

Referral Guidance – Gateshead Statutory Advocacy Services

This is guidance to help referrers complete the separate Referral Form for the following Statutory Advocacy services provided by Connected Voice to people in Gateshead:

Independent Mental Health Advocacy (IMHA)

Independent Mental Capacity Advocacy (IMCA)

Independent Care Act Advocacy (ICAA)

General guidance

If you are not sure about which service to refer to please contact Connected Voice Advocacy on 0191 235 7013

Timeframes

All referrals will be assessed and allocated within 5 working days (upon receipt of a completed **signed** Referral Form **including Risk Assessment**)

Sharing of Information

Please be aware that client-related information disclosed to CVA will be shared with the client as a matter of course. However, where that would involve third party information (provided by someone else) and where sharing that information is likely to cause significant (physical, mental or emotional) harm to the person or someone else, it is expected that this must have been clearly communicated to CVA by the person relaying the information and non-disclosure specified.

Please check that you complete all necessary parts of the Referral Form and attach ALL necessary information before returning the form to CVA. Emailed referrals are preferred as they can be processed quickly and without use of paper. Referrals are safe to send by the email below as it is encrypted.

Independent Mental Health Advocacy (IMHA)

Sections on Referral Form to complete

Part 1, Part 2 (Section J only), Part 3

Referrer

IMHA referrals can be made by: Self-referral; Nearest Relative; Approved Mental Health Professional or a representative of the detaining authority.

Making a referral

Before making an IMHA referral you should:

- Discuss the referral with the qualifying client
- Give the qualifying client the chance to decide for themselves whether to request IMHA support
- If you believe the qualifying client may benefit from IMHA support but is unable / unlikely to request an IMHA's support themselves, you should consider making an IMHA referral.

A referral should **NOT** be made to the IMHA Service where the referrer knows or strongly suspects the qualifying client does not want the support of an IMHA. The involvement of an IMHA does not affect a client's right to seek advice from a legal representative, nor does it affect any entitlement to legal aid. The IMHA service is not a substitute for any independent advocacy which already takes place.

If the referral is a self-referral or from someone/an agency other than the mental health service provider, the IMHA can request, and will be provided with, risk information from the mental health service provider, with the permission of the patient (or acting in their best interest).

Eligibility criteria

To qualify for IMHA support a client must meet **1 and 2** of the following criteria:

1. Located within or come under the responsibility of Gateshead Council
2. Subject to one of the following powers of the Mental Health Act:
 - a. Patient detained under the Mental Health Act
 - b. A conditionally discharged restricted patient
 - c. Subject to Supervised Community Treatment (SCT)
 - d. Subject to Guardianship
 - e. Informal patient and discussing the possibility of Section 57 treatment
 - f. Under 18 and being considered for ECT

Please note that clients under short term and /or emergency detentions such as those made under Sections 4, 5(2), 5(4), 135 or 136 are NOT eligible for the IMHA service.

Independent Mental Capacity Advocacy (IMCA)

Sections on Referral Form to complete

Part 1, Part 2 (Section K only), Part 3

Referrer

IMCA referrals can only be made by the decision maker (relevant staff from Gateshead Council and local health partners e.g. Social Worker/Care Manager for a move and doctor or nurse providing medical treatment)

Eligibility criteria

To qualify for IMCA support a client must meet **1 to 6** of the following criteria:

1. Located within or come under the responsibility of Gateshead Council
2. Have a specific condition affecting their ability to make decisions e.g. Learning Disability, Mental Health Needs, Acquired Brain Injury
3. Have been assessed as lacking capacity to make a particular decision
4. Is 16 years or older
5. No other family member or unpaid person is willing or appropriate to consult in relation to the decision (unless a safeguarding issue)
6. A decision needs to be made about one of the following:
 - a. Serious medical treatment
 - b. A change of accommodation (including hospital stay of 28 days or care home over 8 weeks)
 - c. Safeguarding Adult proceedings for an alleged perpetrator lacking capacity (the person may have family and still be eligible for IMCA in this instance)
 - d. A care review in relation to accommodation where it is felt that the person would benefit from IMCA.

N.B. The IMCA role also includes supporting people subject to Deprivation of Liberty Safeguards Section 39.

Independent Care Act Advocacy (ICAA)

Sections on Referral Form to complete

Part 1, Part 2 (Section L only), Part 3

Referrer

ICAA referrals can only be made by Gateshead Council Care Management or Safeguarding Adults Team.

Eligibility criteria

To qualify for ICAA support a client must be located within or come under the responsibility of Gateshead Council.

A person is legally entitled to an Advocate under the Care Act if:

- It appears to the local authority that they may have care and support needs **and**
- they have substantial difficulty in being involved in the relevant process **and**
- there is no 'appropriate' * unpaid individual to support them

A person cannot act as an 'Appropriate Individual' under the Care Act if they are:

- already providing care or treatment to the person in a professional capacity or on a paid basis
- someone the person does not want to support them
- someone who is unlikely to be able to, or available to, adequately support the person's involvement
- someone implicated in an enquiry into abuse or neglect or who has been judged by a Safeguarding Adult Review to have failed to prevent abuse or neglect.

An independent advocate must be offered to support and represent the person for the purpose of assisting their involvement if these conditions are met and if the individual is required to take part in one or more of the following processes described in the Care Act:

- a needs assessment
- a carer's assessment
- the preparation of a care and support or support plan
- a review of a care and support or support plan
- a safeguarding enquiry
- a safeguarding adult review

N.B. CVA works only with eligible people aged 18 years and over. If advocacy is required for someone under 18 advice should be sought from Gateshead Council regarding the appropriate Advocacy organisation.

Connected Voice Advocacy

3rd Floor, Higham House
Higham Place
Newcastle upon Tyne NE1 8AF

Email: ntawnt.advocacy@nhs.net
Telephone: 0191 235 7013
Website: www.connectedvoice.org.uk



Connected Voice is a registered charity (number 1125877) and company limited by guarantee (number 6681475) registered in England and Wales. Our registered office is as above.