

Eligibility Criteria

- Individual must be 16+ years
- Assessed as lacking mental capacity.
- No consultable friends or family.
- No specific decision making arrangements in place (powers of attorney, advance decision).

You **MUST** instruct an IMCA for:

- Serious Medical Treatment decisions (provision, withholding, withdrawal e.g. DNAR - do not attempt resuscitation).
- Change Of Accommodation decisions (Hospital stay of 28 days or more, nursing/residential stay of 8 weeks or more).

You **MAY** instruct an IMCA for:

- Safeguarding adults investigation (ongoing or proposed, irrespective of friends and family).
- Accommodation reviews.

The IMCA can:

- Ensure the decision making process is in line with MCA (2005).
- Provide independent advocacy.
- Access all relevant records, medical and otherwise.
- Provide a comprehensive and independent report to the decision maker.
- Legally challenge unlawful decisions through the Court of Protection.



“An IMCA must be instructed and consulted for people lacking capacity who have no-one else to support them.

Code of Practice p.178

If a family disagrees with a decision-maker's proposed action, this is not grounds for concluding that there is nobody whose views are relevant to the decision.

Code of Practice p.201

The IMCA is a safeguard for those people that lack capacity.

Code of Practice p.200



Who makes the referral?

Decision maker (usually a Doctor or Social Worker) or an authorised person on behalf of the decision maker.

To make a referral or for more information please contact Asist:



staffshirereferrals@asist.co.uk
www.asist.co.uk



01782 746647



Asist, Tollgate Court Business Centre, Stafford, ST16 3HS



01785 246709

Office hours are: Monday to Friday 08.30 - 17.00

Referrals by telephone **must** be followed up with an IMCA referral form, available from Asist.

Asist offers free awareness raising sessions about the IMCA role- please contact the Service Manager for further information.

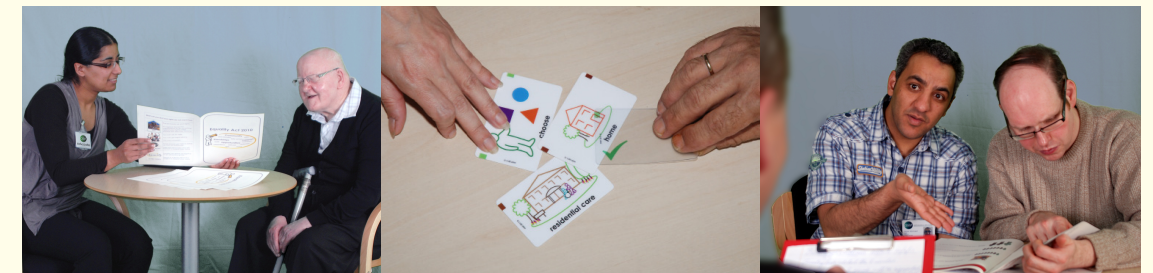
©Asist2022



advocacy services
in staffordshire

IMCA- Independent Mental Capacity Advocacy Service

Information for professionals and care givers



Where a Serious Medical Treatment decision is being considered for a person who lacks the capacity to consent, and who qualifies for additional Safeguards, Section 37 of the Act imposes a duty on the NHS body to instruct an IMCA.

Code of Practice p.92

When an urgent decision is needed (e.g to save a life) an IMCA need not be instructed. But this decision **must** be recorded with the reason for non-referral.

Code of Practice p.193

asist making advocacy a right not a privilege