Their support was really reassuring.

Care and support advocacy: A guide for professionals in Coventry and Warwickshire
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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**Care Act advocacy**

<table>
<thead>
<tr>
<th>When to refer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make a referral when all three conditions apply:</td>
</tr>
<tr>
<td>1. one of these processes is taking place:</td>
</tr>
<tr>
<td>● social care needs assessment</td>
</tr>
<tr>
<td>● carer’s assessment</td>
</tr>
<tr>
<td>● care planning</td>
</tr>
<tr>
<td>● care review</td>
</tr>
<tr>
<td>● S42 safeguarding investigation</td>
</tr>
<tr>
<td>2. without support, the person will have <strong>substantial difficulty</strong> being involved</td>
</tr>
<tr>
<td>3. there are no appropriate, able and willing family or friends to support the person’s active involvement*</td>
</tr>
</tbody>
</table>

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

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**Advocate’s role**

To support the person to:

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

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**Independent Mental Capacity Advocacy (IMCA)**

<table>
<thead>
<tr>
<th>When to refer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make a referral when both conditions apply:</td>
</tr>
<tr>
<td>1. the person is assessed to <strong>lack capacity</strong> in relation to a decision about:</td>
</tr>
<tr>
<td>● serious medical treatment</td>
</tr>
<tr>
<td>● long-term accommodation</td>
</tr>
<tr>
<td>2. there are no family or friends considered appropriate to consult about the decision</td>
</tr>
</tbody>
</table>

‘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)
- if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it

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**Advocate’s role**

As far as possible, to:

- make sure that the person’s views and wishes are taken into account in the best interests decision |
- support the person to be involved in the decision, or to represent them if necessary |
- uphold the person’s rights in relation to that decision

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We can also provide paid Relevant Person’s Representatives (RPRs) and Rule 1.2A Representatives.
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.