

What is Independent Mental Health Advocacy?

FACTSHEET #10

Independent Mental Health Advocates are known as 'IMHAs'. IMHAs are specially trained advocates who support people to speak up and have their voices heard around their mental health care and treatment. It is a type of statutory advocacy, which means it is set out in law, in this case, the Mental Health Act 1983 (as amended 2007).

The Mental Health Act says that the NHS and private care providers must provide people with information about their right to an IMHA. They should also make referrals to the service if someone wants or needs an advocate.

Who can have support from an Independent Mental Health Advocate?

If someone meets any of the criteria below, they have a **statutory (legal) right** to support from an IMHA at **any point** during their care and treatment if:

- **They are detained under the Mental Health Act.** This means they are currently in a mental health ward and are not free to leave while staff assess or provide treatment for their mental health.
- **They are on a supervised community treatment order (CTO).** This means the person has been discharged from hospital, and can be treated in the community, under certain conditions.
- **If they are conditionally discharged.** This means someone has been detained in a hospital through the criminal justice system and has been discharged but with certain restrictions placed on them.
- **They are subject to a Guardianship Order** - This is an order which means a person is able to live in the community, but an appointed 'Guardian' (usually the local authority) can specify where the person lives and if they have to go somewhere for medical treatment, work or training.
- **If certain treatments, such as Electroconvulsive Therapy (ECT) are being considered for someone** - this may be for someone who is detained, or an informal patient.

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What can an IMHA do?

An IMHA can help someone to:

- Get and understand information about how the Mental Health Act affects them, including any conditions and restrictions
- Understand and exercise their rights.
- Understand the rights of other people under the Mental Health Act (for example their Nearest Relative)
- Access free legal support for appealing to a Mental Health Review Tribunal
- Helping them to voice their views, wishes and feelings with regards to your mental health care and treatment.
- Attending meetings (for example ward reviews, multidisciplinary reviews, discharge planning meetings)
- Making a complaint or raising a concern about their care and treatment
- Access their records about care and treatment

Even when someone can't tell their IMHA what they want, our advocates will use different ways of working to establish their views and wishes as far as possible and ensure their rights are upheld. (This is called 'non-instructed advocacy')

Who can make a referral to the IMHA service?

We accept referrals from;

- The person themselves
- Their nearest relative
- Mental Health Act office
- Hospital Ward staff
- Responsible Clinicians
- Community Mental Health Teams

If the person is able (has capacity) to consent to the referral, we would ask that their consent is gained before they are referred.

In some hospitals, we work with the mental health trust to operate an 'opt-out' referral process, so that everyone is able to meet with an IMHA if they want to before deciding if they want advocacy support.

If someone does not meet the criteria for an IMHA (for example they are an 'informal' patient), there may be another advocacy service who can support. This may be provided by Cloverleaf, or another local service. Our Contact and Support Team will be able to provide more information about other services available, so please CONTACT US.

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