

Independent Mental Capacity Advocacy (IMCA) Service

The independent Mental Capacity Advocacy Service (IMCA) provides independent safeguards for people who lack capacity to make certain significant decisions and who, at the time such decisions need to be made, have no-one else other than paid staff to support or represent them or to be consulted.

Asist provides the Independent Mental Capacity Advocacy service in Staffordshire.

To make a referral call: **01782 845584**

Referral forms can be viewed and downloaded from the Asist website at: **www.asist.co.uk**

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What will the IMCA do?

The IMCA role is set out in the Code of Practice, but would include:

- Meeting in private with the person who lacks capacity and attempting to communicate with them using what-ever means are appropriate
- Speaking with the decision-maker and any other relevant professionals to understand what is being proposed
- Getting the views of anybody else who can give information about the wishes, feelings, beliefs and values of the person who lacks capacity
- Consulting any relevant records
- Finding out what support the person who lacks capacity has had / needs to help them make the specific decision
- Identifying any alternative options
- Reporting their findings to the decision-maker

When should an IMCA be involved?

An IMCA must be instructed for people lacking capacity who have no-one other than paid staff to support them whenever:

- An NHS body is proposing to provide, withhold or stop serious medical treatment
- An NHS body is proposing to arrange a stay in hospital lasting 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 also be instructed on behalf of a person lacking capacity for:

- Care reviews, where no-one else is available to be consulted
- Adult protection cases, whether or not family or friends are involved

Are there any exceptions?

The only circumstances where an IMCA need not be involved are situations where an emergency decision is required, including:

- To provide emergency life-saving medical treatment
- Where the person would be homeless unless they were accommodated in a care home

Who instructs an IMCA?

The person who instructs an IMCA is the professional who will ultimately have to make the decision concerning serious medical treatment or a change of accommodation or is responsible for a care review or an adult protection case.

Will the IMCA be part of the decision making?

The IMCA's role will be similar in many ways to that of a concerned relative of the person who lacks capacity. They will not be part of the decision making but will provide information that the decision maker must take into account when making the decision. The decision maker may choose to disregard the information or recommendations but must show reason why they have done so.

If the IMCA is concerned about the decision that has been made or is concerned that the decision maker is not acting in the best interests of the person who lacks capacity, they may go through existing procedures to challenge the decision.