



# Advocacy in mental health

This resource explains what advocacy is and how it can help you. Gives information on different types of advocacy, including statutory advocates, what sort of situations an advocate can help you with, and how to find an advocate.

If you require this information in Word document format for compatibility with screen readers, please email: [publications@mind.org.uk](mailto:publications@mind.org.uk)

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## What is advocacy?

We all know how frustrating it can be when people aren't listening to us. Unfortunately, having a [mental health problem](#) can sometimes mean it's even harder to have your opinions and ideas taken seriously by others. This can be very difficult to deal with, especially when you need to communicate often with health and social care professionals. You might find they don't always offer you all the opportunities and choices you would like, or involve you fully in decisions about your care.

Advocacy means getting support from another person to help you express your views and wishes, and help you stand up for your rights. Someone who helps you in this way is called your advocate.

## What does an advocate do?

The role of an advocate depends on your situation and the support you want. But they are there to support your choices.

**An advocate can:**

- listen to your views and concerns
- help you explore your options and rights (without pressuring you)
- provide information to help you make informed decisions
- help you contact relevant people, or contact them on your behalf
- accompany you and support you in meetings or appointments.

#### An advocate will not:

- give you their personal opinion
- solve problems and make decisions for you
- make judgements about you.

The support of an advocate is often particularly useful in meetings when you might not feel confident in expressing yourself. They can:

- support you to ask all the questions you want to ask
- make sure all the points you want covered are included in the meeting
- explain your options to you without giving their opinion
- help keep you safe during the meeting – for example, if you find the meeting upsetting, your advocate can ask for a break until you feel able to continue.

(For information about the sorts of problems advocates can help with, see our page on [working with an advocate](#).)

*“I find it helpful and reassuring to have a third person in the room willing to support my stance... [It] makes me feel far less worried about being misunderstood or having my concerns dismissed.”*

*“My best ever advocate could sit and listen to it all pour out, however ill I was. Then help me get it into words that the people I needed to listen would take seriously.”*

## Who can be my advocate?

There are different kinds of advocate you could approach. For example:

- You can access a professional advocacy service through some organisations and charities. They are independent of the NHS and social services.
- Your friends, family, or carers can act as an advocate for you.

See our page on [types of advocacy](#) for more details about who can be an advocate, and how different advocacy services work.

## Do I have a legal right to an advocate?

In some circumstances you may be legally entitled to a professional advocate, such as:

- an [Independent Mental Health Advocate \(IMHA\)](#)
- an [Independent Mental Capacity Advocate \(IMCA\)](#)
- a [social care advocate](#).

This is called statutory advocacy. See our page on [statutory advocacy](#) for more information on whether this applies to you, and how to access this kind of advocacy.

*“Advocates are so important!... Mental illness at times can make it hard to do what needs to be done, [to] stand up for yourself, to be listened to or taken seriously.”*

## What kinds of advocacy are there?

Advocacy can be helpful in all kinds of situations when you're finding it difficult to have your opinions and choices heard. This page covers:

- [What advocacy services there are?](#)
- [Can my family, friends or carer be my advocate?](#)
- [Can I be my own advocate?](#)

## What advocacy services are there?

There are many different advocacy services that can help you, depending on your situation and what sort of help you want.

<p><b>Community advocacy services</b></p>	<p>Community advocacy refers to all advocacy that is not a legal entitlement. It can support you to cope with a range of situations you may come across in your daily life. See our page on <a href="#">how you can work with an advocate</a> for examples of situations an advocate can support you with.</p> <p>You can find out more about community advocacy services from organisations such as:</p> <ul style="list-style-type: none"> <li>• <a href="#">POhWER</a></li> <li>• <a href="#">seAp</a></li> <li>• <a href="#">VoiceAbility</a></li> </ul>
<p><b>Advocacy for specific groups</b></p>	<p>There are also charities and organisations which support specific groups and may be able to offer you advocacy services. For example:</p> <ul style="list-style-type: none"> <li>• <a href="#">MindOut</a> offers advocacy for all LGBTQ people.</li> <li>• <a href="#">Santé Refugee Mental Health Access Project</a> provides advocacy for vulnerable refugees and asylum seekers.</li> <li>• <a href="#">Shelter</a> and <a href="#">Groundswell</a> offer advocacy for people experiencing housing problems.</li> <li>• <a href="#">Coram Voice</a> offers mental health advocacy for young people in care.</li> </ul>
<p><b>Group advocacy (also known as collective advocacy)</b></p>	<p>This is where a group of people with similar experiences meet to support each other and collectively strengthen their voice. You can find more information from:</p>

