



Independent Mental Health Advocacy Factsheet

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When would an IMHA become involved?

People who are eligible to use IMHA services in England are:

- people detained under the Mental Health Act 1983 amended in 2007, excluding people who are detained under certain short term sections (4, 5, 135, and 136)
- conditionally discharged restricted patients
- people subject to guardianship
- people subject to supervised community treatment orders (CTOs).

Independent mental health advocacy in York is offered on an opt out basis – so client's should be referred for an IMHA automatically unless they object.

Self-referrals can be accepted over the phone. Referrals from services need to be made electronically, via our referral form which can be found under the professionals tab on www.yorkadvocacy.org.uk

What is the advocate's role?

The advocate's role is to identify what the wishes, thoughts and beliefs of the client are. In the case of clients who don't have capacity to tell us what they want, the advocate reviews records, consult with others and the client where possible to determine what the wishes, thoughts and beliefs of the client would be. The advocate would also observe the client in their current environment.

IMHAs can help people who use services to understand:

- their legal rights under the Mental Health Act
- the legal rights which other people (e.g. nearest relative) have in relation to them
- the particular parts of the Mental Health Act which apply to them
- any conditions or restrictions to which they are subject
- any medical treatment that they are receiving or might be given, and the reasons for that treatment
- the legal authority for providing that treatment
- the safeguards and other requirements of the Act which would apply to that treatment.

IMHAs will also help people to exercise their rights, which can include supporting them to self-advocate and/or representing them and speaking on their behalf.

IMHAs can support people in a range of other ways to ensure that they can participate in the decisions about their care and treatment. For example we help clients decide whether they want to appeal their section, accompany them to meetings about their care, treatment and discharge and raise issues that are important to the client such as section 17 leave, treatment and medication they may be receiving and their care on the unit.

Advocates work to help clients self-advocate where possible, to empower them to come to their own meetings and advocate for themselves.

What isn't the advocate's role?

The advocate is not there to make best interest decisions, but to inform you of the client's views and wishes. For client's lacking capacity, this will be based on the evidence they have gathered and they will feed in what the client might have wanted in the circumstances.

The advocate is not there to communicate difficult decisions, or make decisions about someone's care, support or treatment.

An advocate is unlikely to attend every meeting held about a client. They will identify relevant meetings where their clients wish to express views, feed in concerns, or where they wish to receive information about their client's ongoing treatment or discharge. Where an advocate is unable to attend a meeting they will request a copy of minutes or actions to be able to feedback to the client, or in the case of non-instructed cases so that they can ensure clients rights are upheld and their views/wishes considered where possible to receive these.

What we need from you

IMHAs can:

- meet qualifying patients in private
- consult with professionals concerned with the patient's care and treatment
- see any records relating to the patient's detention, treatment or after-care, for the purpose of providing help to the patient and where the patient consents
- request access to records where the patient lacks capacity to consent, if accessing the records is necessary to carry out the functions as an IMHA.

With that in mind please ensure that you inform us of any risk in advance of meeting a client that might affect the safety of the advocate.

Please ensure you consider the involvement of the IMHA when arranging client meetings, so that the IMHA has a chance to be able to attend to represent/support their client.

Please ensure access is given to the IMHA to the relevant health and social care records. If electronic systems are used, the IMHA might ask for a printed copy of records.