

Independent Mental Capacity Advocate Service IMCA

Additional guidance on client eligibility for the service

Feedback from health & social care practitioners indicates that the criteria of having family who are 'willing and able to be consulted' about the decision is causing some difficulties when deciding if a referral is relevant or not.

If a person is facing a decision about a change of accommodation or serious medical treatment, has been assessed to lack the capacity to make that decision and has **no family or friends** who can be consulted about the decision then they are definitely eligible for IMCA.

If in the same situation described above a person **does have family or friends** a situation may exist where the person needs an independent mental capacity advocate. The term used in the Mental Capacity Act is that family or friends may not be 'appropriate to consult'.

In the following situations, a referral should be made:

- The family member or friend is not willing to be consulted about the best interest decision.
- The family member or friend is too ill or frail.
- There are reasons which make it impractical to consult with the family member or friend eg they live too far away.
- The person named by the client to be consulted feels that they do not know the person well enough to be involved.
- There is intense conflict within the family or with family and professionals disagreeing with the proposed course of action or with what would be in their relative's best interest to the extent that a decision cannot be made.
- There are allegations, suspicions or proved incidences of abuse by the family member or friend.
- The family member or friend is unwilling to involve the person whom the decision is about in the decision-making process.

When you contact the IMCA service, and a person has family or friends, you will be asked which of the above criteria apply. If none of the above criteria apply, the person cannot be referred to the IMCA service.

A person cannot be referred if the referrer feels the family member or friend is not acting in the person's best interests unless one of the above criteria applies.

The IMCA Service cannot arbitrate in situations when there are disagreements between professionals and family members/friends

The family member or friend must be informed of the reason why an IMCA is involved.

For further information please contact the IMCA referral line 0845 650 0081 or imca@speakingup.org