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A Quick Guide to...Advocacy?

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What is Advocacy?



Advocacy is an important tool to help people to be listened to and to have their rights and choices respected. Advocates work alongside individuals and are on that person's side. There are many different types of advocacy, both statutory and non-statutory, all follow the same key principles including independence, empowerment, equality and accessibility.

Advocacy is important because it helps individuals understand what is happening, access services and challenge when things don't go the way they want them to.

Advocacy in Safeguarding

There are two types of statutory advocacy within Safeguarding Adults; **Independent Mental Capacity Advocacy (IMCA)** which is defined by the Mental Capacity Act 2005, and secondly **Care Act Advocacy** as defined by the Care Act 2014. Both types of advocacy have a vital role in ensuring the person's feelings, wishes, values and beliefs are kept central to the Safeguarding Adults process.



How do Advocates work?

A Care Act Advocate and an IMCA have different roles within Safeguarding Adults and will both work in different ways depending on whether the person is able to give the advocate instructions. This is called instructed and non-instructed advocacy.



Independent Mental Capacity Advocate (IMCA)

Independent Mental Capacity Advocates (IMCAs) support people who have been assessed as lacking capacity to make a specific decision. An IMCA will work under the instruction of the person who will make the decision on the person's behalf.

NHS and Local Authority professionals have the **power** to instruct an IMCA if there is a safeguarding enquiry or review and the person has been deemed to lack capacity to consent to protective measures which are being proposed or may have already been taken.

If a person does not have family or friends appropriate to consult and lacks capacity, an IMCA can help. They will work to ensure that you are fully represented in the decision making process.

What can an Independent Metal Capacity Advocate support you with?

- Gathering your past and present feelings, wishes, values and beliefs
- Asking for second opinions on your behalf
- Reviewing information that is relevant to the decision
- Reviewing health and social care records
- Consulting with people who know you well
- Writing a report for the professional making the decision on your behalf
- Representing you during the best interests process
- Challenging the decision if we believe it was not made in your best interest
- Support from an IMCA is free to access and independent from health and care service.

Care Act Advocate

The NHS and Local Authority have a **duty** to appoint a Care Act Advocate if a person is subject to a safeguarding enquiry or review AND they have substantial difficulty engaging in that process AND they have no family or friends who are appropriate to support the person to engage.

The Care Act Advocacy role is broader and where the person is able to give instructions. ***The advocate will support the person to:***

- understand and engage in the process
- understand their rights and choices
- tell people what is important to them

If the person is able to give instructions, the advocate will need consent from the person to attend any meetings on their behalf and this includes strategy meetings. This is because the advocacy relationship is built on trust and advocates should not be given information if the information is not being shared with the person.

When a Care Act Advocate works as a non-instructed advocate, the advocate will work in a similar way to the IMCA by gathering the person's feelings, wishes, values and beliefs. However the Care Act advocate will support the person to engage in all aspects of the safeguarding process rather than just the protective measures.

What is the eligibility criteria for advocacy?

Below summarises both Care Act Advocacy and IMCA eligibility criteria:



Independent Advocate (Care Act)

The individual is subject of a safeguarding enquiry or review AND has substantial difficulty in being involved in the safeguarding enquiry AND there is nobody appropriate to support the individual to engage and/or represent individuals feelings, wishes and values.

Independent Mental Capacity Advocate (IMCA)

The NHS or Local Authority proposes to take or has taken protective measures AND individual lacks capacity to consent to protective measures AND the NHS or Local Authority considers the IMCA involvement of benefit including whether family members or friends are implicated in safeguarding.

There are times in Safeguarding Adults when a person may be eligible for both IMCA and Care Act Advocacy. The Care Act 2014 Guidance states '*Where an independent advocate has already been arranged under section 67 Care Act Order or under the Mental Capacity Act, unless inappropriate, the same advocate should be used*'.

Advocacy in Cumbria



People First is an independent customer-led organisation that has worked in the North of England for over 30 years.

As the largest provider of Advocacy in Cumbria, they support thousands of people every year to have their voices heard, helping them to live their best lives. Independence is very important to their work and they are not run or controlled by any other service.

[Click here to make a referral](#), or call **03003 038037**. For more information you can also visit their [website](#)

Get in touch!

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