

Joining Rethink is easy

If you're affected by mental health problems and would like help, information or advice or if you share our vision of fairer, more enlightened mental health care fit for the 21st Century, we want you to join us.

Our 'Pay What You Can' membership scheme means you don't have to pay to join, but please make a donation if you can to cover costs. Apply online at www.rethink.org or call 0845 456 0455.

Information on mental health

For more information about Rethink publications and other products on mental health, please visit www.mentalhealthshop.org or call 0845 456 0455.

Got any comments about our services?

Have we got it wrong or not quite right? Please contact quality@rethink.org or call 01823 365309.

Diversity and equality

Working together to value difference and release talent.

Confidentiality

We believe in respecting and maintaining your confidentiality. We will not share personal information about you unless we have your permission or we have to because of our duty of care to protect your health, safety and wellbeing and that of others.

Acknowledgements

We thank all our partner agencies who support and fund our work.

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Working together to help everyone affected by severe mental illness recover a better quality of life

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For further information on Rethink

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About Rethink

Rethink, the leading national mental health membership charity, works to help everyone affected by severe mental illness recover a better quality of life. We provide hope and empowerment through effective services and support to all those who need us, and campaign for change through greater awareness and understanding.

What is IMCA?

- IMCA stands for **Independent Mental Capacity Advocacy/Advocate**
- IMCA services must be registered and approved by the Department of Health
- IMCA advocates must have completed an approved IMCA training course
- The Mental Capacity Act 2005 established the legal requirements for IMCA involvement in certain situations when:
 1. An individual has been deemed to lack capacity to make certain decisions
 2. The individual does not have an “appropriate person” to help them make a decision

When is it statutory for an IMCA to be involved?

- Decisions about serious medical treatment or lack/withdrawal of serious medical treatment
- Decisions about long term/permanent change of accommodation

When is it optional for an IMCA to be involved?

- Individual care reviews
- Adult protection proceedings

Who might lack capacity?

Generally, IMCAs will be working with individuals who have:

- Dementia
- Multiple or profound learning disabilities
- Other learning disabilities
- Acquired brain injury
- Severe mental health issues
- Issues with substance misuse
- Any other permanent or temporary cognitive impairment

IMPORTANT: lack of capacity to make a decision only relates to a particular decision at a particular time.

Who decides whether a person lacks capacity? Usually:

- Consultant/medical professional for serious medical treatment
- Social worker/care manager for change of accommodation

What is the role of the IMCA?

- To ensure the individual is kept at the centre of the decision-making process
- Information-gathering on behalf of the individual
- To adhere to the Mental Capacity Act 2005 Code of Practice

How will the IMCA do this?

- Talk to the individual; any paid or unpaid carers; family; friends; health and social care professionals
- Explore possible alternatives to the proposed decision
- Examine social care and/or medical records

- Visit any proposed accommodation with the individual
- Request a second medical opinion (if appropriate)
- Produce a report for the decision-maker summarising above findings (pre-decision report)

What next?

- Final decision is made by the decision-maker
- Decision-maker must show that they have fully considered the IMCA’s report
- Any disagreement will initially be addressed through informal discussion
- In exceptional circumstances, the IMCA may seek legal redress on behalf of the individual

How to make a referral

- Referrers need to complete an MCA2 form that will assess mental capacity in relation to a particular decision
- MCA2 forms need to be forwarded to the nominated consultant practitioner for your geographical area
- If referrals are approved by consultant practitioners, then they are passed on to the Service Placement Team
- These are then forwarded to the relevant IMCA service

For further information please visit www.essexcc.gov.uk/mentalcapacityact