

What is the difference between ICAA and IMCA?

There are similarities with the Mental Capacity Act (MCA) but the duty under the Care Act is broader.

It defines a wider range of circumstances in which there is a duty to provide independent advocacy.

It also provides support to people who have capacity but who have substantial difficulty in being involved in their care and support.

Both the Care Act and MCA recognise the same areas of difficulty, but the test with the MCA is whether the person 'lacks capacity' in relation to a specific decision whereas with the Care Act it is having 'substantial difficulty' in being involved in key local authority processes.



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How to get in touch



Referrals will usually be made by Health Professionals or the Local Authority.

You can refer online by going to our referral portal: spartan.seap.org.uk

Or you can download a referral form from our website: www.seap.org.uk

and submit by email: info@seap.org.uk

or fax: **01424 204687**

To discuss please call: **0330 440 9000**

or text: **SEAP to 80800**
followed by your message

Opening hours: Mon – Fri: 9am – 5pm
Thurs: 9am – 7pm

We aim to respond to answerphone messages within 1 working day

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Independent Care Act Advocacy (ICAA)



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When does the duty to provide Independent Care Act Advocacy (ICAA) apply?

- an adult needs assessment
- a carer's assessment
- the preparation of a care and support plan or support plan for adults
- the review of an adult's care and support plan
- the review of a carer's support plan
- a child's needs assessment under Transition to adult care/support
- a child's carer's assessment under Transition to adult care/support
- a young carer's assessment
- a safeguarding enquiry
- a safeguarding adults review

Even if a person *has* an appropriate individual to facilitate involvement in the process, they are still eligible for ICAA if:

- A placement is being considered for an NHS funded stay in hospital (for a period exceeding 4 weeks) or a care home (for a period exceeding 8 weeks)
- There is a disagreement between the Local Authority and the appropriate person, and it is agreed that the person would benefit from having an advocate

When is a service user or carer eligible for ICAA?

There are 2 criteria that need to be met:

1. Substantial Difficulty

This is where the person has substantial difficulty in being involved in the process. The Care Act defines four areas in any **one** of which a substantial difficulty might be found:

- Understanding relevant information
- Retaining information
- Using or weighing up the information
- Communicating their views, wishes and feelings

AND

2. No one appropriate to facilitate involvement

Reasons for this include:

- family live too far away
- there are no regular visitors who could help the person be involved

or the people in the individual's life:

- do not have the time
- do not understand the process
- simply do not want the responsibility

The person's wishes must be respected. If they don't want to be supported by a particular relative, then the local authority cannot consider that relative to be appropriate.

N.B. Paid staff are **NOT** allowed to support the individual in the process.

What does an Independent Care Act Advocate do?

Our Advocates always act with the wellbeing of the person at the centre.

They can help a person to:

- Understand and engage in the process
- Communicate their wishes, views and feelings
- Make decisions and challenge those made by the local authority
- Understand their rights
- If appropriate, look at relevant health and social care records
- Talk to those who can help
- Consult the family and others if the person does not have capacity
- Support and represent them in the safeguarding process

The service is free, confidential and independent.

