



POhWER's Advocacy Services in Lewisham

POhWER are contracted to provide the following services in Lewisham:

- **Independent Mental Health Advocacy (IMHA)**
- **Advocacy under the Care Act**
- **Independent Mental Capacity Advocacy (IMCA)**
- **Deprivation of Liberty Safeguards (DoLS)**
- **Relevant Person's Paid Representative (RPPR)**

POhWER do not deliver NHS Complaints advocacy, these referrals will need to be made to <https://www.healthwatchlewisham.co.uk/>

Independent Mental Health Advocacy (IMHA)

IMHA is free, confidential and independent and for qualifying patients

If you have been placed under non-temporary sections of the Mental Health Act and are detained within Lewisham, you can use this service if you are:

- Currently detained under certain sections of the MHA.
- Wish to know your appeal rights, apply for hearing or tribunal
- Subject to Guardianship, Conditional Discharge or a Community Treatment Order
- Considering certain treatments which have been suggested to you.

POhWER promotes good practice by delivering an opt out service for clients

Advocacy under the Care Act

There are **2 qualifying criteria**:

- the person has **substantial difficulty** in being fully involved with their assessment, care and support planning and review or safeguarding
- there is **no one appropriate and available to support** their engagement in assessment process and represent their wishes

The local authority can refer for independent advocacy support for an individual aged 18+ who will experience "substantial difficulty" for any stage of any of the following:

- s.9 needs assessment,
- s.10 carer's assessment,
- s.25 the preparation of a care and support plan or support plan,

- s.27 a review of care and support plan or support plan,
- s.42a safeguarding enquiry
- s.44 safeguarding adult review.

Independent Mental Capacity Advocacy (IMCA)

There is a **legal duty** for an IMCA to be instructed where:

- there is a decision to be made regarding either **serious medical treatment (SMT)** or **change of accommodation (COA)**

AND

- the person has been deemed not to have time and issue specific capacity to make that decision

AND

- the person has no close family or friends who are appropriate or practical to consult

IMCAs **can** be instructed for: **Care reviews:**

- Accommodation reviews only
- Where Accommodation is or will be longer than 12 weeks
- Significant changes to care plan
- And - No friends or family to consult
- And – client lacks capacity
- Consideration should be given to instructing an IMCA for the first accommodation review following a placement. It is good practice to instruct for subsequent accommodation reviews until person has fully settled and care arrangements are clear.

IMCAs **can** be instructed for: **Safeguarding Adults cases:**

- **Abuse must have taken place or be suspected**
IMCA cannot be involved if there are no issues around suspected or proven abuse.
- **Protective measures proposed or undertaken**
If there are no protective measures then the client would not be eligible for IMCA. Measures should be around a life changing decision. If the proposed measure is around finances for appointee or deputyship then these decisions are made by DWP or COP and IMCA cannot challenge their decisions
- **Lack capacity for proposed protective measures**
The client must be assessed as lacking capacity to consent or decide for themselves around the proposed measures.
- **Clear benefit to the client**
Code of Practice states there must a clear benefit to client to have an IMCA involved. Purely auditing decisions may not be a clear benefit for client.
- **For victims or person(s) suspected to have caused harm**

Both victim or person suspected of abuse may have the same rights under the Mental Capacity Act and you may instruct an IMCA to represent either or both.

- **Regardless of family/friends involvement**

Safeguarding Adults cases are the only times when an IMCA can become involved regardless of whether there are appropriate, willing and able family or friends. However you must still be confident that having an independent person will be of clear benefit to the client.

- **Intractable Conflict of Views** about what is considered to be in the best interests of the client.

- **Client strongly indicates their views are not being taken into consideration by the decision maker.**

- **Regional and Local protocols apply**

If you are making a referral to IMCA for safeguarding case then you should always alert your local safeguarding lead.

Deprivation of Liberty Safeguards (DoLS)

To supplement the main Mental Capacity Act Code of Practice 2005.

- **39A Urgent or Standard referrals** - is the proposed DoL in the person's best interests, meet the Principles of the MCA and Best Interests Checklist
- **39C** provides a cover period between appointing a Relevant Person's Representative (RPR). Rights to review and challenge via s.21a to court
- **39D** for Relevant Person, RPR or both to help understand DOL and process of review and or challenges via court.

Relevant Person's Paid Representative (RPPR)

Person's being deprived of their liberty have a statutory right to a representative either a family member or friend, or a paid representative, for the life of the authorisation. If no appropriate person can be found then the Supervisory Body **MUST** instruct an RPPR. RPPR's will visit client and ensure conditions are being met, call a review or access court if necessary. RPPRs can appoint solicitors for s.21a appeals under Schedule A1 of MCA. POHWER works with all persons detained by Lewisham across all London boroughs.

Spot Purchases

Spot Purchases can be made for services we do not provide, for example if the case is out of borough and the service is usually provided by a different provider or are not within the commissioned contract, a request can be made to POHWER for a Spot Purchase. The Community Manager will confirm if POHWER has capacity to take the case and obtain approval. Timescales and billing will be agreed before work commences.

Contact us

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Opening hours: 8.00am to 6.00pm Monday to Friday

Making a Referral

Referral Forms are available on our website - <https://www.pohwer.net/make-a-referral>

Community Manager

Anna Duthie: a.duthie@pohwer.net

Whilst the first point of contact in relation to referrals should continue to be POhWER's Help Hub (contact details above), I am happy for unresolved queries to be sent to myself directly. I will reply to queries as soon as I can but the Help Hub are likely to be quicker with their responses.