Their support was really reassuring.

Advocacy: A guide for professionals in Dudley
What is an advocate?

Advocates are independent professionals who work with people to help them understand their options, know their rights and say what they want.

This helps to make sure that people are involved as much as possible in decisions about their health and care.

Your duty to refer

Advocacy is a statutory right for eligible people. The Mental Capacity Act and Care Act state that you must refer eligible people for advocacy. The Mental Health Act states that you must make eligible people aware of how to access advocacy.

Who is eligible?

Use the grid in this leaflet to find out who you must refer.

If you are unsure about eligibility, or have questions about advocacy types, contact us.
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<table>
<thead>
<tr>
<th>Independent Mental Health Advocacy (IMHA)</th>
<th>Care Act advocacy</th>
<th>Independent Mental Capacity Advocacy (IMCA)</th>
<th>NHS complaints advocacy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>When to refer</strong></td>
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</tr>
<tr>
<td>Make a referral whenever a person is in any of the following situations:</td>
<td>Make a referral when all three conditions apply:</td>
<td>Make a referral when both conditions apply:</td>
<td>Anyone who wants to make a complaint about an NHS-funded service can get our help. People can find our NHS complaints self-help resources on our website, or we can post a copy. If they need more support, you can refer them for an advocate or they can request an advocate themselves.</td>
</tr>
<tr>
<td>- detained under the Mental Health Act (even if on leave of absence from the hospital) but excluding people under short term sections 4, 5, 125 and 131</td>
<td>1. one of these processes is taking place:</td>
<td>1. the person is assessed to lack capacity in relation to a decision about:</td>
<td></td>
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<tr>
<td>- a conditionally discharged patient</td>
<td>- social care needs assessment</td>
<td>- serious medical treatment</td>
<td></td>
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<tr>
<td>- subject to a Community Treatment Order (CTO)</td>
<td>- care planning</td>
<td>- long-term accommodation</td>
<td></td>
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<tr>
<td>- being considered for 56A (excluding informal patients and people under 18)</td>
<td>- care review</td>
<td>- 2. there are no family or friends considered appropriate to consult about the decision</td>
<td></td>
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<tr>
<td>- being considered for 54A (including informal patients)</td>
<td>- 2. safeguarding investigation</td>
<td>- ‘Lack capacity’ means the person:</td>
<td></td>
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<tr>
<td></td>
<td>2. without support, the person will have substantial difficulty being involved</td>
<td>- has an impairment or disturbance that affects the way their mind or brain works (e.g. a brain injury, dementia, autism, learning disabilities, mental health problems) AND</td>
<td></td>
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<tr>
<td></td>
<td>3. there are no appropriate, able and willing family or friends to support the person’s active involvement*</td>
<td>- the impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made</td>
<td></td>
</tr>
<tr>
<td><strong>Advocate’s role</strong></td>
<td><strong>Substantial difficulty</strong> means that, without support, the person will find it very hard to do one or more of these:</td>
<td>You must also make a referral:</td>
<td></td>
</tr>
<tr>
<td>To support the person to:</td>
<td>understand relevant information</td>
<td>- for a person being assessed under DoLS, when there is no one appropriate to consult</td>
<td></td>
</tr>
<tr>
<td>- understand their rights and options</td>
<td>retain that information</td>
<td>- when there is a gap between appointment of Relevant Person’s Representative (RPR)</td>
<td></td>
</tr>
<tr>
<td>- understand decisions about treatment</td>
<td>use or weigh up that information</td>
<td>- if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it</td>
<td></td>
</tr>
<tr>
<td>- understand the parts of the Mental Health Act which apply to them</td>
<td>communicate their wishes and views</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- have their views and wishes heard in decisions about their care or treatment</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- raise anything they are unhappy with relating to their care or treatment</td>
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</tr>
</tbody>
</table>

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*There are some exceptions: see voiceability.org/care-act

substantial difficulty’ means that, without support, the person will find it very hard to do one or more of these:

- understand relevant information
- retain that information
- use or weigh up that information
- communicate their wishes and views

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We also offer paid Relevant Person’s Representatives (RPRs).
What do advocates do?

An advocate can support someone to:

- communicate their views and wishes
- understand their rights
- understand any processes and decisions they are subject to
- understand the options they have
- make their own choices
- challenge a decision

Even when someone can’t tell their advocate what they want, our advocates will use a range of approaches to establish their views and wishes as far as possible and secure their rights.

In some circumstances, an advocate has the right to access medical or care records on behalf of the person they are supporting. An advocate may write a report that must be taken into consideration by professionals.

An advocate does not:

- offer counselling or befriending
- offer legal advice
- tell people they support what decisions to make
- tell health or social care professionals what decisions to make
How to make a referral

Go online to find services near you and make a referral
voiceability.org/make-a-referral

You can also request a referral form by emailing
helpline@voiceability.org

If you have questions about eligibility or advocacy types, contact us.

Freephone:

0300 303 1660

Email: helpline@voiceability.org
Website: voiceability.org

About VoiceAbility

We’ve been supporting people to have their say in decisions about their health, care and wellbeing for over 40 years. We’re an independent charity and one of the UK’s largest providers of advocacy and involvement services.