

## 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 make the specific decision
- Find out what the person's wishes, feelings, beliefs and values would be likely to be if they had capacity
- Find out what alternative options there are
- Consider whether getting another medical opinion would help the person
- Write a report on their findings for the local authority or NHS body

**We provide the IMCA service 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) Service

## 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).

We provide the IMCA service in; Blaenau Gwent, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taff, The Vale of Glamorgan, Torfaen.



## The Independent Mental Capacity Advocacy Service

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. If, at the time such decisions need to be made in a person's best interests, they have no-one (other than paid staff) to support, represent them or be consulted, the IMCA will take on this role.

The IMCA will not be part of the decision making, but will provide information that the decision maker must take into account.

The IMCA can challenge a decision if they feel that the decision maker has disregarded their information and is not acting in the person's best interests.



## What are your Legal Responsibilities as Professionals?

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

An IMCA **must** be instructed and consulted whenever;

- an NHS body is proposing to provide, withhold or stop serious medical treatment
- an NHS body is proposing to place a person in a hospital – or move them to another hospital, for longer than 28 days
- an NHS body or local authority is proposing to arrange accommodation (or a change of accommodation) in a care home for a period of longer than 8 weeks

An IMCA **may** be instructed for;

- care reviews, where no-one else is available to be consulted
- adult protection case, whether or not friends or family are involved

## Are There Any Exceptions?

The only situations in which the duty to instruct an IMCA need not be followed are;

- when an urgent decision is needed (for example to save someone's life)
- if a change of accommodation is urgent (for example an emergency admission to hospital or possible homelessness)

## Who is Responsible for Instructing an IMCA?

- The person who will ultimately have to make the decision concerning serious medical treatment or a change of accommodation
- In the case of care reviews or adult protection proceedings, the person with overall responsibility for the proceedings

## What Rights Does the IMCA Have?

The IMCA has a statutory responsibility to ensure that the person who lacks capacity is enabled, as much as possible, to participate in decisions that affect their lives. In order to do this the IMCA has the right to;

- Meet with the person in private in order to try and ascertain their views
- Access relevant health and social care records
- Speak with professionals and the decision maker in order to gain information about the proposed decision
- Challenge a decision