

## **MONITORING.**

*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.*

## **CONFIDENTIALITY.**

*Everything you say to your advocate is kept confidential within Swindon Advocacy Movement. However, there are occasions when we may have to breach confidentiality and are obliged by law to notify other organisations and services. Our confidentiality policy will be explained in full at our first meeting with you.*



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# **IMCA**

## **INDEPENDENT MENTAL CAPACITY ADVOCACY SERVICE**

*What is an IMCA?  
An IMCA is a specialist mental capacity advocate introduced by the Mental Capacity Act 2005. This gives some people who lack capacity a right to receive support from an IMCA in relation to important decisions about their care*



## **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 if they are an alleged perpetrator in safeguarding enquiries.*

*If a decision needs to be taken about a Care Review or a person is the subject of a Safeguarding enquiry, there is now a statutory duty to refer under the Care Act 2014.*

*Please refer to our Independent Care Act Leaflet for more information*

## **ARE THERE ANY EXCEPTIONS?**

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

- 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 ultimately have to make the decision concerning serious medical change, or a change in accommodation, or is responsible for a care review or an adult protection case.*

## **DECISION MAKING.**

*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 and the IMCA may challenge at this point.*

## **SAFEGUARDING.**

*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 procedures to challenge the decision.*