	<ul style="list-style-type: none"> <li>• Mental health charities, such as the <a href="#">National Survivor User Network for Mental Health (NSUN)</a>, which has a network of mental health service-user groups across the UK.</li> <li>• Your <a href="#">local Mind</a>.</li> <li>• <a href="#">Mind's Infoline</a>.</li> </ul>
<b>Peer advocacy</b>	<p>Peer advocates have lived experience of a mental health problem and can support you to cope with a range of problems you may be experiencing. You can find more information from:</p> <ul style="list-style-type: none"> <li>• Your <a href="#">local Mind</a>.</li> <li>• <a href="#">Mind's Infoline</a>.</li> </ul>
<b>Statutory advocacy</b>	<p>In some circumstances, you may be legally entitled to an advocate. These are <a href="#">Independent Mental Health Advocates (IMHAs)</a>, <a href="#">Independent Mental Capacity Advocates (IMCAs)</a> and advocates supporting people under the Care Act 2014. See our page on <a href="#">statutory advocacy</a> for more information.</p>

See our page on [how to find an advocate](#) for more information.

## Can my family, friends or carer be my advocate?

Friends, family or carers can be an advocate for you, if you want them to. It can be really helpful to get support from someone close to you, who you trust.

However, it's important to be aware that being your advocate is a different kind of relationship to being your friend or family member, and may be challenging at times. You might want to agree with them beforehand what you both understand the role to mean, and what both your boundaries are.

For example, when acting as your advocate:

### They should:

- listen to you
- help you to find information
- discuss your options with you
- come with you to appointments
- help you explain your wishes to others
- make phone calls for you (if you want)
- give you encouragement and reassurance.

### They should not:

- tell you what to do
- assume that they already know what you want, or what's best for you
- be noticeably judgemental or disapproving of your decisions
- argue with you if they disagree with your choices
- make decisions on your behalf without asking you first.

*“My parents and sister were my speakers for me. I wouldn't be here if it weren't for them and their strength and fighting attitude to get me help.”*

Even if you don't choose to call them your advocate, you may find that just talking to a family member, friend or a carer helps you work out what your questions and concerns are. If others want ideas about how to support you, you could show them our information on [helping someone else](#).

*“I had one friend who helped me by just listening and never judging. Without him my recovery time would have been much longer.”*

If you appoint them under a [lasting power of attorney](#), your friend or family member can act as your attorney if you lose mental capacity. They don't have to be a lawyer to do this, but they do have to be over 18 and be someone you trust to make decisions for you. (See our legal pages on [mental capacity](#) for more information.)

## Can I be my own advocate?

Being able to speak up for yourself about what you want is sometimes described as 'self-advocacy'. But it's not always easy to do this when you have a mental health problem. Having another person act as your advocate doesn't have to mean you aren't ever able to stand up for yourself at all – but it can be really helpful to have this support when you're not well.

Whenever you feel ready, here are some steps you could take to feel more able to advocate for yourself:

- **Build your self-esteem.** Improving your self-esteem and building self-confidence can help you feel more assertive. You can find tips in our page on [how to increase your self-esteem](#).
- **Prepare for appointments.** Do as much as you're able to prepare before talking to health and social care professionals. Our pages on [talking to your GP](#) and [making yourself heard](#) provide ideas for things you could try.
- **Learn self-advocacy skills.** Some organisations run training sessions and workshops to help you learn new skills to support yourself, such as [CoolTan Arts](#) and [MindOut](#).
- **Think about ways to deal with stigma.** You can find some suggestions on our page on [dealing with stigma](#).

You can learn more about self-advocacy from the [Disability Rights UK website](#).

## What can an advocate help me with?

How you work with an advocate is up to you. Depending on what type of advocacy you access, and what sort of issues you'd like support in handling, an advocate can be involved in different ways. For example, an advocate could support you with:

- [Health and social care appointments](#)
- [Workplace disputes](#)
- [Benefit claims and appointments](#)

- [Housing problems](#)

### Do I need an advocate to complain about my treatment?

You don't need to have an advocate to make a complaint about your care or treatment, however if you want help, there are advocacy services to help you do this. See our pages on [complaining about health and social care](#) and [facing and overcoming barriers](#) for more information.

I've found that having my husband in the room with me during assessment appointments means my concerns and questions are more likely to be taken seriously and treated respectfully.

## Health and social care appointments

You may have a GP or doctor's appointment you want support with, or you may want support accessing treatment. An advocate can come with you to appointments or help you communicate with your doctor, whether by phone, letter or in person.

