

What is Independent Mental Health Advocacy?



Listening | Supporting | Enabling | Empowering

It is a legal duty of the local authority and providers of care for patients detained under the Mental Health Act (including private mental healthcare providers) to provide information regarding IMHA support those who are eligible and to support communications and referrals for those patients who wish to engage with the service. An IMHA is an independent advocate who is trained to work within the framework of the Mental Health Act 1983 to support people to understand their rights under the Act and participate in decisions about their care and treatment. Our advocates are not employed by the NHS or any private healthcare provider.

Who can be supported by an IMHA?

You can receive the support of an IMHA if you are:

- ✓ Detained under the Mental Health Act (even if you are currently on leave of absence from hospital) excluding sections 4, 5(2), 5(4), 135 or 136
- ✓ A conditionally discharged restricted patient
- ✓ Subject to Guardianship under the Act or
- ✓ Are receiving Supervised Community Treatment (SCT).
- ✓ Being considered for a treatment to which section 57 applies (“a section 57 treatment”)
- ✓ Under 18 and being considered for electro-convulsive therapy or any other treatment to which section 58A applies (“a section 58A treatment”).

How can an IMHA help me?

Our advocates can help you to understand:

- ✓ The reasons for your detention and help you to understand how to appeal against this detention using the Mental Health Review Tribunal process
- ✓ Your rights under the Mental Health Act and safeguards that apply to you

- ✓ Any conditions or restrictions which apply to you
- ✓ The medical treatment you are receiving or might be given for mental health issues
- ✓ The requirement that would apply in connection with the treatment.

Our IMHA can also support you to:

- ✓ Access information. We can ensure that information given to you is presented in an appropriate and understandable format
- ✓ Better understand about what is happening to you
- ✓ Explore options and be involved in decisions about your care and treatment
- ✓ Prepare for meetings, tribunals, Hospital Managers Hearings, CPA’s and ward rounds. We can support you in these meetings where necessary to ensure your voice is heard.
- ✓ Talk with staff and make your views known
- ✓ Raise queries or concerns about the treatment that you are receiving.

What rights do IMHAs have?

IMHAs have the right to:

- ✓ Have access to wards and units so they can visit patients
- ✓ See patients in private unless the patient is under close observation or in seclusion, or clinical staff advise against it for safety reasons
- ✓ Attend meetings with staff where patients ask for this
- ✓ Meet with, and hold discussions with professionals involved in your care
- ✓ Access relevant patient’s records when given permission to do so by the patient. Where patients do not have capacity to consent to an IMHA having access to their records, the record holder should allow access to the records if doing so is necessary for the IMHA to carry out their role effectively.