

# Setting up an Litigation Friend service delivered by Independent Mental Capacity Advocates (IMCAs)

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## Project method

Following the Cheshire West case and subsequent Court of Protection (CoP) rulings, the number of people needing to access the CoP has increased. Access to the court has remained limited.

Litigation Friends play a critical role in ensuring that vulnerable people's rights are upheld. They enable people who lack the mental capacity to litigate themselves to have access to the court and have life-changing decisions effecting them challenged on their behalf.

Teaming up with several local authorities across the country VoiceAbility developed a litigation friend service to enable people subject to a DoLS to have greater access to the CoP. By working with local authority commissioners to build in additional capacity to IMCA services, we provided specialist training to IMCAs and Paid RPRs and developed strong working relationships with experienced law firms, to equip staff to undertake the role of litigation friend. As well as ensuring that people's Article 5(4) Human Rights were upheld, the project aimed to maximise the participation of people objecting to their DoLS in proceedings.

## Project results/evaluation

In 2015 VoiceAbility supported 60 people to access the Court of Protection by acting as their Litigation Friend. In many cases we successfully enabled the vulnerable person to either attend court themselves or meet the judge in person.

## Project area classification

Hospital care		Emergency care	
GP care		Dementia	x
Social care	x	Learning disability	x
Voluntary sector	x	Other mental health	x
Financial services		Palliative care	
Police		Advance planning, LPAs	
Legal		Commissioning	x
Community health care		Training	x
Nursing and care home		For professionals?	
Acute care		For public and service users?	
Chronic care			