Our page on [talking to your GP](#) has more tips.

*"My sister has acted as a mouthpiece for me when I couldn't talk to doctors or psychiatrists about things that were really disturbing me... I would never have got the help I needed without her."*

## Workplace disputes

An advocate can support you by helping you understand your rights in the workplace. In some situations, for example, if you feel you are being discriminated against because of your mental health problem, they might be able to speak with your employer on your behalf, or support you during meetings.

See our legal pages on [discrimination at work](#) for more information about your rights in the workplace, and our pages on [how to be mentally healthy at work](#) for general information.

## Benefit claims and appointments

You may need to:

- make a [benefit claim](#)
- attend a Work Capability Assessment (WCA)
- appeal a benefit claim that has been turned down.

An advocate can:

- help you understand your welfare rights
- support you to claim benefits you're entitled to
- make phone calls
- attend appointments with you

- help you understand the process of challenging a claim.

Your [local Mind](#) and [Citizens Advice](#) can also offer you support and information.

*"I had my support worker attend work meetings and my [Work Capability] Assessment... I found it extremely difficult to talk to anyone about how I felt and having someone other than a family member in your corner is a godsend."*

## Housing problems

If you have a housing problem, such as rent arrears, you may feel you need help managing it. An advocate could help you understand your rights around housing and help you talk with local authorities.

[Shelter](#) and [Groundswell](#) offer advocacy services for people experiencing housing problems. Shelter also have a helpline and run face-to-face advice centres in the UK.

You can find more information on dealing with housing problems in our pages on [housing and mental health](#).

*"My local Mind has been great, often helping me to plan what I need to say in a phone call, then sitting with me while I make the calls."*

## How do I find an advocate?

Depending on your situation and what you want help with, there are various organisations that can help you find statutory and non-statutory advocacy services in your local area:

- [Mind Infoline](#) will be able to give you contact details of your local advocacy groups and advocacy organisations.
- [Your local Mind](#) may offer advocacy services. They may be able to offer you information and support in finding out about your rights and entitlements.
- Rethink Mental Illness has an [online directory of advocacy services across the UK](#) on their website.
- In England: advocacy organisations, such as [VoiceAbility](#) and [POhWER](#), provide advocacy services in many areas. You can contact them directly to see if they cover your local area.
- In Wales: [Advocacy Support Cymru \(ASC\)](#), and [Advocacy Services Wales](#) provide mental health advocacy.

If you're specifically looking for a legal advocate, see our page on [statutory advocacy](#) for more information.

*"[My local] Mind have recently acted on my behalf and having that support has meant I can move forward as I need to... the feeling of anxiety which has been a part of my life for so long has now lifted to a more manageable level."*

## What questions should I ask my advocate?

It is important you feel comfortable with your advocate and feel able to talk to them about your situation. As a starting point, you may find it helpful to talk to your advocate about how you can work together and what you do – or don't – want them to do. You may find it helpful to put together some questions to ask them, such as:

- How will I contact you, and when are you available?
- What issues can you help me with?
- What can't you help me with?
- Can you come to meetings and appointments with me?
- Can you work with me if I am in hospital/ not in hospital?
- What records do you keep and who sees them?
- What is your confidentiality policy? What things won't you keep confidential?
- If you do something I am not happy with, how can I complain?

## What if there's no advocacy service in my area?

Unfortunately, if you're not entitled to a statutory advocate, you may find there are limited advocacy services in your area – or none at all. This can be really tough, especially if you feel you don't have people around you who you can ask for support. If you're in this situation, there are still some things you can try:

- Some organisations, such as [Rethink Mental Illness](#) and [VoiceAbility](#), can support you to set up group advocacy in your area. This can involve people with similar experiences of a problem coming together to support each other to have their voices heard. See our page on [types of advocacy](#) for more information.
- If you have people you can ask, a family member, friend or carer could also act as an advocate for you. See our page on [types of advocacy](#) for more information.
- It's not easy, but there may be steps you can take to feel more able to speak up for yourself. See our section on ['Can I be my own advocate?'](#) for more information.

**Remember:** If you are entitled to statutory advocacy from an IMHA or IMCA, then you have a legal right to that support. You can't, for example, be told that there is no IMHA or IMCA service in your area, as every local authority has a legal obligation to ensure that there is provision in place.

(See our pages on [statutory advocacy](#), [IMHAs](#) and [IMCAs](#) for more information about when you are entitled to an advocate).

