Their support was really reassuring.

Advocacy: A guide for professionals in Hampshire
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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### When to refer

**Independent Mental Capacity Advocacy (IMCA)**

- Make a referral whenever a person is in any of the following situations:
  - subject to a Community Treatment Order (CTO)
  - subject to guardianship
  - being considered for S58A treatment (including informal patients and people under 18)
  - being considered for S57 treatment (including informal patients)

**Independent Mental Health Advocacy (IMHA)**

- 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 under short term sections 4, 5, 136 and 138
  - a conditionally discharged patient
  - subject to a Community Treatment Order (CTO)

**Care Act advocacy**

- Make a referral whenever a person is in any of the following situations:
  - social care needs assessment
  - carers assessment
  - care planning
  - care review
  - safeguarding investigation

**Children’s Statutory Advocacy**

- The following groups are eligible:
  - Looked After Children (including in secure children’s homes)
  - Care Leavers
  - Children with special educational needs or disabilities

These groups can self-refer, and you should make a referral yourself when an eligible child or young person asks you to, or when you know they want to:

- get help to understand their rights and options
- say what they think
- make a complaint about their care

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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

Also, if the person may be deprived of liberty under DoLS:

- provide support
- during an assessment under DoLS
- between the appointment of Relevant Person’s Representatives (RPRs) when an authorisation is in place
- to the person, RPR or both when the authorisation is in place

**In Hampshire, you can also make an advocacy referral for:**

- adults with support needs that mean they would benefit from advocacy, but who do not fall into the criteria for other forms of advocacy
- anyone with a mental health issue who is in hospital, or who is eligible to access community mental health services
- anyone who wants to make a complaint about an NHS service
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/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.