

Guidance Notes for IMHA Referrals

Independent Mental Health Advocacy was introduced in April 2009 as part of changes made to the Mental Health Act. These changes gave people who are detained under the Mental Health Act the right to have support from an Independent Mental Health Advocate (IMHA) for the period of their detention.

An IMHA is a qualified and experienced advocate who supports people to understand their care and treatment and works to ensure their rights under the Mental Health Act are upheld.

Who has responsibility to inform patients of the IMHA service?

Hospital & Medical professionals have a duty to inform patients in their care about the IMHA service available to them and to provide information on how to access the service. They also have responsibility to inform the patient's nearest relative about the IMHA service unless the patient requests that they do not want family to be informed. These measures ensure that each patient who is entitled to receive IMHA support is aware of their right to access the service.

The following people usually have responsibility for informing patients about the IMHA service:

- Hospital managers
- Responsible clinicians
- Responsible social services authorities
- Registered medical practitioners

Patients must be told about the IMHA service as soon as is practical after they become a qualifying patient and should continue to be reminded of their right to access the service. It is a patients' right to choose **not** to access the IMHA service and to end the IMHA support at any time.

Who can make a referral for an IMHA?

- Patients (in the form of a self-referral)
- Family members / Next of Kin
- Responsible clinicians (RCs)
- Approved mental health professionals (AMHPS)

Referrals made by professionals should be completed using the IMHA referral form and sent via email (securely) to: referral@advocacyhub.org.uk. They will be responded to within 3 working days.

Self-referrals can be made when the IMHA is visiting on the wards.

Who is eligible for an IMHA?

IMHA support is a statutory right for patients detained under the Mental Health Act. In addition people can also access an IMHA when they:

- have been provisionally discharged from hospital
- are on supervised Community Treatment Orders
- are on a guardianship
- are voluntary patients who are being considered for serious medical treatment as a result of a mental health condition
- are informal patients under the age of 18 and are being considered for electroconvulsive therapy (ECT)

Who is not eligible for an IMHA?

- Patients detained on Section 4 until the second medical recommendation is received
- Patients under the holding powers of Section 5
- Patients in a place of safety under section 135 or 136.

What is the role of the IMHA?

The role of an IMHA is to help patients obtain information and understand:

- their rights under the Act
- the parts of the Act which apply to them
- medical treatment they are receiving or might receive and reasons for that treatment
- the rights which other people have in relation to them under the Act

The IMHA can support patients to exercise their rights which can include representing or speaking on their behalf. The IMHA may also support patients in a range of other ways to ensure they are involved in decisions that are made about their care and treatment. These include:

- accessing other support and/or services
- representation at ward rounds and Care Programme Approach reviews
- raising concerns about their experience of care and treatment
- support at Mental Health Review Tribunals and Hospital Managers Hearings

What rights does an IMHA have?

- Visit a patient in private
- Speak with any professional involved with a patients treatment
- Request to see and read any health and social care records that relate to the patient