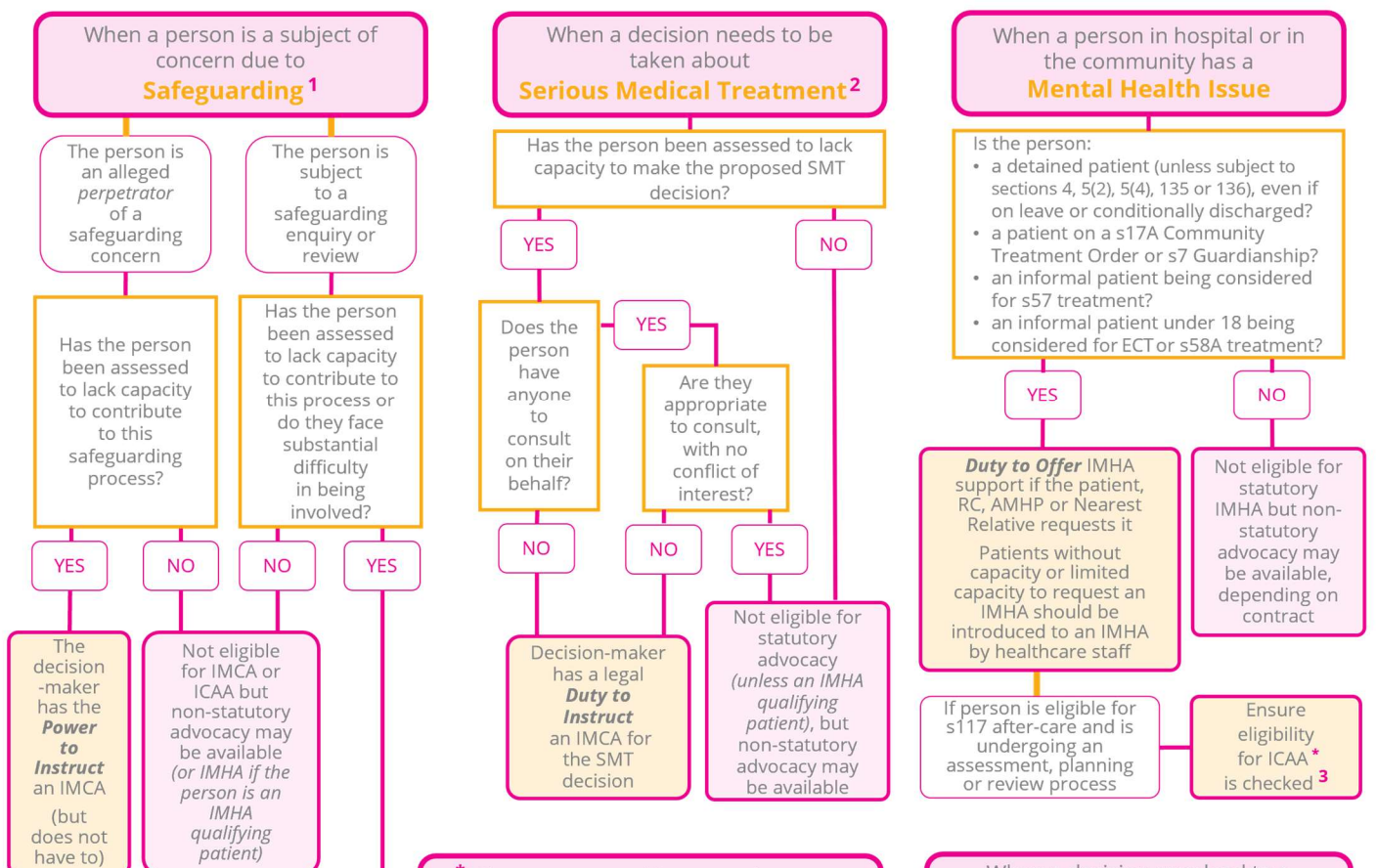
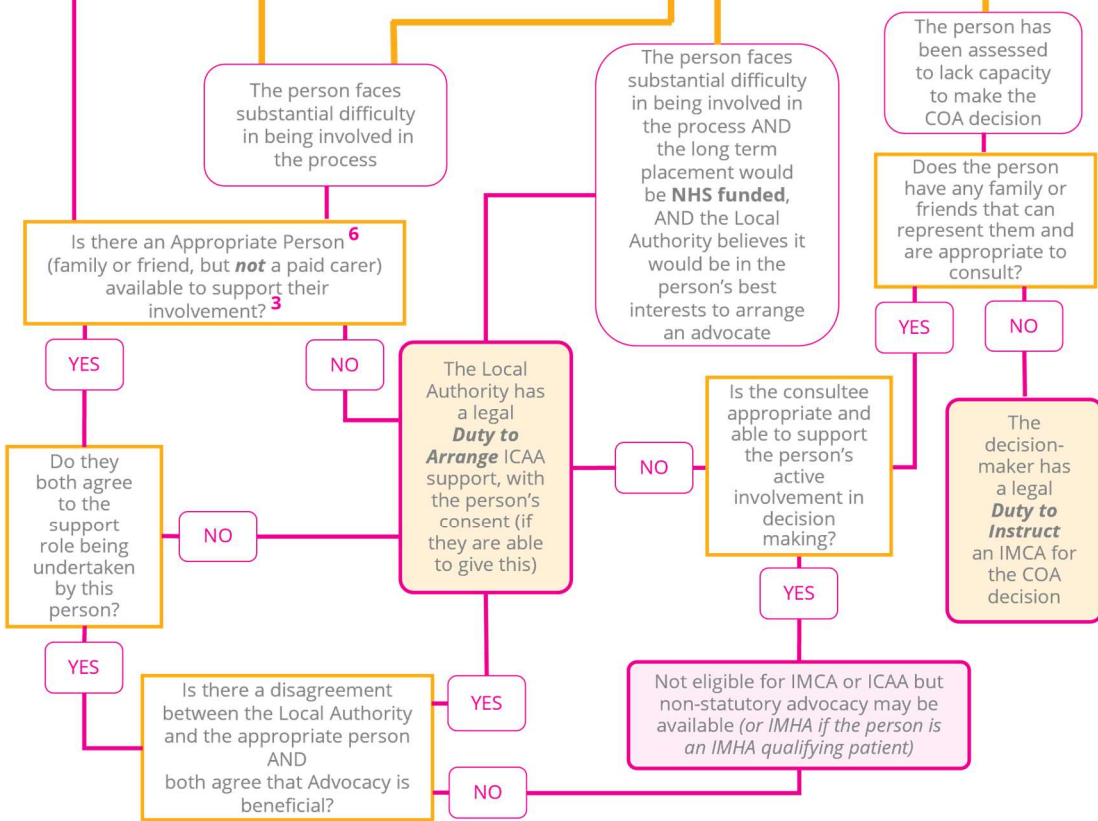