If you have been denied the support of an IMHA or IMCA, even though you are entitled to one, you should seek legal advice from a mental health or community care solicitor. See Citizens Advice's page on [using a solicitor](#) for more information on how to find a solicitor and how to work with one.

## What are my legal rights to an advocate?

In some situations you might be legally entitled to get the support of an [advocate](#). This is called 'statutory advocacy'. There are three types of statutory advocates in England and Wales. These are:

- **Independent Mental Health Advocates (IMHAs).** These are specially trained advocates who can support certain patients under the [Mental Health Act 1983](#). The law regarding IMHAs is different in England and Wales. For more information on whether you're entitled to an IMHA, and how to access one, see our pages on:
  - [IMHAs \(England\)](#)
  - [IMHAs \(Wales\)](#)
- **Independent Mental Capacity Advocates (IMCAs).** These are specially trained advocates who can support certain people under the [Mental Capacity Act 2005](#). For more information on whether you're entitled to an IMCA, and how to access one, see our page on [IMCAs](#).
- **Social care advocates.** These can support certain people under the Care Act 2014 (in England) and the Social Services and Wellbeing (Wales) Act (in Wales). For more information on whether you're entitled to a social care advocate, see our page on [social care advocates](#).

### What's the difference between an IMHA and an IMCA?

- IMHAs support people who are being assessed or receiving treatment under the Mental Health Act 1983.
- IMCAs support people who lack capacity to make certain decisions and are provided under the Mental Capacity Act 2005.

The same person might be qualified to act as both an IMHA and an IMCA, but they are very different roles. See our pages on the [Mental Health Act 1983](#) and the [Mental Capacity Act 2005](#) for more information.

If you're not entitled to any advocacy by law, there are still lots of ways you can access and get support from an advocate in the community. See our page on [types of advocacy](#) for more information.

## What are IMHAs in England?

**Note:** This page is about Independent Mental Health Advocates (IMHAs) in **England**. If you live in Wales, see our page on [IMHAs \(Wales\)](#).

This page covers:

- [When am I entitled to an IMHA?](#)
- [How can an IMHA help me?](#)
- [What should my IMHA be able to do?](#)
- [How can I access an IMHA?](#)

See our page on [terms you need to know about sectioning](#) for a glossary of legal terms used in this page.

### When am I entitled to an IMHA?

In England, you have the right to an IMHA if:

- you are [detained](#) under the [Mental Health Act 1983](#), except where:
  - you have been detained in an emergency under [section 4](#)
  - you are detained under [section 5 holding powers](#)
  - you have been taken to a place of safety under [section 135 or 136](#) of the Mental Health Act
- you are “liable to be detained” – this includes:
  - where you are on leave of absence from hospital
  - where you are absent without leave from hospital
  - where a court order or application for admission has been made in relation to you
- you are subject to a [community treatment order](#) (CTO)
- you are subject to [guardianship](#)
- you are a [conditionally discharged](#) restricted patient
- you are a [voluntary/informal patient](#) and certain treatments, including [neurosurgery](#), are being considered for you

### What is a qualifying patient?

If you are eligible for an IMHA, you are referred to as a “qualifying patient” under the Mental Health Act 1983.

As a qualifying patient, you have a legal right to support from an IMHA. You can’t, for example, be told that there is no IMHA service in your area, as every local authority has a legal obligation to ensure that there is provision in place. If you are a qualifying patient and you have been denied the support of an IMHA, you should seek legal advice from a mental health or community care solicitor.

See Citizens Advice's page on [using a solicitor](#) for more information on how to find a solicitor and how to work with one.

For more information about being detained under the Mental Health Act, see our legal pages on the [Mental Health Act 1983](#) and [sectioning](#).

## How can an IMHA help me?

An IMHA can help you understand:

- **your rights under the Mental Health Act 1983** and why certain decisions have been made
- **the rights which other people (such as your [nearest relative](#)) have in relation to you** under the Mental Health Act 1983
- **the parts of the Mental Health Act 1983 which apply to you** (such as the basis on which you are detained) and make you eligible for an IMHA
- **any conditions or restrictions you are subject to** (for example, relating to leave of absence from hospital or a [CTO](#))
- **any medical treatment that you are receiving or might be given**, including:
  - **the reasons** for that treatment or proposed treatment
  - **the legal basis** for providing that treatment
  - **the safeguards** and other requirements of the Mental Health Act 1983 which would apply to that treatment.

