



Resources for Carers, Young Carers and Staff:

# 1. Advocacy

## Contents

1. What is Advocacy?	<b>3</b>
2. What can an Advocate do?	<b>3</b>
3. Independent Care Act Advocacy	<b>3</b>
4. Independent Mental Capacity Advocacy (IMCA)	<b>4</b>
5. Independent Mental Health Advocacy (IMHA)	<b>5</b>
6. NHS Complaints Advocacy	<b>5</b>
7. Services Providing Advocacy	<b>6</b>
8. Useful Resources	<b>7</b>

## 1. What is Advocacy?

Advocacy promotes equality, social justice, social inclusion and human rights by empowering people. **Advocacy** means getting support from another person to help you express your views and wishes, and to help make sure your voice is heard. Someone who helps you in this way is called an 'advocate'.

## 2. What can an Advocate do?

They can:

- **Listen to your views and concerns**
- **Help you explore your options and rights (without advising you in any particular direction)**
- **Give you information to help you make informed decisions**
- **Help you contact relevant people, or contact them on your behalf**
- **Accompany and support you in meetings or appointments**

Advocates assist people in gaining relevant information and knowledge so they can make informed choices. They can help with issues around diagnosis, medication, treatment, accessing services, accessing information, care planning, dealing with professionals, ward rounds, complaints, Mental Health tribunals and support for carers' assessments. An advocate should not; offer you counselling, tell you what to do, force their views or opinions on you, or do things on your behalf without asking you first.

## 3. Independent Care Act Advocacy

**The Care Act (2014)** means that Sheffield City Council has a duty to provide independent advocacy services for people, including carers, who find it difficult to have a say in the care and services provided and do not have someone to help them with this.

'Independent' means that although the service is commissioned by the council, it is not controlled by them. Independent advocacy is about giving people as much control as possible in their lives. It should help people to understand information, say what they want and need, and support them to get the services to address these needs.

To get independent advocacy, you need to be having substantial difficulty in being involved in assessments, care and support plans or safeguarding inquiries in any of these four areas:

- **Understanding the information provided**
- **Retaining the information**
- **Using or weighing up the information**
- **Communicating views, wishes or feelings**

Under the Care Act, eligibility is also determined by whether or not you have access to someone else who could do this for you. For example, a family member, carer or friend can be an advocate for you but someone who provides support to you in a paid or professional capacity cannot be one, because they are not fully independent. An advocate must also take into account your wishes and be able to undertake the role in a meaningful way that allows your full participation in council care and support processes.

An Independent Advocate under the Care Act can represent you; helping you to:

- Understand the process
- Communicate your wishes, views and feelings
- Make decisions and challenge those made by the authority
- Understand your rights as a carer

To access an Independent Care Act Advocate, please use the contact details in section 7.

#### **4. Independent Mental Capacity Advocacy (IMCA)**

**The Mental Capacity Act (2005)** introduced the role of the **Independent Mental Capacity Advocate (IMCA)**.

When someone is assessed as lacking mental capacity to make decisions in their lives – perhaps because of mental illness, dementia, learning disability, a stroke or brain injury – they can have the help of a specialist Independent Mental Capacity Advocate (IMCA). This is a legal right for people over 16 who lack mental capacity and who do not have an appropriate family member or friend to represent their views.

Many people who qualify for advocacy under the Care Act will also qualify for advocacy under the Mental Capacity Act. However, the duty to provide independent advocacy under the Care Act is broader and applies to a wider set of circumstances than just lack of mental capacity.

IMCAs become involved when there are decisions to be made with regard to serious medical treatment or a change in accommodation. There is also a duty to consider using the services of an IMCA in any adult safeguarding cases or care reviews.

To access an IMCA, please use the contact details in section 7.

## 5. Independent Mental Health Advocacy (IMHA)

**Independent Mental Health Advocacy** is a type of statutory advocacy introduced under the Mental Health Act (2007). There is now a legal duty to provide Independent Mental Health Advocacy to patients who qualify under the Mental Health Act (1983).

