

IMHAs can provide advocacy to people who lack the mental capacity to instruct them and who are unable to communicate their wishes. The IMHA can represent the rights and past wishes of the patient, but will not make Best Interests recommendations.

There is no legal requirement to refer any qualifying patient. However, for patients who lack capacity it is good practice to consider if a referral is in their Best Interests, as they cannot refer themselves.

Triggers for this **might** include;

- Patient unsettled, persistently trying to leave, refusing to engage with treatment
- No change for patient over prolonged period
- Mental Disorder worsening
- Change in treatment
- Discharge planning
- Permanent vegetative state
- Conflicting views in care team
- Family conflicts or disagreements
- No family involvement
- Difficulty in accessing services
- Fluctuating capacity
- No independent representation

This list is not exhaustive.

Referrals from anyone will be considered, but there is a duty on the IMHA service to respond to referrals from;

- Patients
- Hospital Managers or authorised hospital staff
- Registered Social Workers
- Patients donee or deputy
- Nearest relatives
- Responsible clinicians
- AMHPs
- Patients Carer

Patient can turn down IMHA support at any time.

To refer, or if you have any queries, in the first instance contact:

Advocacy Support Cymru

 **029 2054 0444**

 **029 2073 5620**

 **www.ascymru.org.uk**

 **info@ascymru.org.uk**

We provide the IMHA service for Cardiff & the Vale, Cwm Taf, ABMU and Powys.

More information about "Independent Mental Health Advocacy in Wales" is available as an E Learning Unit on; Learning@NHSWales



Registered Charity No: 1141999 Company No: 07524059

Independent Mental Health Advocacy in Wales

**Information for
professionals in registered
psychiatric settings**

**All in-patients in any hospital or
registered establishment in
Wales could be eligible to have
the support of an Independent
Mental Health Advocate
(IMHA)**



**This leaflet will tell you
which patients qualify
for an IMHA, the rights
and roles of the IMHA,
and the responsibilities
of professionals in
relation to patients
access to IMHA.**

In Wales **ALL** patients in registered psychiatric settings are eligible for the support of an Independent Mental Health Advocate (IMHA) , a role defined by law in the Mental Health Act 1983 and the Mental Health (Wales) Measure 2010.

These patients are known as Qualifying Patients and meet one of the following criteria;

* Liable to be detained under the Mental Health Act (**except** those subject to Sections **135** or **136**)

* On a Community Treatment Order

* Conditionally Discharged Restricted Patient

* Subject to Guardianship

* Informal patients who discuss with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 57 treatment applies

* Informal patients under the age of 18 who discuss with a registered medical practitioner or approved clinician the possibility of being given a form of treatment to which section 58A applies

* **All** informal in-patients in **any** hospital or registered establishment being treated or assessed for a Mental Disorder whilst in that setting

The IMHA will seek to ensure that the patients voice is heard. Doing this may include supporting the patient to;

- Access information, explore options & engage in development of care plans
- Understand and exercise their legal rights
- Understand and follow up decisions or directions made by Mental Health Review Tribunal or Hospital Managers
- Understand rights in relation to their Nearest Relative
- Make complaints
- Access relevant records
- Receive appropriate aftercare (e.g Sec 117)
- Get information about other services

Independent Advocates only represent their clients and do not act on behalf of any other person, including Health Staff, Local Authority staff and carers.

Advocates do not make judgements or decisions about the Best Interests of their clients.

Advocates do not withhold personal information from their client or share information with professionals without their clients permission. Advocates do not offer Advice, Counselling, Befriending or Mediation.

The Law defines certain statutory rights and duties for IMHAs and professionals.

IMHAs can act only in relation to medication, treatment and care for the patients Mental Disorder.

IMHAs have the right to:

- Visit & interview the patient in private
- Visit, interview & get the views of anyone professionally concerned with patients medical treatment
- Inspect relevant patient records (certain conditions apply)

Patients should have access to a telephone to contact their IMHA.

The Responsible Person, as defined in law **MUST** ensure that they inform all Qualifying Patients of their eligibility for IMHA support.

In practice this **LEGAL DUTY** will be carried out by appropriate professionals e..g Nursing Staff, who must;

- Inform patient orally and in writing
- Give copy of information to Nearest Relative
- Support patient in making contact with IMHA service
- Record any actions in Medical Records
- If patient does not want an IMHA check again later