

ADVOCACY:

A GUIDE FOR PROFESSIONALS

'Providing a voice for the vulnerable'



How to make a referral

Go online to find our services near you and make a referral via our online form

librapartnership.co.uk/advocacy-services

You can also make a referral by emailing us at

referrals@librapartnership.co.uk

If you have questions about eligibility or referral types, contact us.

Freephone for Hammersmith & Fulham:

0333 305 1329

Freephone for Medway:

01622 200 806

Website: librapartnership.co.uk

About Libra

Founded in 2016, Libra has provided a voice for hundreds of individuals across the UK by delivering services including Relevant Person Representative, Independent Mental Capacity Advocacy, Independent Mental Health Advocacy, Care Act Advocacy and Litigation Support.

What do advocates do?

An advocate **CAN** support someone to:

- understand their rights
- understand any processes and decisions they are subject to
- understand their options
- communicate their views, wishes and feelings
- make their own choices
- challenge a decision

An advocate **DOES NOT**:

- offer legal advice
- offer counselling or befriending
- tell people they support what decisions to make
- tell health or social care professionals what decisions to make

Even when someone can't tell their advocate their views, our advocates will use a range of communication methods to establish their views and wishes as far as possible to secure their rights.

An advocate has a right, where necessary, to access medical or care records on the behalf of the person they are supporting. An advocate may write a report that must be taken into consideration by professionals.

What is an advocate?

Advocates are independent professionals who support people to know what their rights are, to understand their options, and voice their views.

This helps to make sure that people are involved and included in as much as possible in decisions about their health and care.

Your duty to refer

Advocacy is a statutory right for eligible people. **The Mental Capacity Act** and **Care Act** state that you must refer eligible people for advocacy. **The Mental Health Act** states that you must make eligible people aware of how to access advocacy should they wish to.

Who is eligible?

Use the grid to find out who must be referred.

If you are unsure about eligibility, or have questions, please contact us.



Independent Mental Capacity Advocacy (IMCA)	Care Act Advocacy (CAA)	Independent Mental Health Advocacy (IMHA)	NHS Complaints Advocacy (IHCA)	COP24 & Rule 1.2 Representatives
<p><u>When to refer</u></p> <p>Make a referral when both conditions apply:</p> <ol style="list-style-type: none"> The person is assessed to lack capacity in relation to a decision about: <ul style="list-style-type: none"> serious medical treatment long-term accommodation There are no family or friends considered appropriate to consult about the decision <p>To 'Lack capacity' means the person:</p> <ul style="list-style-type: none"> has an impairment or disturbance that affects the way their mind or brain works (e.g. a brain injury, dementia, autism, learning disabilities, mental health problems) AND the impairment or disturbance means that they are unable to make a specific decision at the time it needs to be made <p>You must also make a referral:</p> <ul style="list-style-type: none"> for a person being assessed under DoLS, when there is no one appropriate to consult when there is a gap between appointment of Relevant Person's Representative (RPR) if a person has an unpaid RPR and the person or the RPR asks for an advocate or the Supervisory Body recommends it 	<p><u>When to refer</u></p> <p>Make a referral when all three conditions apply:</p> <ol style="list-style-type: none"> One of these processes is taking place: <ul style="list-style-type: none"> social care needs assessment carer's assessment care planning care review S42 safeguarding investigation Without support, the person will have 'substantial difficulty' being involved There are no appropriate, able and willing family or friends to support the person's active involvement <p>'Substantial difficulty' means that, without support, the person will find it very hard to do one or more of these:</p> <ul style="list-style-type: none"> understand relevant information retain that information use or weigh up that information communicate their wishes and views 	<p><u>When to refer</u></p> <p>Make a referral whenever a person is in any of the following situations:</p> <ul style="list-style-type: none"> detained under the Mental Health Act (even if on leave of absence from the hospital) but excluding people under short term sections 4, 5, 135 and 136) a conditionally discharged patient subject to a Community Treatment Order (CTO) subject to guardianship being considered for S58A treatment (including informal patients and people under 18) being considered for S57 treatment (including informal patients) 	<p><u>When to refer</u></p> <p>You can refer people who meet these criteria:</p> <ul style="list-style-type: none"> living in Medway or Hammersmith & Fulham would like to complain about NHS treatment or care <p>Patients over the age of 16, whose mental capacity is unimpaired, can complain themselves or authorise someone to bring a complaint on their behalf. Children under the age of 16 can also make their own complaint, if they're able to do so.</p> <p>We can support people who would like to make a complaint about:</p> <ul style="list-style-type: none"> a GP surgery a dentist a local hospital an ambulance service an NHS pharmacy 	<p><u>When to refer</u></p> <p>You can refer people who are placed under a community DoLS living in the community, at home or in supported living. They must be over 16.</p> <p>We can support with:</p> <ul style="list-style-type: none"> Annexe C (as part of the CoP11) - The statement that informs the Judge's decision on whether to issue a Community DoLS or whether an oral hearing is required. CoP24 Witness Statement - An annual statement to the CoP (or earlier, if changes to care plan or clients presentation) to review changes/concerns and determine whether an oral hearing is required. Rule 1.2 Rep - Regular visits to the client if under a Community DoLS - Quarterly visits
<p>We can also provide paid Relevant Person's Representatives (RPRs) if required. Email us on referrals@librapartnership.co.uk to make an enquiry.</p>				
<p><u>Advocate's role</u></p> <p>As far as possible, to:</p> <ul style="list-style-type: none"> make sure that the person's views and wishes are taken into account in the best interests decision support the person to be involved in the decision, or to represent them if necessary uphold the person's rights in relation to that decision 	<p><u>Advocate's role</u></p> <p>To support the person to:</p> <ul style="list-style-type: none"> understand their rights under the Care Act be fully involved in the assessment, review or planning process 	<p><u>Advocate's role</u></p> <p>To support the person to:</p> <ul style="list-style-type: none"> understand their rights and options understand decisions about treatment understand the parts of the Mental Health Act which apply to them have their views and wishes heard in decisions about their care or treatment raise anything they are unhappy with relating to their care or treatment 	<p><u>Advocate's role</u></p> <p>An advocate can:</p> <ul style="list-style-type: none"> be available to speak with as someone completely independent from the NHS show the options available prepare the client for meetings help with writing letters contact and speak with third parties, if required help the client decide whether they're satisfied with the response received by the NHS 	<p><u>Advocate's role</u></p> <p>An advocate will:</p> <ul style="list-style-type: none"> discuss care plans to ascertain if they are suitable and are the least restrictive option highlight and address any concerns and changes have regular contact determine if an oral hearing is required