An independent, legal safeguard for people who lack the mental capacity to make important decisions about where they live or about serious medical treatment they may need, as well as for those who lack capacity about a review of their care, current or proposed safeguarding measures or the Deprivation of Liberty Safeguards (DoLS).
The Independent Mental Capacity Advocacy (IMCA) service provides important safeguards under the Mental Capacity Act 2005 for people who:

- are facing a decision either about a long-term move or serious medical treatment and
- lack mental capacity to make a specific decision at the time it needs to be made and
- have nobody else who is willing and able to represent them or be consulted in the process of working out their best interests.

Where these circumstances arise, the decision maker (usually a Health or Social Care professional) who will make the relevant ‘best interests’ decision for the person has a legal duty to involve an IMCA in the decision making process.

The IMCA’s role is to support and represent the person who lacks capacity. An IMCA will meet with the person to gather their views and wishes. The IMCA will also gather and evaluate information about the person and the proposed decision and make representations about whether the decision will be in the person’s best interests. Any information or reports provided by an IMCA must be taken into account by a decision maker as part of the process of working out whether a proposed decision is in the person’s best interests. The IMCA can also challenge the decision.
Regulations made under the Mental Capacity Act also state that IMCAs may be involved in other decisions, concerning:

- care reviews
- ‘adult protection’ (safeguarding) cases.

In adult protection cases, an IMCA may be appointed even where family members or others are available to be consulted.

**IMCAs and the Deprivation of Liberty Safeguards**

The Deprivation of Liberty Safeguards (DoLS) also create additional roles for IMCAs. The DoLS is the legal procedure used when it is necessary to deprive a person of their liberty in a hospital or care home to keep them safe from harm and where the person lacks capacity to consent to their care and treatment. The IMCA has three types of role in relation to the DoLS: to represent the person during the DoLS authorisation process; to help the person and / or their unpaid representative (a family member) to understand the DoLS authorisation when it is in place, what the person’s rights are, and how to exercise these rights; and to fill gaps in the appointment of a representative for the person. Referrals to the IMCA service for these types of cases will normally be made by the relevant Local Authority ‘DoLS Team’.
How to contact us:

- telephone - 0300 456 2370 (charged at local rate)
- minicom - 0300 456 2364
- text - send the word ‘pohwer’ with your name and number to 81025
- email - pohwer@pohwer.net
- Skype - pohwer.advocacy (8am to 6pm Monday to Friday)
- fax - 0300 456 2365
- post - PO Box 14043, Birmingham, B6 9BL
- website - www.pohwer.net

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Access to information
- We provide leaflets and information in a variety of languages and formats, Easy Read, audio and DVDs
- We have access to translation and interpreting services
- We use communication toolkits, Makaton and other signing techniques