

## When is it not appropriate to refer to the IMCA service?

- When serious medical intervention is required immediately, for example in life-threatening circumstances (a referral may still be made once the emergency has passed)
- When the treatment is regulated by Part 4 of the Mental Health Act
- Where it is necessary to provide accommodation urgently
- Where restrictions are placed on an individual's accommodation under the Mental Health Act



## 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](http://spartan.seap.org.uk)

Or you can download a referral form from our website: [www.seap.org.uk](http://www.seap.org.uk)

and submit by email: [info@seap.org.uk](mailto: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

Free  
Confidential  
Independent



# Independent Mental Capacity Advocacy (IMCA)



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Independent



## What is the IMCA service?

IMCA is a key aspect of the Mental Capacity Act 2005. The Act places a responsibility on Local Authorities to ensure that people who are considered to lack capacity have access to an independent advocate when decisions are being made about them in situations where:

- An NHS body is providing, withdrawing or stopping serious medical treatment
- An NHS body or Local Authority is proposing a stay in a care home of more than 8 weeks
- A person will stay in hospital longer than 28 days

Referrals may also include accommodation reviews and adult protection cases.

## Complaints, Comments and Compliments

We are committed to providing high quality advocacy support to clients, and to working effectively with service providers. However we recognise that sometimes things go wrong. If you have a complaint about our service, please ask for a copy of our complaints procedure. If you would like to make a comment, or compliment us, please contact us. Our contact details are on the back of this leaflet.



## Who is eligible for the IMCA service?

- Those who are assessed to lack capacity by decision-makers, in relation to a specific decision at the time it needs to be made
- Those who have no family or friends who are willing and able to represent their likely views

## An IMCA is:

- An advocate who is independent of the person making the decision
- Able to meet the person concerned, who the decision relates to, in private
- Able to see all relevant health, social services and care home records
- Able to request an additional medical opinion

## What does an IMCA do?

- Supports the person who lacks capacity and represents their likely views to those responsible for making decisions
- Obtains and evaluates information
- Ascertains the person's wishes and feelings, as far as possible
- Recommends alternative courses of action - e.g. different care arrangements
- Seeks a further medical opinion, if necessary

## How do IMCAs work?

Advocates will work with the person lacking capacity, to try and establish their views and to involve them in the decision-making process as much as possible. They will also speak with people who may have information about the person's views, beliefs, and preferences, and will consult any written information such as case-notes and reports, or directions which the person may have given before they lacked capacity.

IMCA staff do not have decision-making responsibility, but they will write a report which outlines their findings on the likely views of the person, detailing how they arrived at their recommendations; and decision-makers have a responsibility to give full consideration to the contents of the report.

IMCA staff can appeal if they believe a decision has been made without due weight being given to the advocate's report.

We recognise the need to provide a rapid response to referrals in order to avoid unnecessary delays to the decisions which need to be made, and will respond to all requests as quickly as possible.

