Independent mental health advocates

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Mental Health Act 2007

The Department of Health's objectives are:

- to **protect** the patient and the wider public from harm
- to support modern **service developments** &
- to promote **patient rights**

(IMHAs)

- PCT to commission IMHA service
- in place from the 1st April 09

“Advocacy is about helping preserve a patient’s dignity and self-respect, as well as protecting their legal and human rights”

Phil Hope, Minster of State for social care, House of Commons, 12th January 2009

Building on existing advocacy knowledge and good practice

- Independence
- Impartiality
- Equal opportunity
- Confidentiality
- Accessibility
- Empowerment

What is an Independent Mental Health Advocate (IMHA)

IMHAs are specialist advocates who are trained specifically to work within the framework of the Act to meet the needs of patients'

- Independent mental health advocacy services do not replace any other advocacy and support services that are available to patients, but are intended to operate in conjunction with those services

Code 20: 2-3

What IMHAs are not!

It is important to distinguish the role of the IMHA from other

people involved in the patient's care.

They are not:

- part of the multi- disciplinary team of professionals caring for the patient
- legal advisers;
- medical experts; or
- the same as family members, carers or friends

Who is eligible for an IMHA

The Act describes those patients who are eligible for IMHA services as **'qualifying patients'**

This includes patients who are:

- detained under the Act (even if they are currently on leave of absence from hospital); for example s2, s3, s37
- conditionally discharged restricted patients;
- subject to guardianship
- on supervised community treatment

Who is eligible for an IMHA?(2)

Patients are also eligible for help from an IMHA

- if they are being considered for a section 57 treatment or
- if they are under 18 and being considered for a section 58A treatment

Who is eligible for an IMHA?(3)

It does **not** include patients who are detained:

- on the basis of an emergency application (section 4) **until** the second medical recommendation is received
- under the holding powers in section 5; or
- in a place of safety under section 135 or 136

Role of the IMHA

The support which IMHAs provide must include helping patients to obtain **information about and understand**:

- their rights under the Act
- the rights which other people (e.g. nearest relatives) have in relation to them under the Act
- the particular parts of the Act which apply to them e.g reason for detention
- any conditions and restrictions to which they are subject (e.g. if on leave of absence from hospital, CTO)

Role of the IMHA (2)

The support which IMHAs provide must include helping patients to obtain **information about and understand**:

- any medical treatment they are receiving or might be given
- the reasons for that treatment or proposed treatment
- the legal authority for providing that treatment, and the safeguards and other requirements of the Act which would apply to that treatment'

(COP, 2.8)

The role of independent mental health advocates

- Includes helping patients to exercise their rights, which can include **representing them** and **speaking on their behalf**
- IMHAs may also support patients in a range of other ways to **ensure they can participate in the decisions** that are made about their care and treatment
- The involvement of an IMHA **does not** affect a patient's right (nor the right of their nearest relative) to seek advice from a lawyer
- Nor does it affect any entitlement to legal aid

(CCP, 20: 9-11)

onResponsibilities

Information

Access

Co-operation

Resources

Website

Workbook and training events

National advocacy qualification

Myth-buster

Effective Practice Guide

Leaflets

Commissioning guidance

Training Events

- The National Mental Health Development Unit (NIMDU) is running a series of four-day training workshops for existing independent mental health advocates.

- The programme will look at the role in details and prepare IMHAs for the National Qualification. Places are only open to existing IMHAs who work in services commissioned by PCTs or other approved providers.