On a practical level, an IMHA can help you:

- **exercise your rights** under the Mental Health Act 1983
- **express your views** about your care and treatment
- **make a complaint** about your care or treatment
- **enforce your rights** and get what you are entitled to
- **make an application** to the [Mental Health Tribunal](#)
- **present your views** and support you at a Mental Health Tribunal hearing
- **access legal advice**
- **by representing you and speaking on your behalf** – for example at review meetings or [hospital managers' hearings](#)

## What should my IMHA be able to do?

Your IMHA should be able to:

- **access the ward or unit** where you are staying
- **meet with you in private**, unless you object or it is otherwise inappropriate (for example, if you pose a risk to the IMHA's safety)
- **accompany you to meetings** with professionals involved in your care and treatment when you ask them to
- **see any medical, social care or other records** about your detention, treatment and [aftercare](#) (an IMHA can only do this with your consent, unless you [lack capacity to consent](#))
- **meet and talk to anyone who is professionally involved** with your medical treatment

## How can I access an IMHA?

You can request support from an IMHA at any time after you become a [qualifying patient](#). You can ask:

- a member of the ward staff
- your [responsible clinician](#)
- [approved mental health professional](#) (AMHP)

Whilst in hospital, you should have access to a telephone which you can use to contact an IMHA and talk to them in private.

## Can other people ask an IMHA to visit me?

The following people can also ask an IMHA to visit you:

- your nearest relative
- an AMHP
- your responsible clinician.

It is important to remember that **you do not have to see an IMHA if you don't wish to** and that IMHAs support patients, not nearest relatives or carers.

If you lack [capacity](#) to decide whether or not to get help from an IMHA, the [hospital manager](#) must ask an IMHA to visit you so that they can explain to you directly what help an IMHA can provide. See our legal pages on [the Mental Capacity Act 2005](#) for more information about what lacking capacity means and what your rights are.

## What are IMHAs in Wales?

**Note:** This page is about Independent Mental Health Advocates (IMHAs) in **Wales**. If you are in England, see our page on [IMHAs \(England\)](#).

This page covers:

- [When am I entitled to an IMHA?](#)
- [How can an IMHA help me?](#)
- [What should my IMHA be able to do?](#)
- [How can I access an IMHA?](#)

See our page on [terms you need to know about sectioning](#) for a glossary of legal terms used in this page.

## When am I entitled to an IMHA?

In Wales, you have the right to an IMHA if you are a “qualifying compulsory patient” or a “qualifying informal patient”.

You are a **qualifying compulsory patient** if:

- you are [detained](#) under the [Mental Health Act 1983](#), except where you have been taken to a place of safety under [section 135 or 136](#)
- you are “liable to be detained” – this includes:
  - where you are on leave of absence from hospital
  - where you are absent without leave from hospital
  - where a court order or application for admission has been made in relation to you
- you are subject to a [community treatment order](#) (CTO)
- you are subject to [guardianship](#)
- you are a [conditionally discharged](#) restricted patient
- certain treatments, including [electroconvulsive therapy](#) (ECT) and [neurosurgery](#), are being considered as treatment options for you

You are a **qualifying informal patient** if:

- you are in hospital as a [voluntary patient](#).

### What is a qualifying compulsory patient or a qualifying informal patient?

Being a qualifying compulsory patient or a qualifying informal patient means that you have met the requirements listed above. As a qualifying compulsory or qualifying informal patient, you have a legal right to support from an IMHA. You can't, for example,

be told that there is no IMHA service in your area, as every Local Health Board has a legal obligation to ensure that there is provision in place.

If you are a qualifying compulsory patient or qualifying informal patient and you have been denied the support of an IMHA, you should seek legal advice from a mental health or community care solicitor. See Citizens Advice's page on [using a solicitor](#) for more information on how to find a solicitor and how to work with one.

## How can an IMHA help me?

### For qualifying compulsory patients

An IMHA can help you understand:

- **your rights under the Mental Health Act 1983** and why certain decisions have been made
- **the rights which other people (such as your [nearest relative](#)) have** in relation to you under the Mental Health Act 1983
- **the parts of the Mental Health Act 1983 which apply to you** (such as the basis on which you are detained) and make you eligible for an IMHA
- **any conditions or restrictions to which you are subject** (for example, relating to leave of absence from hospital or a CTO)
- **any medical treatment that you are receiving or might be given**, including:
  - **the reasons** for that treatment or proposed treatment
  - **the legal basis** for providing that treatment
  - **the safeguards** and other requirements of the Mental Health Act 1983 which would apply to that treatment

On a practical level, an IMHA can help you:

- **exercise your rights** under the Mental Health Act 1983
- **express your views** about your care and treatment
- **raise concerns** or make a complaint about your care or treatment
- **explore alternatives** to the proposed treatment
- **enforce your rights** and get what you are entitled to
- **make an application** to the [Mental Health Review Tribunal for Wales](#)
- **present your views and support you** at a hearing before the Mental Health Review Tribunal for Wales
- **access legal advice and representation**
- **by representing you and speaking on your behalf** – for example at review meetings or [hospital managers' hearings](#)
- **understand and follow up any decisions or directions made** by the Mental Health Review Tribunal for Wales or hospital managers
- **make an application to [displace](#) your nearest relative**
- **access your medical or other records** (see our pages on [personal information](#) for more information on what your rights are regarding your records)
- in relation to **arrangements made for your aftercare** (see our pages on [aftercare](#) for more information)

## For qualifying informal patients

An IMHA can help you understand:

- **any medical treatment that you are receiving** or might be given
- **the reasons** for that treatment or proposed treatment
- **the legal basis** for providing that treatment

On a practical level, an IMHA can:

- **accompany you to meetings** about your care and treatment
- **help you express your views** about your care and treatment
- **help you make a complaint** about your care or treatment
- **help you access legal advice**

## What should my IMHA be able to do?

Your IMHA should be able to:

- **access the ward** or unit where you are staying
- **meet with you in private**, unless you object or it is otherwise inappropriate (for example, if you pose a risk to the IMHA's safety)
- **accompany you to meetings** with professionals involved in your care and treatment when you ask them to
- **see any medical, social services or other records** about your detention, treatment and [aftercare](#) (an IMHA can only do this with your consent, unless you [lack capacity to consent](#))
- **meet and talk to anyone who is professionally involved** with your medical treatment

## How can I access an IMHA?

You can request support from an IMHA at any time after you become a [qualifying compulsory patient](#) or [qualifying informal patient](#). You can ask:

- a member of the ward staff
- your [responsible clinician](#)
- [approved mental health professional](#) (AMHP).

Whilst in hospital, you should have access to a telephone which you can use to contact an IMHA and talk to them in private.

## Can other people ask an IMHA to visit me?

If you are a **qualifying compulsory patient**, the following people can also ask an IMHA to visit you:

- your nearest relative
- an AMHP
- your responsible clinician
- the hospital managers

- a social worker involved with your care, treatment or assessment
- your donee or [deputy](#) (if you have one). (A donee is another word for an attorney appointed in a [lasting power of attorney](#).)

If you are a qualifying informal patient, the following people can also ask an IMHA to visit you:

- your carer
- the hospital managers
- a social worker involved with your care, treatment or assessment
- your donee or [deputy](#) (if you have one). (A donee is another word for an attorney appointed in a [lasting power of attorney](#).)

It is important to remember that **you do not have to see an IMHA if you don't wish to** and that IMHAs support patients, not nearest relatives or carers.

## What are Independent Mental Capacity Advocates (IMCAs)?

- [What is an IMCA?](#)
- [When am I entitled to an IMCA?](#)
- [How can an IMCA help me?](#)

### What is an IMCA?

An Independent Mental Capacity Advocate (IMCA) is an advocate appointed to act on your behalf if you [lack capacity](#) to make certain decisions.

In England, IMCAs are appointed by a local authority, and in Wales they are appointed by a local Health Board or other NHS body in Wales.

(See our pages on the [Mental Capacity Act 2005](#) for more information what 'lacking capacity' means.)

### When am I entitled to an IMCA?

You have the right to an IMCA in these situations:

- If you are 16 or over, lack capacity to make certain decisions for yourself and do not have a close family member or a person who cares for you to support you.
- If you have no one to represent your views and an NHS body or local authority is reviewing or planning to review your accommodation, or it would be helpful to you when there is an allegation that you have been abused.
- Even if you do have someone support you, an independent mental capacity advocate should also normally be appointed if you are receiving serious medical

treatment, in long term accommodation, and/or challenging deprivation of liberty authorisations.

You will usually not be given an IMCA if:

- you have appointed someone to make your decisions for you, such as an [attorney](#) under a [lasting power of attorney](#)
- the court has appointed a [deputy](#) to make your decisions for you
- you have nominated someone to be consulted about matters that affect you
- you have a close family member or unpaid carer who can support you in the process of making decisions
- you are [detained](#) under the [Mental Health Act 1983](#). However, you may have the right to get help from an [independent mental health advocate \(IMHA\)](#).