An **Independent Mental Health Advocate** (IMHA) is someone who is specially trained to work within the framework of the Mental Health Act to support people to understand their rights under the Act and participate in decisions about their care and treatment. Independent Mental Health Advocacy services do not replace any other advocacy and support services that are available.

**Support from an IMHA can be provided if you are:**

- Detained in hospital under the Mental Health Act
- Under a Community Treatment Order (CTO)
- If you are vulnerable and considering neurosurgery or Electro-Convulsive Treatment (ECT)

People should be informed of their rights to access an IMHA. This is the responsibility of the person who is in charge of the care at the time, which could be the Responsible Medical Officer or the Care Coordinator of the cared for person.

To access an IMHA, please use the contact details in section 7.

## 6. NHS Complaints Advocacy

**NHS Complaints Advocacy** can help you make a complaint about any aspect of NHS care or treatments, ensuring your concerns are heard. This includes treatment in a private hospital or care home that is funded by the NHS. The service is free, independent of the NHS and confidential.

**An NHS complaints advocate can:**

- Give you information about the different ways that you can raise your concerns
- Help you to think about what you would like to achieve from your complaint
- Explore the options available to you at each stage of the complaints procedure
- Support you to write letters, contact third parties or prepare for meetings.

To access an NHS Complaints Advocate, please use the contact details in section 7.

## 7. Services Providing Advocacy

**Sheffield Advocacy Hub** is a partnership between Citizens Advice Sheffield, Cloverleaf Advocacy and Disability Sheffield. They provide all statutory advocacy in Sheffield, including IMHA, IMCA, NHS Complaints advocacy, Independent Care Act advocacy, Deprivation of Liberty Safeguards (DOLS) paid representatives and independent advocacy for people with a learning disability, mental health condition or physical disabilities.

**Website:** [www.sheffieldadvocacyhub.org.uk](http://www.sheffieldadvocacyhub.org.uk)

**Phone:** 0114 253 6750, or  
0800 035 0396

**Fax:** 0114 250 9495

**Email:** [info@sheffieldadvocacyhub.org.uk](mailto:info@sheffieldadvocacyhub.org.uk), or  
[referrals@sheffieldadvocacyhub.org.uk](mailto:referrals@sheffieldadvocacyhub.org.uk)

**Address:** 33 Rockingham Lane  
Sheffield  
S1 4FW

## 8. Useful Resources

Information and leaflets are available to download from [www.shsc.nhs.uk/need-help/help-for-carers-and-relatives/carers-resources](http://www.shsc.nhs.uk/need-help/help-for-carers-and-relatives/carers-resources).

The following resources for carers and young carers are available:

1. Advocacy
2. Carers' and Young Carers' Charter
3. Carers' and Young Carers' Assessments
4. Carers' and Young Carers' Checklist
5. Community Teams
6. Confidentiality and Information Sharing
7. Hospital Admissions and the Mental Health Act
8. How to Get Involved
9. Mental Health Crisis
10. Understanding Mental Health Conditions and Medication
11. Useful Contacts Leaflet
12. Information Pack

Further information can be found on [www.shsc.nhs.uk/need-help/help-for-service-users/helpful-publications](http://www.shsc.nhs.uk/need-help/help-for-service-users/helpful-publications).

The original Useful Resources were designed in partnership with carers and young carers. The Trust worked collaboratively with Sheffield Young Carers, Sheffield Carers Centre and Chilypep to deliver this leaflet and we would like to acknowledge their hard work, advice and support. The resources were updated in 2019 to ensure accuracy of information.

For further information, contact:

- Sheffield Young Carers on 0114 258 4595 or [www.sheffieldyoungcarers.org.uk](http://www.sheffieldyoungcarers.org.uk)
- Sheffield Carers Centre on 0114 272 8363 or [www.sheffieldcarers.org.uk](http://www.sheffieldcarers.org.uk)
- Carers Trust on 0300 772 9600 or [www.carers.org](http://www.carers.org)

Or alternatively, contact your local SHSC team to get more information.



This document was accurate as of October 2019.