maker must decide if the person meets the criteria for an IMCA and make the referral. There is guidance in the Code of Practice (www.gov.uk/government/publications/mental-capacity-act-code-of-practice).

The decision maker is the NHS or Local Authority professional who will action the decision e.g. doctor for treatment/care manager for a move.

We may accept referrals from a professional other than the decision maker, however, they will be required to provide the decision maker's details so we can contact them to authorise the referral.

How to refer:

Contact our Sunderland team:

 0191 917 9964



totalvoicesunderland@voiceability.org



voiceability.org/sunderland

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IMCA

Independent Mental Capacity Advocacy



Independent

Free

A guide for health and social care staff.

Confidential



Who should be referred to the IMCA service?

A referral **MUST** be made for any person who has no 'appropriate' family and friends and lacks capacity to make a decision about either:

- 1 Serious medical treatment.
- 2 Long term moves (more than 28 days in hospital/8 weeks in a care home).
- 3 Deprivation of Liberty Safeguards.

The local authority/NHS decision maker **MAY** refer any person who lacks capacity to make a decision about either care reviews or protective measures during a safeguarding enquiry. However, in these cases, there are also duties to refer under the Care Act. Please call us to decide which is appropriate in your specific case.

For Deprivation of Liberty Safeguards, it is the responsibility of the supervisory body to make the referral. In Sunderland we also provide the Relevant Person's Representative role.

It is the decision maker's responsibility to confirm whether family and friends are 'appropriate' to consult. Additional guidance on this can be found on our website.

IMCA Enquiries: 0191 917 9964

The IMCA will:

- Be independent of the decision maker.
- Try to ascertain the person's wishes, feelings, beliefs, values and previously expressed wishes.
- Support and represent the person without capacity in discussions about whether the proposed decision is in the person's best interests.
- Get the views of professionals and paid workers providing care or treatment for the person who lacks capacity.
- Provide information to professionals and the person to help work out what is in the person's best interests.
- Check the decision is being made in line with the Mental Capacity Act.
- Write a report, which the decision maker must take into account before they make the decision.

An IMCA has a right to:

- Meet the person in private.
- Access relevant records.
- Seek a second medical opinion.
- Challenge the decision or the way it has been made informally first and through court if necessary.

The IMCA does not:

- Make the decision.
- Assess capacity.
- Persuade the person what to do.
- Decide who is 'appropriate' to consult.

