Advocacy Decision Support Tool

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There is no duty to provide independent advocacy under the Care Act

The existing advocate can support and there is no duty to provide independent advocacy under the Care Act

There is a duty to provide an advocate. It is likely that an independent advocate under the Care Act will be the most appropriate.

Y

Is the person happy to be supported by them?

N

Y

Are they happy to support the person under the Care Act alongside any other advocacy role they have?

N

Y

Is the Care and Support process likely to involve a decision about residency, medical treatment or any other major decision?

N

N

Does the person have substantial difficulty or lack capacity to be involved in a Care and Support process?

Y

Are they skilled to provide Care Act advocacy

N

Lack Capacity

Y

There is a duty to provide an advocate. It is likely that an IMCA under the Mental Capacity Act will be the most appropriate.

Y

Is there an appropriate other person to support their involvement?

N

Do they already have an advocate (either general, IMCA or IMHA)?

N

Does the person have substantial difficulty or do they lack capacity?

Y

Are they happy to support them?

N

Y

Substantial Difficulty

Is the person happy to be supported by them?

N

Y

There is a duty to provide an advocate. It is likely that an independent advocate under the Care Act will be the most appropriate.

The appropriate person can support and there is no duty to provide independent advocacy under the Care Act
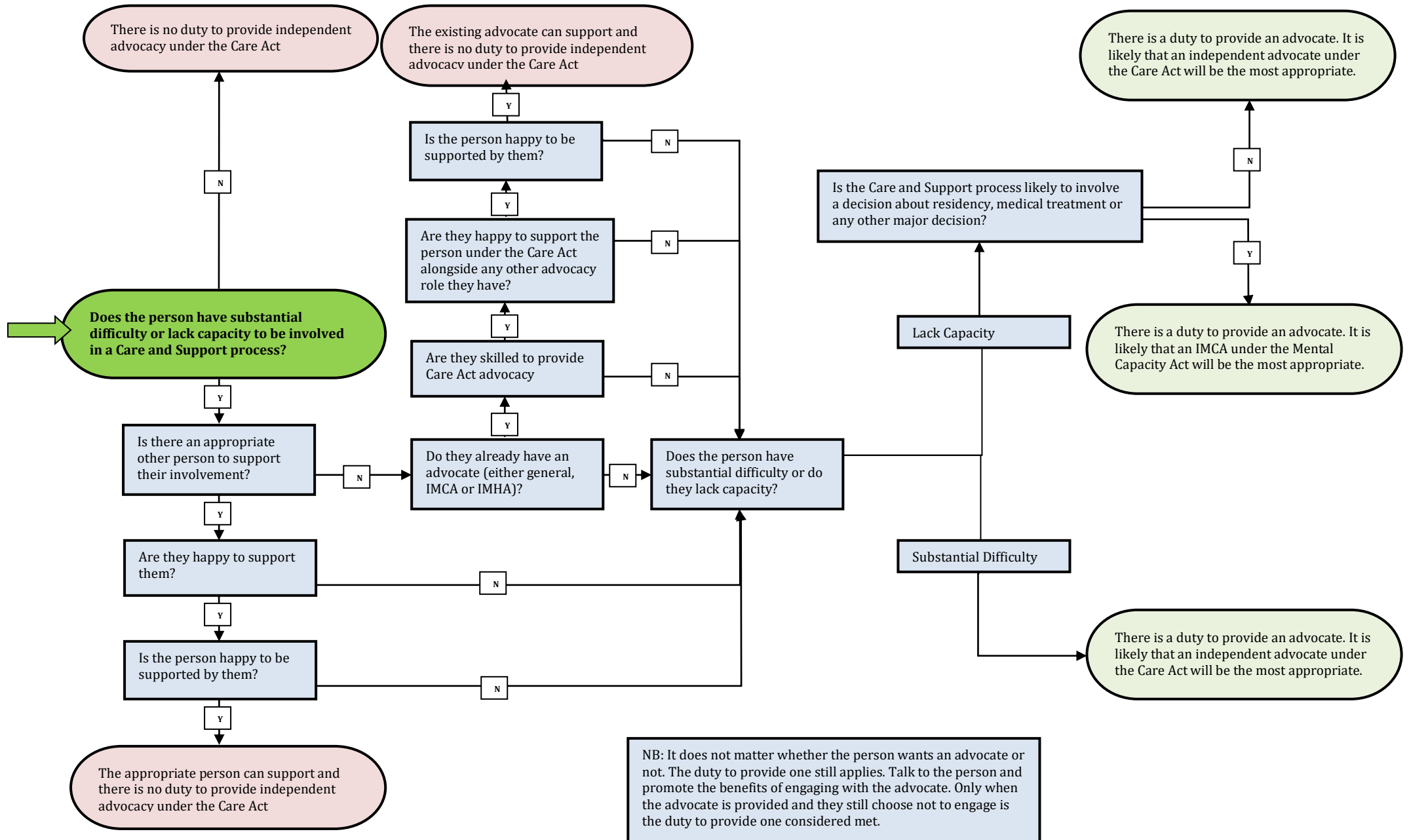
NB: It does not matter whether the person wants an advocate or not. The duty to provide one still applies. Talk to the person and promote the benefits of engaging with the advocate. Only when the advocate is provided and they still choose not to engage is the duty to provide one considered met.

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