National Qualification in Independent Advocacy

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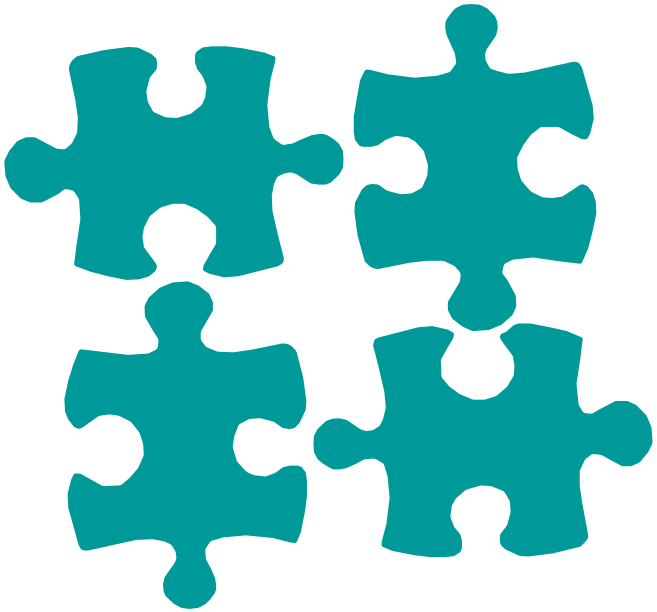
Generic Qualification

Purpose + Principles of Independent Advocacy

Maintaining the Advocacy Relationship



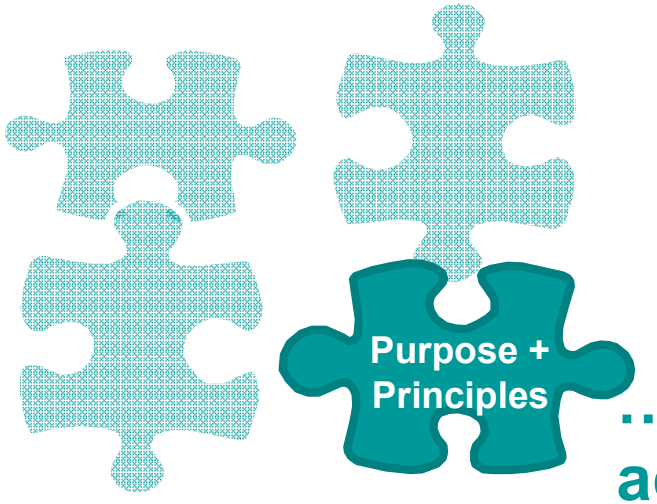
Meeting the Advocacy Needs of different groups

Providing Effective Support

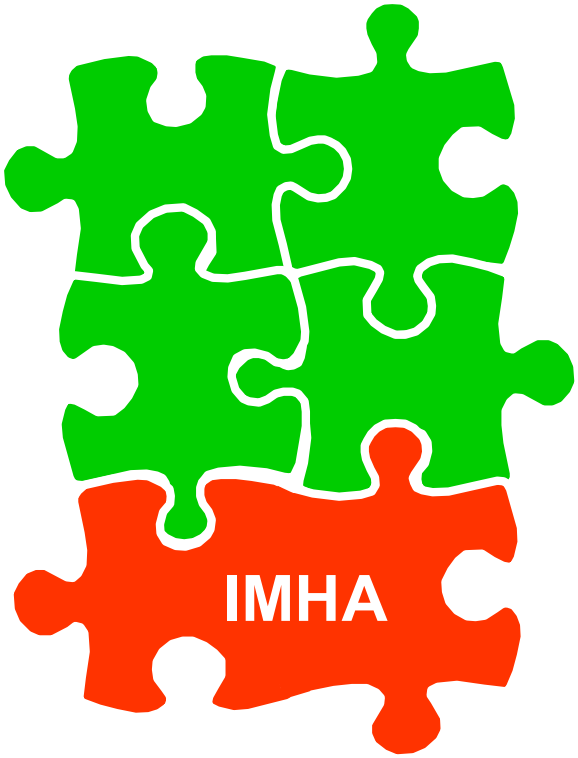
Level 3 qualification

Length: each module 20 taught hours + 15 self study hours

By completing any one module…



…the learner will achieve an accredited certificate



You do not have to do the generic modules before undertaking the IMHA module

Independent Mental Health Advocacy

IMHA only have to complete the specialist IMHA module within one year of appointment

Final words…

Here you are Mrs T. This is Ada the advocate we talked about!
Hi
Oh dear, it was an ADVOCAAT I had in mind!

…

Nora Dewster

Thank you