Their support was really reassuring.

Advocacy: A guide for professionals in Cambridgeshire and Peterborough
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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**Independent Mental Health Advocacy (IMHA)**

**When to refer**

Make a referral whenever a person is in any of the following situations:

- detained under the Mental Health Act (even if on leave of absence from the hospital) but excluding people under short-term sections 4, 5, 135 and 136
- a conditionally discharged patient
- subject to a Community Treatment Order (CTO)
- subject to guardianship
- being considered for S56A treatment (excluding informal patients and people under IA)
- being considered for S57 treatment (including informal patients)

**When to make refer**

Make a referral when all three conditions apply:

1. one of these processes is taking place:
   - social care needs assessment
   - carer’s assessment
   - care planning
   - care review
   - safeguarding investigation
2. without support, the person will have substantial difficulty being involved
3. there are no appropriate, able and willing family or friends to support the person’s active involvement

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

**Care Act advocacy**

**When to refer**

Make a referral when both conditions apply:

1.  the person is assessed to lack capacity
2.   there are no family or friends considered appropriate to consult about the decision

"Lack capacity" means the person:

- 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
- the impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made

You must also make a referral:

- for a person being assessed under DoLS, when there is no one appropriate to consult
- when there is a gap between appointment of RPRs (Relevant Person’s Representatives) and the time it needs to be made
- if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it

**Independent Mental Capacity Advocacy (IMCA)**

**When to refer**

Make a referral when both conditions apply:

1.  the person is assessed to lack capacity in relation to a decision about:
   - serious medical treatment
   - long-term accommodation
2.  there are no family or friends considered appropriate to consult about the decision
3.  there are no appropriate, able and willing family or friends to support the person’s active involvement

"Lack capacity" means the person:

- 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
- the impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made

You must also make a referral:

- for a person assessed under IA35, when there is no one appropriate to consult
- when there is a gap between appointment of RPRs (Relevant Person’s Representatives) and the time it needs to be made
- if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it

**General advocacy in Cambridgeshire and Peterborough**

**When to refer**

You can refer people who meet these criteria:

- adults with mental health issues which seriously impact their ability to cope with everyday life
- adults who are disabled or have Autistic Spectrum Disorder and are known to Adult Social Care, where:
  - the assessment, Support Planning, and Social Care Review is undertaken by the local authority, or
  - the person has been assessed in the last six months and found ineligible, and wishes to challenge this, or
  - is in receipt of Continuing Health Care Funding
- people over 65 who would otherwise have no voice to represent them for the eligible issues
- direct carers of adults over 18, where the adult meets the above criteria and the issue is in relation to their caring role. The carer must be either living with the adult or be providing a substantial amount of support.

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**Advocate’s role**

To support the person to:

- understand their rights and options
- understand decisions about treatment
- understand the parts of the Mental Health Act which apply to them
- have their views and wishes heard in decisions about their care or treatment
- raise anything they are unhappy with relating to their care or treatment

**Advocates’ role**

To support the person to:

- understand their rights under the Care Act
- be fully involved in the assessment, review or planning process

**We can also provide paid Relevant Person’s Representatives (RPRs). For advocacy for children and young people in Cambridgeshire and Peterborough, contact NYAS: nyas.net/referral-form**
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 almost 40 years. We’re an independent charity and one of the UK’s largest providers of advocacy and involvement services.