



Understanding Independent Mental Health Advocacy (IMHA) for people who use services

Key messages

- It is your right to be referred to an Independent Mental Health Advocate (IMHA) if you are detained under most sections of the Mental Health Act, whether you are in hospital or on a community treatment order (CTO).
- IMHAs are independent – they don't work for the hospital or mental health services, they work for you.
- IMHAs can help you get your opinions heard and make sure you know your rights.
- An IMHA does not tell you what they would do, they help you to decide what you want.
- IMHA is a free service.

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Introduction

This At a glance briefing is about Independent Mental Health Advocacy (IMHA). This briefing is for people who use mental health services and may also be of interest to other people including carers. It aims to address the lack of knowledge and understanding about IMHA provision in England.

IMHAs provide an important protection to make sure that people know about their rights and get their voice heard. There are other resources in this series including films, all available at www.scie.org.uk.

'They act on your behalf and sometimes they explain things when things happen or you're not happy with things, to give you your rights and, you know, to push you a bit forward to give you hope...'

IMHA partner (Acute ward)

What is advocacy?

Advocacy is about making sure that someone gets their views heard. Most people are able to speak up for themselves, but sometimes we all need some help. An advocate does not tell you what they would do: they help you to decide what you want. Advocates respect your views, work together with you, and do not judge your choices.

What is an IMHA?

Some people who experience mental health problems are detained under the Mental Health Act. Because their choice is taken away, people who are sectioned can use the services of a specialist advocate called an IMHA.

'So I thought if I had the advocate present maybe I'd get a straight answer, and she asked the questions and she done a good job and we got answers to certain questions, and it went well because not too long after that I got my leave, so I think it went well'

IMHA partner (Medium secure unit)

Practice example

Jane (not her real name) was unhappy to be back on a ward because she didn't see herself as unwell, and she didn't see that the hospital had helped her in the past. Her mum thought she should be there because she wasn't safe at home. The hospital was on the other side of town and it took her mum two bus journeys to visit her. Her mum was struggling to attend the ward meetings.

Her mum found out about the IMHA service and asked them to visit Jane.

Jane enjoyed talking with the IMHA, and felt that her worries were listened to. The IMHA went with her to the next meeting with the doctor. She had more confidence to say what she wanted and how she felt about being on the ward. After the meeting, the IMHA reminded her of what had been discussed and asked her what she wanted to do next.

Who can use an IMHA?

IMHAs work with people in England:

- of all ages, who are detained (sectioned) for longer than 72 hours under the Mental Health Act
- on CTOs
- on guardianships
- who are informal patients but are being considered for serious surgery, like neurosurgery, for a mental disorder
- who are informal patients under the age of 18 if they are being considered for electroconvulsive therapy (ECT).

What does an IMHA do?

IMHAs have had extra training about the Mental Health Act. They can help you understand:

- your rights under the Mental Health Act
- how to make your views heard by the people involved in your care and treatment
- why you have been detained
- any conditions or restrictions which apply to you
- how to appeal against your section.

IMHAs help you gather the information you need, and can access your medical records if you want them to. They can go to ward rounds and meetings with you or represent you if you can't go yourself.

People use IMHA in different ways:

- You could talk something through with an IMHA to help you understand your options.
- An IMHA can stay with you while you tell other people what you want.
- If you aren't able to speak out for yourself, or don't want to, an IMHA can speak for you in a meeting.
- You might want help to understand why you are in hospital or being asked to take medication.
- An IMHA can help you understand and use processes which are there to check if you can be discharged.
- An IMHA can work with you if you don't have capacity to make your own decisions. They can check your rights are being respected and could represent what you might have wanted to say.

“If you aren't able to speak out for yourself, an IMHA can speak for you.”

The IMHA service is free and every area has to provide the service. Information on how to contact an IMHA should be given to you if you are sectioned, admitted or accepted into guardianship or placed on a community treatment order.

IMHAs do not replace general advocacy or a solicitor. They do not give legal advice, but they can help you to access this type of support.

You don't have to see an IMHA if you don't want to. You don't have to make an immediate decision about whether you want to see one or not. You

Practice example

When Chris (not his real name) was first admitted onto the ward, he was very angry and wasn't interested in speaking to the IMHA. He thought that all staff were the same and part of the system.

When he heard that his tribunal was coming up, he started to get anxious about it and worried what was being written in his notes. He read that the IMHA could access his medical records, and decided he might as well speak to Sue (the IMHA who worked on his ward).

They met a few times and she helped him to read his records. Together they made some notes about what he would like to say in the tribunal. She found out who would be there and what the meeting would be like. She said that the main reason for a tribunal was for the staff to explain the need for the section and for Chris to have his views heard.

On the day, she encouraged him to listen to what was being said, as well as to tell them what he wanted. While he was still unhappy to be kept on the section he felt that the staff were aware of his feelings, and that together they had started to make a plan for the future.

can change your mind later. You can contact them at any point while you are eligible for their services.

IMHAs are independent

It is important that IMHA are independent and will support you with your views, regardless of their own.

People who know you, including your family and friends and staff, may say that they will advocate for you. But if they don't agree with what you want, that can be difficult for them. They might say they are acting 'in your best interests' when they disagree with you.

IMHAs are not part of the mental health service and will not share information with anyone without your permission.

How do I contact an IMHA?

It is your right to be referred to an IMHA if you are eligible for their services.

It is important that the hospital or mental health staff tell you about your legal right to see an IMHA. This may have happened when you were more distressed so it didn't mean much to you at the time or you may have forgotten. But you can ask for an advocate at any time during your section or community treatment order.

‘IMHAs are not part of the mental health service and will not share information with anyone without your permission.’

People find out about IMHA services in different ways:

- From other people who have used an IMHA.
- From a poster or flyer on a notice board.
- An IMHA might visit the ward to introduce themselves to everyone.
- Mental health services staff, including community staff, can give you the contact details.

You can ask the staff to refer you to an IMHA or you can contact them directly.

Practice example

Tomasz (not his real name) had never liked his medication and had stopped taking it. He was detained in hospital and forced to take medication. This made him angry. He felt that no one listened to anything he said because he was Polish. The IMHA listened to his concerns and contacted an interpreter to explain his rights in his own language. They helped him to explain that he did not like the side-effects of the medication and to agree a new plan with the doctor.

Local IMHA providers can use this space to give contacts details for their service:

The University of Central Lancashire (UCLan) in Preston is one of the UK's largest universities with a staff and student community approaching 38,000 and an employment-focused course portfolio containing over 350 undergraduate programmes and nearly 250 postgraduate courses. UCLan has an established research reputation with world-leading or internationally excellent work on diverse topics with strong social justice themes. The University is committed to co-producing knowledge, and much of our applied research is carried out in partnership with people who use services and survivors in health and social care.

SCIE's At a glance briefings have been developed to help you understand as quickly and easily as possible the important messages on a particular topic. You can also use them as training resources in teams or with individuals. We want to ensure that our resources meet your needs and we would welcome your feedback on this summary. Please send comments to info@scie.org.uk, or write to Publications at the address below.

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