

What will the IMCA do?

The IMCA role is set out in the **Code of Practice** and includes:

- Meeting in private with the person who lacks capacity and attempting to communicate with them using whatever 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 or needs, to help them make the specific decision.
- Identifying any alternative options.
- Reporting their findings to the decision-maker.



How can I find out more about the IMCA service?

To find out more, please contact your local IMCA service.

Referral forms can be found on the website
www.mhmwales.org.uk

Completed forms can be sent by post or email:
imca@mhmwales.org



Contact:

MHM Wales
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Quarella Road
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Email: imca@mhmwales.org
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**MENTAL HEALTH
MATTERS WALES**

Independent Mental Capacity Advocacy

(IMCA)

A Guide for Health and Social Care Staff



01656 649557

When should an IMCA become involved?

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

- A National Health Service (NHS) body is proposing to provide, withhold or stop serious medical treatment.
- A NHS body is proposing to arrange a stay in hospital lasting longer than 28 days.
- A 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 eight 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.

The Expansion of the IMCA Role

The IMCA role was expanded with the introduction of the Deprivation of Liberty Safeguards (DoLS) in 2009.

IMCAs are now part of the assessment process under the MCA 2005 (section 39A). IMCAs can also be appointed once an authorisation is in place (under section 39C or 39D). The IMCA will support the individual or their Relative Persons Representative (RPR).

If there is no one suitable to take on the role as RPR, an IMCA may be appointed as a Paid RPR. This is a service that MHM Wales established in our area and it has developed over the last few years. This service can be “spot purchased” for individual cases by the Health Board and Local Authorities.

Are there any exceptions?

The only circumstances where an IMCA need not be involved are situations when an emergency decision is required, such as to provide emergency life-saving medical treatment , or when the person would be homeless unless they were accommodated in a care home.

Who Instructs an IMCA?

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

Will the IMCA be part of the decision making?

The role of the IMCA will be similar in many ways to that of a concerned relative.

They will not be part of the decision making, but will provide information that the decision maker must take into account when making their decision.

The decision maker may choose to disregard the information or recommendation, but they must show the reason why they have done so.

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