

## CARE ACT ADVOCACY

Statutory Advocacy for adults who have no appropriate individual to support them, have substantial difficulty being involved in the process of and taking part in;

- 👉 A needs assessment
- 👉 A carer's assessment
- 👉 The preparation or review of a care and support plan
- 👉 A safeguarding enquiry
- 👉 A safeguarding adult review
- 👉 An appeal against a local authority decision

Under the Care Act 2014 a Health or Social Care professional has a duty to refer for an Advocate if an individual meets the above criteria.

## GENERIC ADVOCACY- HEALTH & SOCIAL CARE

Generic Advocacy can support individuals that do not meet the criteria for statutory support in accessing and dealing with Health & Social Care Services.



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towards a brighter future



**Blackburn with Darwen  
Advocacy Hub**



**“The advocate always seems able to pick through the details of what is happening in a persons life, highlighting the relevant issues and bringing these to the attention of the relevant people to get the best possible outcome for the person”**  
– Social Worker in Care Act case



**Blackburn with Darwen  
Advocacy Hub**

### Contact Details

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### THE SINGLE POINT OF CONTACT FOR ALL ADVOCACY ENQUIRIES IN THE AREA

- 👉 Independent Mental Capacity Advocacy
- 👉 Independent Care Act Advocacy
- 👉 Independent Mental Health Advocacy
- 👉 Generic Advocacy - Health & Social Care

**0330 00 22 200**

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## INDEPENDENT MENTAL CAPACITY ADVOCACY

Statutory Advocacy for Adults who lack capacity to make certain decisions about their care or treatment or are being assessed/subject to a Deprivation of Liberty Safeguard.

The Mental Capacity Act 2005 places a duty on NHS bodies and Local Authorities to refer those adults that are eligible to an Independent Mental Capacity Advocate (IMCA).

The Local Authority or NHS body must instruct an IMCA when a person over the age of 16+ has no family or friends appropriate to consult and they lack capacity to make important decisions about either;

- 🌀 Providing or withdrawing serious medical treatment
- 🌀 A proposed stay arranged by the council of more than 8 weeks
- 🌀 A hospital stay of over 28 days

An IMCA should also be considered for decisions regarding;

- 🌀 A care review
- 🌀 Safeguarding Adults proceedings (even if they have friends or family involved)

An IMCA should be instructed by the Supervisory Body for **Deprivation of Liberty Safeguards (DoLS)** when;

- 🌀 A care home or hospital has requested an urgent or standard authorisation to deprive someone of their liberty (39A IMCA)
- 🌀 A person is subject to a DoLS and requires an IMCA to stand in as the representative on a temporary basis (39C IMCA)
- 🌀 A person is subject to a DoLS, or their unpaid representative requests the support of an IMCA via the Supervisory Body (39D IMCA)

An Advocate can be instructed by the Supervisory Body to provide a paid **Relevant Person's Representative (RPR)** role for a person subject to a DoLS who has no friend or family to be the RPR.

## INDEPENDENT MENTAL HEALTH ADVOCACY

Statutory Advocacy for adults who are being detained under the Mental Health Act (IMHA).

This applies to hospital patients, those who are on a Supervised Community Treatment Order and those under Guardianship.

The Health professionals involved in a person's detention have a duty to refer them for advocacy.

**An IMHA will support individuals to understand;**

- 🌀 The reasons for detention and the process to appeal against this
- 🌀 Their rights and safeguards under the Mental Health Act
- 🌀 Any conditions or restrictions that apply
- 🌀 The medical treatment that is or may be given for mental illness
- 🌀 The requirement that would apply with the treatment
- 🌀 Information relevant to the situation in an appropriate and understandable format

