

## How Will the IMCA Carry Out Their Duties?

The IMCA will decide how best to represent and support the person who lacks capacity. They will;

- Confirm that the person instructing them has the authority to do so
- Interview in private the person who lacks capacity
- Examine relevant health and social care records
- Get the views of professionals and paid workers providing care and treatment for the person
- Get the views of anyone else who can give information about the wishes, feelings, beliefs and values of the person
- Find out what support the person has had to help them participate in the decision-making process
- Seek to establish that all possible protective measures have been considered and that the proposed measures are the least restrictive of the person's rights
- Consider whether they have concerns about the outcome of the process

**We provide the IMCA service for adult safeguarding in;**

**Blaenau Gwent, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taff, The Vale of Glamorgan, Torfaen.**

**To refer, or if you have any queries, in the first instance contact;**

**ADVOCACY SUPPORT CYMRU**

 **029 2054 0444**

Referral forms can be found on our website

 **[www.ascymru.org.uk](http://www.ascymru.org.uk)**

Completed forms can be sent via email to

 **[info@ascymru.org.uk](mailto:info@ascymru.org.uk)**

or faxed to

 **029 2073 5620**

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# Independent Mental

# Capacity Advocacy

# (IMCA) and the

# Safeguarding of

# Vulnerable Adults

## Information for Health and Social Care Professionals

This leaflet will tell you who must be referred to the IMCA service, the responsibilities of professionals when referring and the rights and role of the Independent Mental Capacity Advocate (IMCA).

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## Independent Mental Capacity Advocacy and the Safeguarding of Vulnerable Adults.

In Wales certain vulnerable individuals are eligible for the support of an IMCA, a role defined in the Mental Capacity Act 2005.

The IMCA provides independent safeguards for people who lack capacity to make certain important decisions and, at the time such decisions need to be made in their best interests, have no-one (other than paid staff) to support or represent them or be consulted. The IMCA will take on this role.

IMCAs are able to support vulnerable adults where a safeguarding allegation has been made.

In the safeguarding adult process access to an IMCA is not restricted to people who have no one else to support or represent them. People who have friends and family, but lack capacity, can still have IMCA support.

## What are your Responsibilities as Professionals?

The Mental Capacity Act 2005 clearly sets out duties placed on health and social care professionals in relation to instructing an IMCA during the adult safeguarding process.

The regulations specify that local authorities and the NHS have powers to instruct an IMCA if the following requirements are met;

- Where safeguarding measures are being put in place in relation to the protection of vulnerable adults from abuse; and
- Where the person lacks capacity

The regulations equally apply to;

- A person who may have been abused
- A person who has been neglected
- A person who is alleged to be the abuser

Where the qualifying criteria are met, it would be unlawful for the local authority or the NHS not to consider the exercise of their power to instruct an IMCA.

## Who is Responsible for Instructing an IMCA?

For safeguarding adults the instruction must be made by either a local authority or NHS body that may need to take protective measures in relation to the person at risk.

## What Rights Does the IMCA Have?

IMCAs have a statutory role to represent and support the person at risk in relation to decisions concerning protective measures, which must comply with the Mental Capacity Act.

The IMCA has the right to;

- Interview or meet with the person in private if possible
- Talk to professionals
- Talk to friends and family
- Access relevant health and social care records
- Make representations on any matter they feel is relevant to decisions concerning protective measures.

