

ECED7008

Types of Advocacy

Instructed advocacy

- ▶ The individual
 - ▶ tells the advocate what they would like them to say and do
 - ▶ The advocate's role is to
 - ▶ work with the person
 - ▶ to bring together what they have to say
 - ▶ in a way that puts their point of view across clearly
 - ▶ The advocate supports them in what they want to achieve.

Non-instructed advocacy

- ▶ When someone
 - ▶ doesn't have the capacity to tell the advocate what they want them to do,
 - ▶ the advocate uses other approaches to make sure the individual's life choices aren't compromised
- ▶ It could be that because of a
 - ▶ brain injury,
 - ▶ mental health issue,
 - ▶ substance misuse or temporary unconsciousness,
 - ▶ someone is not able to make a decision for themselves
- ▶ An advocate's job is to make sure
 - ▶ their best interests are represented
- ▶ Advocates use recognised ways to work with someone who isn't able to communicate what they want
- ▶ They're trained to be aware that
 - ▶ a person's capacity might fluctuate,
 - ▶ and continuously look out for opportunities to use instructed advocacy.

Statutory advocacy

- ▶ Statutory advocacy means a person is
 - ▶ legally entitled to an advocate because of their circumstances
 - ▶ This might be because they Are being treated under
 - ▶ the Mental Health Act
 - ▶ or because they lack the mental capacity to make their own decisions
- ▶ It also covers certain people who are
 - ▶ in the care of the NHS
 - ▶ or local authority,
 - ▶ including prisoners.

Non-statutory advocacy

- ▶ These services continue to play an important role,
 - ▶ providing advocacy
 - ▶ Where vulnerable people
 - ▶ fall outside the eligibility criteria for statutory provision

Self-advocacy

- ▶ In self-advocacy,
 - ▶ a person is able to assess a situation themselves
 - ▶ make choices about what they want
 - ▶ and take steps to make it happen
- ▶ They are able to
 - ▶ communicate their views and preferences
 - ▶ and have these heard
- ▶ Organisations can support people to develop the skills they need to self-advocate

Paid Relevant Person's Representatives (PRPR)

- ▶ A Paid Relevant Person's Representative
 - ▶ protects someone's interests
 - ▶ when they lack the mental capacity
 - ▶ to make some decisions for themselves
 - ▶ and they have been deprived of their liberty
 - ▶ to prevent them from coming to harm
- ▶ The local authority
 - ▶ appoints a PRPR
 - ▶ when no friends
 - ▶ or family are available to support the individual

IMCA:

Independent Mental Capacity Advocacy

- ▶ An IMCA can support someone with best interests decisions about
 - ▶ long-term accommodation
 - ▶ in hospital for more than 28 days or to other accommodation for more than 8 weeks
 - ▶ serious medical treatment
 - ▶ this can be a decision about whether to stop or withhold treatment
 - ▶ as well as a decision to start it
- ▶ Also, if the person
 - ▶ is or may be deprived of their liberty
- ▶ The IMCA can provide support
 - ▶ during an assessment under Deprivation of Liberty Safeguards (DoLS)
 - ▶ between the appointment of Relevant Person's Representatives (RPRs) when an authorisation is in place
 - ▶ to the person, RPR or both when the authorisation is in place

What Does 'Lack Capacity' Mean?

- ▶ An assessment that someone 'lacks capacity' means that
 - ▶ the person has an impairment
 - ▶ or disturbance that affects the way their mind or brain works
 - ▶ such as a brain injury
 - ▶ Dementia
 - ▶ Autism
 - ▶ learning disabilities
 - ▶ mental health problems
- ▶ The impairment or disturbance means that
 - ▶ they are unable to make a specific decision
 - ▶ at the time it needs to be made
- ▶ Both conditions must apply

IMHA ENGLAND:

Independent Mental Health Advocacy

- ▶ In England, you have the right to an IMHA if you are
 - ▶ detained under the Mental Health Act 1983,
- ▶ except where:
 - ▶ you have been detained in an emergency under section 4
 - ▶ you are detained under section 5 holding powers
 - ▶ you have been taken to a place of safety under section 135 and 136 of the Mental Health Act
- ▶ You are "liable to be detained" - this includes:
 - ▶ where you are on leave of absence from hospital
 - ▶ where you are absent without leave from hospital
 - ▶ where a court order or application for admission has been made in relation to you
- ▶ you are subject to a
 - ▶ community treatment order (CTO)
 - ▶ guardianship
- ▶ you are a
 - ▶ conditionally discharged restricted patient
 - ▶ voluntary/informal patient
 - ▶ and certain treatments,
 - ▶ including neurosurgery, are being considered for you

IMHA WALES:

Independent Mental Health Advocacy

- ▶ In Wales, you have the right to an IMHA if you are a
 - ▶ “qualifying compulsory patient”
 - ▶ “qualifying informal patient”
- ▶ You are a qualifying compulsory patient if:
 - ▶ you are detained under the Mental Health Act 1983
 - ▶ except where you have been taken to a place of safety under section 135 or 136
- ▶ you are “liable to be detained” - this includes:
 - ▶ where you are on leave of absence from hospital
 - ▶ where you are absent without leave from hospital
 - ▶ where a court order or application for admission has been made in relation to you
- ▶ you are subject to a
 - ▶ community treatment order (CTO)
 - ▶ guardianship
- ▶ you are a
 - ▶ conditionally discharged restricted patient
- ▶ certain treatments, including
 - ▶ electroconvulsive therapy (ECT)
 - ▶ and neurosurgery, are being considered as treatment options for you
- ▶ You are a qualifying informal patient if:
 - ▶ you are in hospital as a
 - ▶ voluntary patient.