

# What is an Independent Mental Capacity Advocate (IMCA)?

Listening | Supporting | Enabling | Empowering



An IMCA is an advocate who has been specially trained to support people who are not able to make certain decisions for themselves and do not have family or friends who are able to speak for them. IMCAs do not make decisions and they are independent of the people who do make the decisions.

An IMCA can support anyone who is over 16 years old and who has been assessed as 'lacking capacity' to make a particular decision about their life. This is because the way their mind or brain works has been affected by an illness, an injury or a disability. They must have been assessed by a doctor or a social worker at the time the particular decision needs to be made. The person might have dementia, learning difficulties, mental health problems, a brain injury or they might have had a stroke. A lack of capacity can be temporary, such as when someone has been in an accident and is unconscious.

## When can an IMCA be instructed?

An IMCA can be instructed (asked to represent a person) when a decision needs to be made about:

- ✓ Serious medical treatment - when the NHS wants to give new treatment, stop treatment that is already being given or when they do not want to start treatment

OR

- ✓ A change of accommodation - when the NHS or local council wants to move a person to hospital for more than 28 days or to other accommodation for more than 8 weeks

It should also be considered whether it would be helpful for an IMCA to be instructed for two other issues:

- ✓ Safeguarding Adults from Abuse – when the NHS or local council receives a report of abuse and either the person reported to have

been abused or reported to be the abuser lacks capacity to understand the plans being made to prevent the abuse. This is the only type of issue where the person can have family or friends to support them and still have IMCA support

- ✓ Care Reviews – when the NHS or local council has arranged accommodation or wants to review arrangements for a person who lacks capacity

Different councils have different arrangements for these issues so please contact us if you need more information.

## What is the role of an IMCA?

The IMCA Advocate will find out as much as possible about the views and beliefs of the person referred to them. They have the right to meet the person privately and to see their health and care records.

An IMCA considers all relevant information about the person then writes a report to help decision-makers reach decisions which are in the best interests of the person. Sometimes they might look at options which were not suggested by the professional or ask for a second medical opinion. An IMCA has the right to challenge any decision made.

## What is the Court of Protection?

The Court of Protection is a special court which looks at cases about people who lack capacity to make decisions. If a very serious decision needs to be made, it might be sent to the Court of Protection. The court makes decisions and appoints people, called deputies who can act for someone who is not able to make decisions about their personal health, finance or welfare.