

## You must continue to make advocacy referrals during the coronavirus pandemic

Health and social care professionals' legal duties to refer eligible people for advocacy still apply during the coronavirus pandemic

The Coronavirus Act and the emergency powers in it may, if and when they are activated, cause changes to the way that you support people throughout this time.

However, there is nothing in the Coronavirus Act which could suspend people's rights to advocacy under the Mental Health Act 1983, Mental Capacity Act 2005 or the Care Act 2014. This means that health and social care professionals' legal duties to refer eligible people for advocacy still apply.

Our advocates are key workers and are ready and able to provide advocacy by phone, video call, or, where essential, in person.

As a reminder, professionals must make a referral for advocacy in the following situations:

- where the client lacks the capacity to make a decision, and cannot be supported by an appropriate person with regards to:
  - serious medical treatment (including for COVID-19 related symptoms)
  - advanced care planning (including DNACPR notices)
  - long term accommodation (including discharge from hospital into a different care setting)
- where the client requires support to engage in decisions about their care and support, including assessments, reviews and changes to their care package
- where a detained patient is unable to ask for a mental health advocate
- where someone may be deprived of their liberty, even if the assessment is taking place on paper or by phone

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

If you think advocacy could support any of your clients at this time, please contact our referrals team for helpful advice: [voiceability.org/contact-us](https://voiceability.org/contact-us) We absolutely recognise the pressure you may be under at this time, but together we can protect people's rights.

We also recognise that hospital staff are under pressure to discharge people as quickly as possible. If someone is being discharged to a care setting that they were not in before they came to hospital, you must still refer for an advocate, we can follow up with the person once they are in their new care setting.

To hear about any changes, join our mailing list at: [voiceability.org/for-professionals](https://voiceability.org/for-professionals)