

Working together to support clients during the coronavirus pandemic

People's right to advocacy still apply during the coronavirus pandemic and are legally enforceable.

The Coronavirus Act and the emergency powers in it may cause changes to the way that you support people. However, there is nothing in the Coronavirus Act, including in relation to local lockdowns, which suspends people's right to advocacy under the Mental Health Act 1983, Mental Capacity Act 2005, or the Care Act 2014.

This means that a person's legal right to advocacy still applies in full. Our advocates are key workers and are professionals providing support. Advocates are not visitors. Our advocates are ready and able to provide advocacy in person. The MCA and DoLS additional guidance published on gov.uk on [7th September](#) makes this clear stating that "Face-to-face visits by professionals are an important part of the DoLS legal framework. These visits should currently occur if needed, for example to meet the person's specific communication needs, urgency or if there are concerns about the person's human rights". In addition, further government guidance published on the [14th September](#) (including the Rule of 6) does not apply to working situations.

As a reminder, in general, people are legally entitled to advocacy in the following situations:

- where a person would have substantial difficulty being involved in decisions, and cannot be supported by an appropriate person with regards to:
 - serious medical treatment (including for coronavirus-related symptoms)
 - advanced care planning (including DNACPR notices)
 - long term accommodation (including discharge from hospital into a different care setting)
- where a person requires support to engage in decisions about their care and support, including assessments, reviews and changes to their care package
- where a person is detained, or liable to be detained, under the Mental Health Act
- where someone may be deprived of their liberty, even if the assessment is taking place on paper or by phone.

We recognise the pressure you may be under at this time, but together we can protect people's rights. Government guidance is clear on how we can work safely. This includes access to testing which is limited to people who are displaying symptoms. Advocates can therefore not get tested unless they are displaying symptoms because the Government does not view this as necessary. Our advocates complete a risk assessment prior to visiting and will work with you to ensure that we fully comply with your infection control processes, including ensuring that they adhere to social distancing guidelines.

Staff in mental health settings must also ensure that all people who are detained are able to access support from an IMHA, including facilitating access by phone or video call.

If you think advocacy could support any of your clients at this time, please contact our referrals team for helpful advice on helpline@voiceability.org or 0300 303 1660.