## How can an IMCA help me?

An IMCA should help you:

- When an NHS body wants to provide **serious medical treatment** to you.
- When there are plans to give you **long-term accommodation** in hospital (more than 28 days) or in a care home (more than 8 weeks). However, if the arrangements are urgent, the NHS body does not have to appoint an IMCA.
- In some cases, if the professionals apply for a **standard or urgent authorisation** to deprive you of your liberty under the [deprivation of liberty safeguards](#). You have the right to help from an independent mental capacity advocate with challenging an authorisation even if you have a [relevant person's representative](#) helping and supporting you to do this. Both you and your relevant person's representative would be entitled to get help and support from an independent mental capacity advocate.

Your IMCA can:

- **Visit you in a care home, hospital or other place.** If they have been appointed to help you, they should be able to speak to you in private, unless you want someone else there to support you.
- **Help collect relevant information** about the decision that needs to be made about you – for example your health records.
- **Consult with health professionals** providing your care and treatment, if you agree. If appropriate, they can consult other people who may be able to comment on your wishes, feelings, beliefs and values, if you are unable to comment yourself at the time.
- **Support you so that you can make decisions for yourself.** This includes support like:
  - identifying your wishes, feelings, beliefs and values, or what these would be if you had the capacity to make the decision
  - telling you what your options are
  - if your decision is about medical treatment, they can suggest whether it would be useful to get another medical opinion about the treatment

- making sure that the [best interests](#) checklist has been followed, the least restrictive options for your care and treatment have been considered, and that the [Mental Capacity Act Code of Practice](#) has been followed
- writing a short report with their findings, giving their opinion on how the decision should be made in your best interests.
- **Help you complain.** If the independent mental capacity advocate believes that their opinion has not been taken into account by the health professionals, or if there is a disagreement between the professionals about what is in your best interests, they can:
  - make a complaint to the NHS body (the hospital or trust) or the local authority, or
  - take the matter to the [Court of Protection](#) for a decision.

## What is advocacy in social care?

- [What is advocacy in social care?](#)
- [Am I entitled to an advocate in England?](#)
- [Am I entitled to an advocate in Wales?](#)

## What is advocacy in social care?

[Advocates](#) in social care are independent from the local authority (local council) and the NHS. They are trained to help you understand your rights, express your views and wishes, and help make sure your voice is heard.

The law on entitlement to social care advocacy is different in [England](#) and [Wales](#).

(For information about your rights to health and social care support, see our legal pages on [health and social care rights](#).)

## Am I entitled to an advocate in England?

The [Care Act 2014](#) says that, when decisions are made about your social care, it's important that:

- you should be able to participate as fully as possible
- your views, wishes, feelings and beliefs should be taken into consideration
- all your relevant circumstances are taken into account.

The law says that you need an advocate if you have difficulty in any one of these areas:

- understanding relevant information
- retaining information
- using or weighing information (for example being able to see the advantages or disadvantages in different options)
- communicating your views, wishes and feelings.

Local authorities are under a duty to involve you in decisions made about your care and support. If you have difficulty being involved in these decisions, then your local authority must provide an advocate, unless there is someone else suitable to support you.

### When doesn't the local authority have to provide an advocate?

The local authority doesn't have to provide you with an advocate if there is an appropriate person to support and represent you, like a:

- family member
- unpaid carer
- friend.

A person cannot be an appropriate person if:

- they are your professional or paid carer
- you don't consent to them being your appropriate person
- you lack the [capacity](#) to decide whether they should be your appropriate person, and the local authority considers it's not in your best interests for them to be your appropriate person.

### In what situations will an advocate support me?

The local authority should consider right from the beginning of their involvement with you whether you have any difficulties that mean that you should have an advocate.

You are entitled to the support of an advocate:

- when you're having a [needs assessment](#)
- during the [care planning process](#)
- when a care plan is being revised
- when [safeguarding](#) enquiries and reviews are being carried out.

#### Example

Jake is 23 and has a diagnosis of [schizophrenia](#) and autistic spectrum disorder. He lives with his parents who misuse alcohol, have other health problems and are suspicious and critical of the social services department. The local authority considers that he may have needs for care and support and arranges to carry out a needs assessment.

The local authority must consider from their first involvement with Jake whether he should have the support of an advocate. They consider things like:

- Jake's health condition
- his personal domestic circumstances
- whether he may be at risk of neglect
- whether he has difficulty using or weighing information and communicating his wishes.

The local authority considers that Jake may need an advocate.

Jake says that he wants his mother to represent him at his needs assessment and to speak on his behalf. The local authority considers that Jake's mother's own problems with alcohol and her mistrust of the social services department mean that she is not an appropriate person to support Jake's involvement. The local authority must provide an advocate for him.

