

6. Deprivation of Liberty Safeguards

Persons being deprived of their liberty have a statutory right to a representative either a family member or friend, or a paid representative, for the life of the authorisation.

The Supervisory Body must instruct an RPR (Relative Person's Representative), and if no appropriate person can be found they will instruct an IMCA or a Paid Representative advocate.

IMCA's or Paid Representatives will visit person who is deprived of their liberty regularly and ensure conditions of the DoLS authorisation are being met, explain the purpose and duration of the authorisation to the person, obtain their views, wishes and feelings and request a review or access court if necessary.

5. The Mental Health Act 1983 & Advocacy The MHA Code of Practice chapter 6

Independent mental health advocates (IMHAs) are a provisional safeguard for patients who are subject to the Act.

- They support patients to exercise their rights and participate in the decisions that are made about their care and treatment.
- They do not replace any other advocacy or support services and work in conjunction with other services.
- They help qualifying patients to obtain relevant information, legal advice and to understand their position including their rights and aspects of their treatment.

Thanks to Knowsley SAB for the information this briefing is based upon.

1. What is Independent Advocacy?

Advocacy promotes social inclusion, equality, and social justice by empowering people to participate in any decision making about their lives. Advocacy works to put the person at the centre of all proceedings by supporting people to uphold and exercise their rights, have their voice heard and support them to access information and services that they need for the matter.

Advocates are highly skilled and professionally independent individuals who are impartial and knowledgeable in the Acts and frameworks that aim to promote wellbeing and person-centred practice. Advocacy is free to anyone who is eligible.

7. Advocacy Provider in Somerset

SWAN

03333 447928

www.swanadvocacy.org.uk

reception@swanadvocacy.org.uk

[Referral Form](#)



4. The Mental Capacity Act 2005 & Independent Mental Capacity Advocate (IMCA)

An IMCA must be instructed, and then consulted, for people who are assessed as lacking capacity to make a specific decision and who have no other appropriate person to support in the decision process. An IMCA can work with a person for decisions about;

- A Long-Term accommodation move
- A Serious Medical Treatment decision

An IMCA may be instructed to support the rights, views and wishes of someone who lacks capacity to make decisions concerning care reviews where they meet the Mental Capacity Act criteria.

2. Why is Advocacy important in Safeguarding?

Independent Advocacy upholds the Safeguarding principle of "No decision about me, without me" Advocacy being involved in safeguarding decisions puts the eligible person at the centre of any safeguarding process to support meaningful participation and consultation.

An adult who may have been affected by abuse or neglect may be unable to navigate safeguarding processes for many reasons, the advocate can help understanding and exploration of the issues through supported decision-making approaches which assists the person to voice their views, feelings and preferred choices directly or through advocacy representation.

3. The Care Act 2014 & Advocacy The Care Act 2014 Statutory Guidance (7.4) states the Local Authority duty to arrange an Independent Advocate for adults who may otherwise have

- (1) "substantial difficulty" in being involved if there is
- (2) "no appropriate individual available to support and represent the person's wishes"

One of the instances in the duty to arrange advocacy is for an adult subject to Safeguarding Processes.