

## Criteria and Advocacy Pathway

From the 1st April 2009 new legislation came into effect under amendments to the Mental Health Act 1983 (the Act) introduced by the Mental Health Act 2007. This placed a duty on the responsible individual and/or body to provide certain qualifying patients with information regarding the availability of their local IMHA Service. The IMHA Service in Staffordshire and Stoke-on-Trent is provided by Asist. Please note that the duty is to provide information and patients may choose not to be referred to the IMHA Service.

### Persons who qualify for the IMHA Service are:

- Being detained under a Section of the MHA\* or are on leave of absence from hospital
- Conditionally discharged and restricted patients
- Subject to Guardianship
- On Supervised Community Treatment
- Being considered for a section 57 treatment
- Under 18 and being considered for a Section 58A treatment like electro-convulsive therapy

\* Does not include emergency and short term detentions such as those made under Sections 4, 5(2), 5(4), 135 136

The IMHA is entitled to:

- Facilities to meet with the patient in private, access relevant records including medical records but only with the consent of the patient, discuss the patient with professionals involved in their treatment

An IMHA can support a patient by:

- Assisting them to understand their rights and the rights others have in relation to them
- Assisting them to find information, including information about any treatment and the legal authority for providing that treatment
- Supporting them to have a voice in decisions affecting them by supporting them to speak out, or by representing their views, choices and opinions

### Non-Instructed Advocacy

In some circumstances, as a result of their condition, it is not possible for the advocate to communicate with the person about their views, choices and opinions. In this situation, our advocate can still work with the person using non-instructed advocacy techniques. These involve testing any proposed decision against a defined set of quality-of-life principles. Asist is a leading practitioner in non-instructed advocacy and its Watching Brief policy is one of the nationally recognised approaches.

Anyone can make a referral to the Independent Mental Health Advocacy Service. Often people are referred by professionals in health and social care, however, we will happily accept referrals from carers, family or friends, and direct from the person who needs an advocate if they wish to self-refer. Please note, however, that advocacy is a partnership with the person being supported and, where their condition allows, the person being referred must know about the referral and want to work with an advocate.

## Criteria

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## Enquiry

- An enquiry can be made by telephone, email, fax, letter, website or in person
- An advocate will provide information, signpost and confirm eligibility for advocacy services

## Referral

- Referrals can be made by telephoning the Stafford number 01785 246709 or for local rates if calling from outside the area, 0300 800 1000
- referrers can use the online 'Making a referral to the IMHA Service' link via the asist website to request an advocacy referral: [www.asist.co.uk](http://www.asist.co.uk)

## Allocation

- Referrals are allocated to an advocate within 2 working days, there is no waiting list
- Allocated referrals are confirmed by the advocate with the advocacy partner / referrer
- All referral / contact details are instantly recorded on a secure online data system

## Meeting

- The advocate meets with the Advocacy Partner to explain the advocacy role / remit
- Current issues are discussed and advocacy tasks identified
- Non instructed advocacy (watching brief policy) is pursued if required

## Engage

- An advocacy plan is agreed with the Advocacy Partner and advocacy tasks are taken forward by the advocate regarding the identified mental health advocacy issues

## Review

- Progress is discussed with the Advocacy Partner
- New tasks may be identified, existing tasks redefined or completed
- Instructed / Non instructed advocacy is reviewed during advocacy supervision

## Feedback

- Feedback is reported to the appropriate individual / organisation re advocacy work
- The Advocacy Partner is asked for feedback re the quality of the advocacy work
- Feedback re the advocacy process is sought from the Advocacy Partner and others

## Close

- The advocacy work is finalised and advocacy records are stored using a secure online data system re the Data Protection Act 1998