Jake is supported by the advocate during his needs assessment. The advocate explains the process to him and tells him what his rights are under the [Care Act 2014](#). The advocate also supports Jake during the care planning process. Jake had some concerns about how the process was carried out and the advocate communicated those concerns to the local authority in writing.

## Am I entitled to an advocate in Wales?

In Wales, the law says that local authorities do not have to provide you with an advocate when it is carrying out its functions under the [Social Services and Well-being \(Wales\) Act 2014](#). However, local authorities must consider arranging for an independent advocate to help and represent you if don't have an appropriate individual who can help.

An appropriate individual could be:

- a family member
- a friend
- someone from your wider support network.

## In what situations will an advocate support me?

An advocate can support you during:

- [assessment](#)
- [care and support planning](#)
- [safeguarding](#) and reviews.

## How can I complain about an advocate?

There may be times when you are unhappy with the service you have received from an advocate. But each advocacy service should have a clear process in place to deal with complaints.

To complain about an advocate, you should:

- ask the advocacy service for a copy of its complaints procedure
- follow the process in the document.

If this is hard to do by yourself, you could ask a friend, family member or carer for help. The advocacy service provider should also be able to help you get independent support to make or follow-up a complaint.

## Can I change my advocate?

If you are unhappy with your advocate, you could ask your advocacy service provider if you could see a different person. However, depending on how many people work there and how busy they are, it might not be possible to see a different advocate.

See our page on [finding an advocate](#) for more information.

## Useful contacts

### Mind's services

- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
  - Mind's Infoline – 0300 123 3393, [info@mind](mailto:info@mind)
  - Mind's Legal Line – 0300 466 6463, [legal@mind](mailto:legal@mind)
  - Blue Light Infoline – 0300 303 5999, [bluelightinfo@mind](mailto:bluelightinfo@mind)
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

### Advocacy Services Wales

[advocacyserviceswales.co.uk](http://advocacyserviceswales.co.uk)

Provides mental health advocacy services to people in Wales.

### Advocacy Support Cymru (ASC)

[ascymru.org.uk](http://ascymru.org.uk)

Provides Independent Mental Health Advocates in Wales.

### Citizens Advice

(England)

03444 111 444

[citizensadvice.org.uk](http://citizensadvice.org.uk)

TextRelay users should call 03444 111 445

(Wales)

03444 77 20 20

TextRelay users should call 03444 111 445

[citizensadvicewales.org.uk](http://citizensadvicewales.org.uk)

Provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. They also have an [online self-help](#) service.

## **CoolTan Arts**

[cooltanarts.org.uk](http://cooltanarts.org.uk)

CoolTan Arts is a London-based arts in mental health charity, run by and for adults with mental health problems. Offers a variety of workshops and training.

## **Coram Voice**

[coramvoice.org.uk](http://coramvoice.org.uk)

Helpline: 0808 800 5792

Charity providing mental health advocacy support for young people in care, and care leavers.

## **Groundswell**

[groundswell.org.uk](http://groundswell.org.uk)

Charity supporting homeless people including offering advocacy services.

## **MindOut**

[mindout.org.uk](http://mindout.org.uk)

MindOut is a mental health service run by and for lesbians, gay men, bisexual, trans and queer people. Provides a range of independent advocacy services

## **National Survivor User Network (NSUN)**

[nsun.org.uk](http://nsun.org.uk)

Independent, service-user-led charity for people with experience of mental health issues. Provides information, networking opportunities and peer-to-peer support.

## **POhWER**

[pohwer.net](http://pohwer.net)

POhWER is a advocacy charity and membership organisation providing advocacy services in the UK.

## **Rethink Mental Illness**

[rethink.org](http://rethink.org)

Provides mental health advocacy services in the community, secure hospitals and secure units.

## **Santé Refugee Mental Health Access Project**

[santeproject.org.uk](http://santeproject.org.uk)

Provides advocacy for vulnerable refugees and asylum seekers.

**seAp (Support Empower Advocate Promote)**

[seap.org.uk](http://seap.org.uk)

seAp is a charity providing free independent and confidential advocacy services.

**Shelter**

(England)

0808 800 4444

[england.shelter.org.uk](http://england.shelter.org.uk)

(Wales)

0345 075 5005

[sheltercymru.org.uk](http://sheltercymru.org.uk)

Free, confidential advice on housing problems in England and Wales, offering some advocacy services.

**VoiceAbility**

[voiceability.org](http://voiceability.org)

Works with people across England to provide advocacy services, including mental health advocacy.