

# Statutory Advocacy Referral Pathway

## IMCA

Has a service user, aged 16 or over, been assessed as lacking the capacity to make a decision regarding serious medical treatment, or a change of accommodation? (For accommodation only, P would not qualify for IMCA if detained under the MHA and are being placed using the MHA.)

YES

Do they have any family or friends to consult with or advocate on P's behalf? (i.e. Is there only paid staff?)

YES

NO

For decisions about serious medical treatment (example: dentist, DNAR, diagnostics, etc.) or a change of accommodation you **MUST** refer to IMCA. For care reviews you must consider a referral to IMCA.

Not eligible for IMCA unless the family are not appropriate to consult with i.e. POVA issues, **BUT** are they eligible for an IMHA?

YES

NO

NO

Please see information about qualifying patients for IMHA.

Consider a referral to Community Advocacy.

## IMHA

Is a patient of any age (including a child or young person) in any hospital setting being assessed or treated for a mental disorder?  
(They can have family advocating on P's behalf and have an IMHA).

YES

Does the patient have capacity to understand the IMHA role?

YES

NO

Inform them of their statutory right to IMHA and support them to make a referral.

Ask the question "Why shouldn't they have an independent advocate?" and make referral on their behalf.

## IMCA (POVA)

Is a service user subject to adult safeguarding procedures?  
(Can be alleged victim or perpetrator.)

YES

Do they lack the capacity to input into the process?

YES

Regardless of them having family support, the Designated Lead for POVA must consider a referral to IMCA.