

Eligibility Criteria

- Person 16 years or over.
- Assessed as lacking mental capacity.
- No consultable friends or family.
- No specific decision making arrangements in place (powers of attorney, advance decision).

You **MUST** instruct an IMCA for:

- Serious Medical Treatment decisions (provision, withholding, withdrawal e.g. DNAR - do not attempt resuscitation).
- Change Of Accommodation decisions (Hospital stay of 28 days or more, nursing/residential stay of 8 weeks or more).

You **MAY** instruct an IMCA for:

- Safeguarding adults investigation (ongoing or proposed and irrespective of Friends and Family).
- Accommodation Reviews.

The IMCA role:

- Ensuring decision making process is in line with MCA (2005).
- Independent advocate.
- Legal right to access all relevant records medical and otherwise.
- Provides comprehensive and independent report to the decision maker.
- Can legally challenge unlawful decisions through the Court of Protection.



An IMCA must be instructed and consulted for people lacking capacity who have no-one else to support them.

Code of Practice p.178

If a family disagrees with a decision-maker's proposed action, this is not grounds for concluding that there is nobody whose views are relevant to the decision.

Code of Practice p.201

The IMCA is a safeguard for those people that lack capacity.

Code of Practice p.200



Where a Serious Medical Treatment decision is being considered for a person who lacks the capacity to consent, and who qualifies for additional Safeguards, Section 37 of the Act imposes a duty on the NHS body to instruct an IMCA.

Code of Practice p.92

When an urgent decision is needed (e.g to save a life) an IMCA need not be instructed. But this decision **must** be recorded with the reason for non-referral.

Code of Practice p.193

Who makes the referral?

Decision maker or an authorised person on behalf of decision maker. The decision maker will usually be a Doctor or Social Worker.

To make a referral
or for more information
please contact Asist:



imca@asist.co.uk
www.asist.co.uk



01782 746647



IMCA, Asist, Winton House, Stoke
Road, Stoke-on-Trent ST4 2RW



01782 845584

Office hours are: Monday to Friday 09.00 - 17.00

Referrals by telephone **must** be followed up with an
IMCA referral form, available from Asist.

Asist offers free awareness raising sessions about the IMCA role-
please contact the IMCA Coordinator for further information.



Registered Charity No. 1048075.
Company No. 3068125



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advocacy services
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IMCA- Independent Mental Capacity Advocacy Service

Information for professionals and care givers

