Their support was really reassuring.

Advocacy: A guide for professionals in Liverpool and Sefton
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.
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.

We can also provide paid Relevant Person’s Representatives (RPRs).

### Independent Mental Capacity Advocacy (IMCA)

<table>
<thead>
<tr>
<th>When to refer</th>
<th>Care Act advocacy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make a referral when both conditions apply:</td>
<td>When to refer when all three conditions apply:</td>
</tr>
<tr>
<td>1. the person is assessed to lack capacity in relation to a decision about:</td>
<td>1. one of these processes is taking place:</td>
</tr>
<tr>
<td>● serious medical treatment</td>
<td>● social care needs assessment</td>
</tr>
<tr>
<td>● long-term accommodation</td>
<td>● carer’s assessment</td>
</tr>
<tr>
<td>2. there are no family or friends considered appropriate to consult about the decision</td>
<td>● care planning</td>
</tr>
<tr>
<td>‘Lack capacity’ means the person:</td>
<td>● care review</td>
</tr>
<tr>
<td>● 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</td>
<td>● S42 safeguarding investigation</td>
</tr>
<tr>
<td>● the impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made</td>
<td>2. without support, the person will have substantial difficulty being involved</td>
</tr>
<tr>
<td>You must also make a referral:</td>
<td>3. there are no appropriate, able and willing family or friends to support the person’s active involvement*</td>
</tr>
<tr>
<td>● for a person being assessed under DoLS, when there is no one appropriate to consult</td>
<td>‘Substantial difficulty’ means that, without support, the person will find it very hard to do one or more of these:</td>
</tr>
<tr>
<td>● when there is a gap between appointment of RPRs (Relevant Person’s Representatives)</td>
<td>● understand relevant information</td>
</tr>
<tr>
<td>● if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it</td>
<td>● retain that information</td>
</tr>
<tr>
<td>● ‘Lack capacity’ means the person:</td>
<td>● use or weigh up that information</td>
</tr>
<tr>
<td>● 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</td>
<td>● communicate their wishes and views</td>
</tr>
<tr>
<td>*There are some exceptions: see voiceability.org/care-act</td>
<td></td>
</tr>
</tbody>
</table>

### 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

We can also provide paid Relevant Person’s Representatives (RPRs).
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.