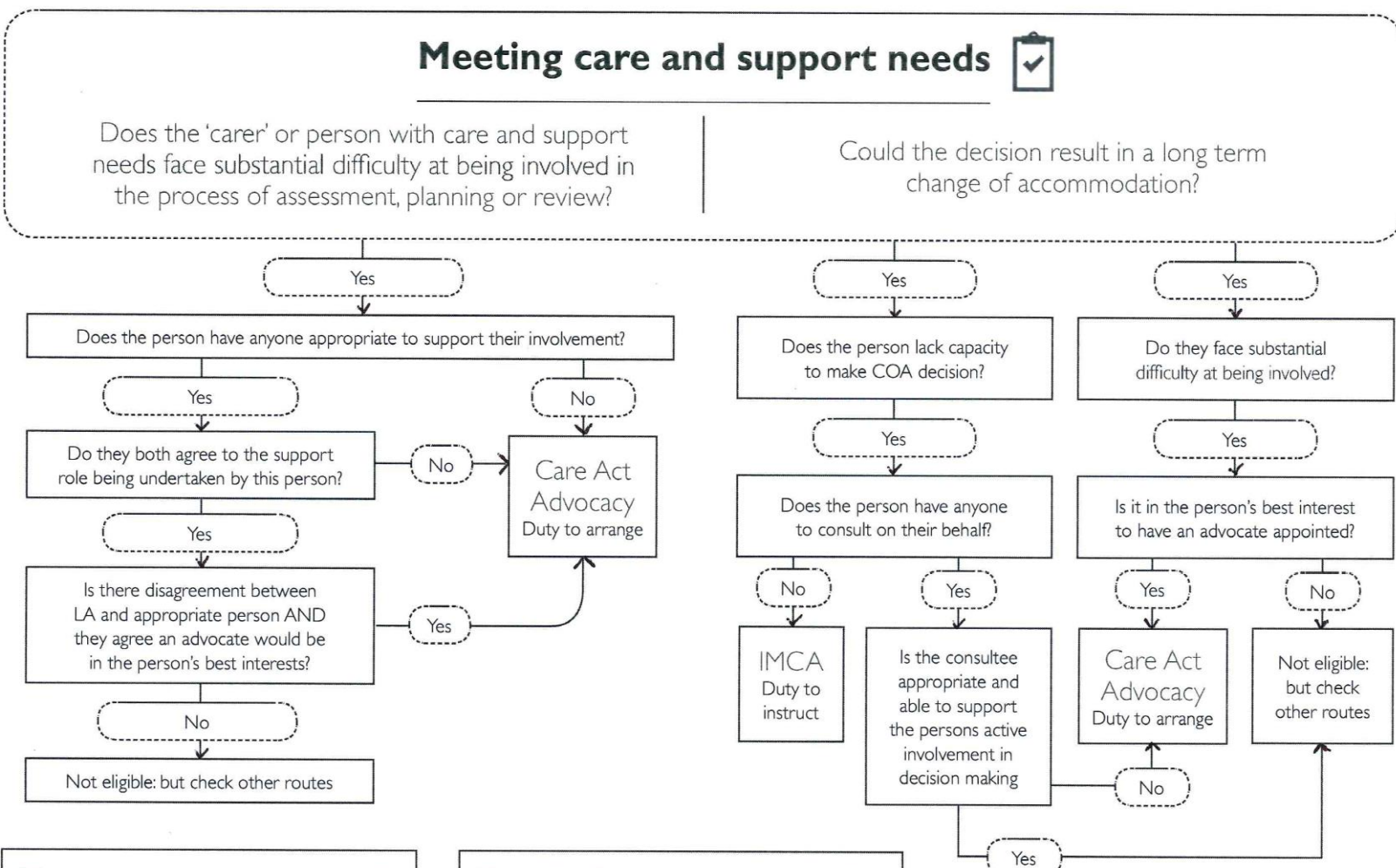
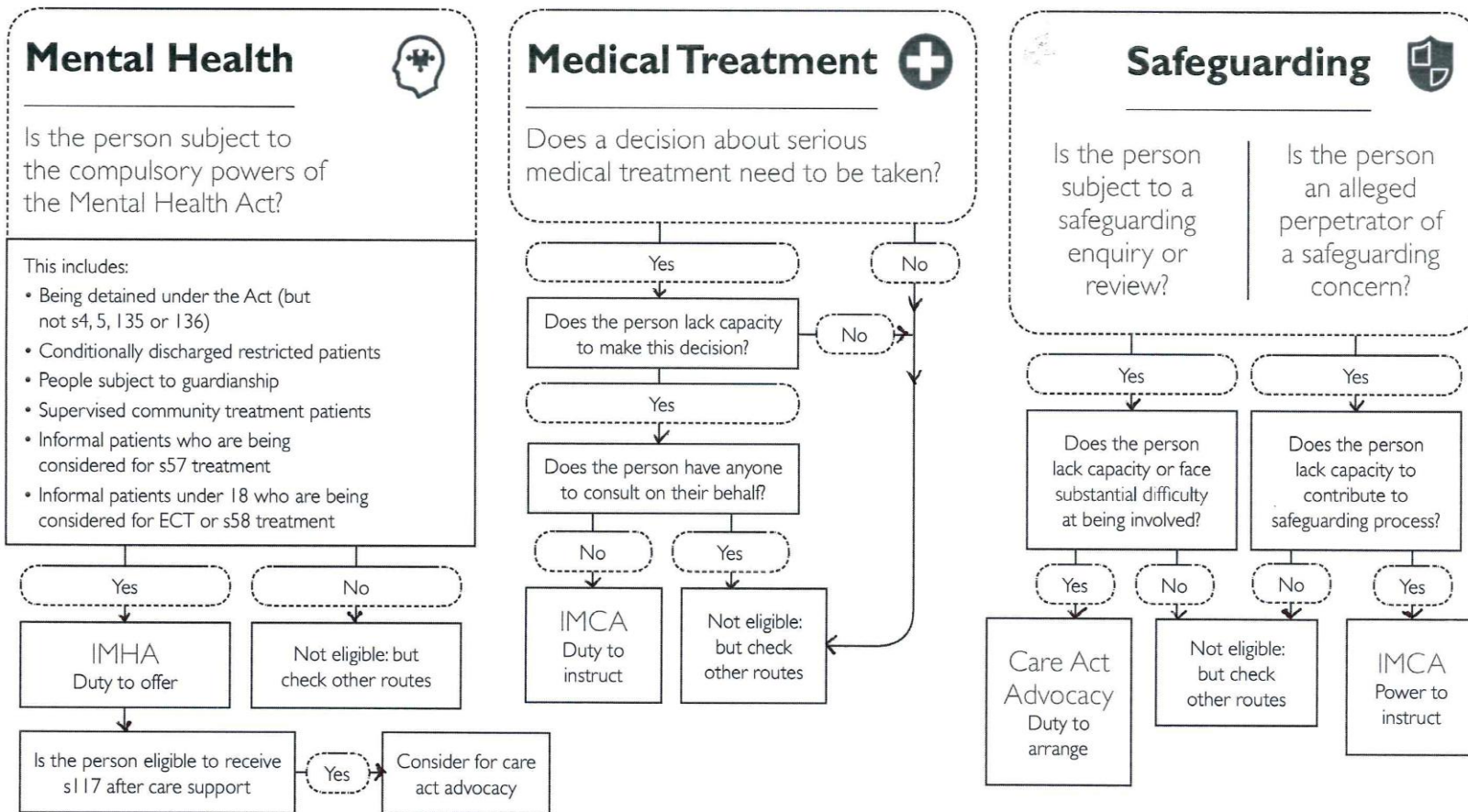


# ACCESSING STATUTORY ADVOCACY FLOWCHART



**Key**

**Duty to offer** (hospital managers have a legal duty to offer access to IMHA but the person has a choice)

**Duty to arrange** (the LA has a legal duty to arrange advocacy for an eligible person who would like one)

**Duty to instruct** (the decision maker has a legal duty to appoint an IMCA, no consent is required)

**Power to instruct** (the decision maker can appoint an IMCA but they do not need to)

**Long term change of accommodation (COA).** This is accommodation that is being arranged by the NHS for more than 28 days or by the LA for more than 6 weeks.

**Don't forget....**

- People who are undergoing more than one decision making process may be entitled to more than one advocacy referral.
- The same advocate can provide more than one role (providing they meet requirements for training and independence)
- Most people who receive IMCA support for a COA will usually always be entitled to receive advocacy under the care act for their wider care and support planning.
- If a person lacks capacity to consent (or refuse) an advocate, the decision maker must follow the Mental Capacity Act to decide whether it is in the person's best interests to have an advocate appointed.



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