

What is the law when making decisions for people who lack capacity?

The Mental Capacity Act 2005 provides the legal framework for making decisions on behalf of individuals who lack the mental capacity to make specific decisions for themselves. Everyone working with or caring for an adult who may lack capacity to make specific decisions must comply with this Act. The same rules apply whether the decisions are life-changing events or everyday matters. The aim of the Act is to ensure that any decision made on behalf of someone who lacks the capacity to make that decision for themselves is made in their best interests and that it is the least restrictive option available.

Why might your relative have an advocate?

People who lack capacity have as much of a right to independent support and representation as other people. Even though a person has relatives, friends and carers, support from an Independent Mental Health Advocate is available as of right. The Advocate is independent of all, especially any person making the decision and works as a safeguard for people who lack capacity, to ensure their views and wishes are kept central to decision making.

Who can refer to the advocacy service?

A relative, friend or carer can refer to the IMHA Service in the person's best interest as can a paid professional involved in the person's care and/or treatment.

How Does the Advocate Work?

AWW advocates receive specific training to work with people who need support to make decisions about their care or who are unable to make decisions about care and discharge planning.

The advocate will work to support the individual to voice his or her views and wishes. If this isn't possible the advocate will identify and voice the known wishes and views of the individual. The advocate will establish what options are available and find out how the person feels about the choices that are being made on their behalf.

The advocate will build a picture of the individual's life history, lifestyle and preferences and may talk to others that know them well, including relatives and professionals. The advocate may spend time observing the individual and how they are cared for in hospital. This all helps the advocate to represent the individual well, knowing what is important to them.

Upholding Legal and Human Rights

The advocate works to ensure that the person's fundamental human and legal rights are respected. Sometimes people overlook the fact that a person who lacks capacity has rights no different to any other citizen.

**Your relative's advocate does not work for
the hospital or the local authority.
He/she works for a charity called AWW-
EGC**

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“A VOICE WHEN YOU NEED IT MOST”



IMHA SERVICE FROM



**Advocacy West Wales
Eiriolaeth Gorllewin Cymru**
*A voice when you need it most
Llais pan fydd ei angen arnoch fwyaf*

**INFORMATION FOR RELATIVES
ABOUT INDEPENDENT MENTAL
HEALTH ADVOCACY
FOR PATIENTS WHO
LACK CAPACITY**