# Flowchart for Statutory Advocacy: IMCA, ICAA or IMHA



**\*When a person with care and support needs, or a carer, requires a process of Assessment, Planning or Review<sup>1</sup>**

**When a decision may lead to a Long-term<sup>4</sup> Change of Accommodation<sup>5</sup>**



**1** Where discretionary IMCA Accommodation Care Review or Adult Protection (safeguarding) instructions are received, discussion between the referrer and advocacy service should consider previous COA decisions, likely future advocacy needs, IMCA's greater power to challenge certain decisions, and whether IMCA or ICAA would be most beneficial for the person. N.B. IMCA eligibility for safeguarding is **not** dependent on there being nobody available and appropriate to consult

**2** An IMCA does not have to be instructed if treatment is for a mental disorder, and it can be given without the patient's consent under the Mental Health Act

**3** If an IMHA is already involved, they may support as an appropriate person under the Care Act, or as an ICAA advocate if Care Act requirements are met

**4** Long term COA involves placing the person in an NHS funded hospital for more than 4 weeks, or in a care home for more than 8 weeks

**5** An IMCA or ICAA instruction does not have to be made if the person will be required to stay in the accommodation under the Mental Health Act

**6** An Appropriate Person must be a 'natural ally' - who can offer support and representation, and ensure meaningful involvement

The same advocate can provide the person with more than one type of advocacy (providing they meet requirements for training and independence)	Some IMHA contracts fund advocacy for informal patients - here, the advocate will be acting as a non-statutory informal patient advocate and will not have any IMHA powers	A person undergoing more than one decision-making process may be entitled to more than one advocacy referral	A person receiving IMCA support for a Change of Accommodation will usually be entitled to receive ICAA support for their wider care and support planning	If a person lacks capacity to consent to (or refuse) advocacy, the decision-maker must follow the Mental Capacity Act to decide if it is in the person's best interests to instruct
---	--	--	--	---