Their support was really reassuring.

Advocacy: A guide for professionals in Tameside
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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<th>What is an advocate?</th>
<th>NHS complaints advocacy</th>
<th>Non-statutory health and social care</th>
<th>Independent Mental Health Advocacy (IMHA)</th>
<th>Care Act advocacy</th>
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<td><strong>When to refer</strong></td>
<td>Level 1: NHS complaints are handled by healthwatch.co.uk. They will refer Level 5: NHS complaints to Voiceability where specialist support and advocacy is required.</td>
<td>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 - also section 39a, 39h, 39d (Mental Capacity Act, DoLS referrals) 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 4. the Supervisory Body recommends it</td>
<td>Make a referral whenever a person meets the following situations: 1. detained under the Mental Health Act (even on leave of absence from the hospital) but excluding people under short term sections 4, 135 and 136; a conditionally discharged patient; subject to a Community Treatment Order (CTO); subject to guardianship; being considered for S56A treatment (including informal patients); being considered for S57 treatment (including informal patients)</td>
<td>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 - S42 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 4. there are some exceptions: see voiceability.org/care-act/</td>
<td></td>
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<td><strong>Advocate’s role</strong></td>
<td>Nhs complaints: advocates support people to complain about the treatment or care that they or a friend or family member have received from an NHS service. Advocate’s role: To support the person to: look at their options around the issues they’re dealing with understand their rights and options make sure their views and wishes are heard 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</td>
<td>To support the person to: verbalise their wishes and views consult about the decision understand their options and choices 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</td>
<td>To support the person to: uphold the person’s rights in relation to that decision consult about the decision represent them if necessary</td>
<td>To provide an appropriate adult service an advocate will not: provide care and support work provide counselling provide befriending</td>
<td>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</td>
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</table>
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/tameside

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.