

Service Criteria

The Bury Advocacy Hub is funded by Bury Council, Bury CCG and NHS England to provide the following independent advocacy services to the following groups of people:

1. Care Act Advocacy (CAA)
2. Independent Mental Capacity Advocacy (IMCA)
3. Independent Mental Health Advocacy (IMHA)
4. Non Statutory Generic
5. Informal patients on acute mental health wards
6. People supported in the community through the Care Programme Approach
7. Hope & Horizon Fairfield Hospital

For further information on each section – see below.

1. Care Act 2014

*The advocacy duty will apply from the first point of contact with the local authority and at any subsequent stage of the assessment, planning, care review, safeguarding enquiry or safeguarding adult review. If it **appears** to the local authority that a person has care and support needs, then a judgement must be made as to whether the person has 1. **Substantial difficulty** in being involved and 2. Is there an **appropriate person** to support them? Please see definitions for 1 & 2 if required.*

An independent advocate **must** be appointed to support and represent the person if these two conditions are met (yes to 1 and no to 2) for the following:

- A needs assessment
 - A carers assessment
 - The preparation or review of a care and support or support plan
 - A child's needs assessment
 - A child's carers assessment
 - A young carers assessment
 - A safeguarding enquiry
 - A safeguarding adult review
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2. IMCA/DOLS 2005/2009

An IMCA **must** be instructed and then consulted, for people (aged 16 and over) **lacking capacity** who have **no appropriate family**, friends, carers (other than paid staff) to support them whenever:

1. An NHS body is proposing to provide **serious medical treatment** (Section 37).
2. An NHS body or local authority is proposing to **arrange accommodation** (or a change of accommodation) in hospital or a care home, and the person will stay in hospital longer than 28 days, or they will stay in the care home for more than eight weeks (section 38 & 39).

An IMCA **may** be instructed by the Local Authority to support someone who lacks capacity to make decisions concerning:

3. **Care reviews**, where no-one else is available to be consulted
4. **Adult protection** cases, whether or not family, friends or others are involved.
5. **Deprivation of Liberty Safeguard (DOLS)**

The safeguards apply to people in England and Wales who have a **mental disorder and lack capacity to consent to the arrangements made for their care or treatment**, but for whom receiving care or treatment in circumstances that amount to a deprivation of liberty may be necessary to protect them from harm and appears to be in their best interests.

“ACID TEST” – 1. Continuous supervision and control 2. Freedom to leave

3. IMHA 2009

The Mental Health Act 1983 provides the legal right to Independent Mental Health Advocacy (IMHA) to all “qualifying patients”.

“Qualifying patient” refers to people who are **subject to compulsion** under the Act (except sections 4, 5, 135 & 136) and includes service users in the community who are subject to Supervised Community Treatment (SCT) (also referred to as Community Treatment Orders) and Guardianship.

People subject to compulsion covers all age groups.

4. Non statutory

To use the advocacy service they must be:

- Residents of Bury aged over 18.
- Open to social care services or the community mental health team.
- Have a substantial difficulty in line with the Care Act 2014

- Have no appropriate person to support them in line with the Care Act

We can only work on the following issues:

1. Support to make a local authority complaint
2. Housing
3. Support to access the correct welfare benefits

5. Informal patients on acute mental health wards - at Fairfield Hospital in Bury only.

6. People supported through the Care Programme approach

What is the Care Programme Approach?

CPA is a system that supports people in secondary mental health services. Within this system people would usually be seen by a Community Mental Health Team (CMHT) and / or a Psychiatrist.

Pennine Care NHS Trust's definition:

“The Care Programme Approach (CPA) is the framework that underpins mental health care for all service users in specialist mental health settings. It was introduced in 1990 as the CPA will describe the approach used in secondary mental health care to assess, plan, review and co-ordinate the range of treatment, care and support needs for people who have ‘complex characteristics.’”

7. Hope & Horizon Fairfield Hospital – All inpatients on both units.