

## What is the Independent Mental Capacity Advocacy (IMCA) Service Frequently Asked Questions for Families and Friends

### What is the IMCA service?

The IMCA service is a specialist advocacy service which is a vital safeguard for adults when they lack capacity to make some important decisions. The IMCA service is part of the Mental Capacity Act, this means that deciding who can have an IMCA and what the IMCA does is set out in law. You can find out more at [www.dh.gov.uk/imca](http://www.dh.gov.uk/imca).

### Who can have an IMCA?

Adults without family or friends, have a legal right to have an IMCA when a decision is being made about either serious medical treatment or where they will live, and they lack capacity to make that decision.

Adults may sometimes also have an IMCA when they do not have the capacity to agree to the arrangements being made in care reviews or adult protection proceedings.

### Who decides if a person lacks capacity to make a decision?

The decision maker decides whether the person has capacity to make a specific decision. For medical treatment this would be a doctor for decisions about where someone lives or adult protection proceedings this would usually be a social worker or care manager.

The decision maker must follow the test in the Mental Capacity Act to decide if the person has the capacity to make the decision themselves. The decision maker also decides if the person needs an IMCA.

## Is the IMCA a Decision Maker?

No. The IMCA does not make decisions and does not do capacity tests. The IMCA provides information which the decision maker must take into consideration in reaching a decision in the person's best interests.

## Why do some people with family and friends still have IMCAs?

The IMCA service is only available to people who have no friends or family able to support them, however, there are some exceptions.

If the decision maker feels that the person's friends or family are unable to support the person in this particular decision they must bring in an IMCA. This might be because the family and friends live too far away, are too ill, elderly or disabled, have decided they do not want to be involved or because there is a conflict of interest. If you feel you are able to support the person in the decision, instead of an IMCA you need to contact the decision maker.

In adult protection proceedings the decision maker is able to bring in an IMCA even if there are family and friends available.

## What will the IMCA do?

The IMCA's role is set out in the Mental Capacity Act, IMCA Regulations and the Code of Practice.

The IMCA is there to support and represent the person in the decision making process. The IMCA will meet the person, if possible in private and try to find out the person's past and present wishes, feelings, and values. The IMCA will ensure that the decision maker considers these when making the decision.

The IMCA is allowed to read relevant social and medical records and can seek a further medical opinion if necessary.

The IMCA will talk to other people involved in the person's life and check that all options that might be right for the person are being looked into. The IMCA will also check that the decision is being made correctly following the Mental Capacity Act.

The IMCA will then write a report of their findings for the decision maker. The decision maker has to read this report before making the decision. If the IMCA is concerned about the decision that has been made the IMCA can challenge this decision.

## Can I see the IMCAs report?

The IMCA will write the report for the decision maker, and the decision maker will decide who else needs to see the report. So any requests to see the IMCA report need to go to the decision maker.

## Will the IMCA talk to me?

The IMCA is solely there for the person who lacks capacity to make the decision. Sometimes an IMCA might talk to the person's family and friends if the person is not able to clearly tell the IMCA themselves about their wishes and views. If the IMCA does talk to family and friends it is to find out if they know what the person's wishes and feelings were, or the best way to communicate with the person. Family and friends can still contact the decision maker to express their own views or concerns about the decision being made.

The IMCA has a short time to do their work so they will not always contact all family and friends. If they do so it is likely to be by phone. They might also not contact family and friends if they are involved in adult protection proceedings.

## Who can be an IMCA?

An IMCA must have relevant experience, they have usually worked for some time with vulnerable adults and people who may find it difficult to communicate, such as people with learning disabilities, mental health needs, acquired brain injury or dementia. An IMCA must have an enhanced criminal records check and have completed the national IMCA training.

### **Who are Total Voice Cambridgeshire and Peterborough?**

Total Voice is a partnership providing independent advocacy services across the area. You can find out more on [www.totalvoicecp.org](http://www.totalvoicecp.org) or by calling 0300 222 5704.

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