

Notes for Referral Form for Matrix IMCA (Independent Mental Capacity Advocacy) Service

Background

In 2007 the Mental Capacity Act 2005 came into force, and defined procedures and statutory requirements in how NHS and Social Care Staff should treat people over the age of 16 who were deemed to lack capacity to make decisions for themselves. As part of this legislation, a new type of advocate was created, the IMCA, to safeguard the rights of individuals assessed as lacking the capacity to make decisions for themselves (via the five point test defined in the Act) and facing a number of situations affecting their care and/or accommodation. It places a *legal duty* for NHS/Local Authority decision makers to refer such cases to the IMCA, and consider the information that the IMCA presents in their report. In addition, it suggested a number of scenarios where it may be appropriate to also consult the IMCA.

The Statutory Duty to Refer

When someone has been assessed as lacking capacity and:

An NHS body is proposing:

1. Serious medical treatment (excluding emergency treatment)
2. A stay for 28+ days in hospital (8 weeks in a care home)
3. A change of accommodation to another hospital for 28+ days (or 8 weeks in a care home).

OR

A local authority proposes:

4. to change or to provide residential accommodation for more than 8 weeks

AND

The person has no relative, friend or carer (someone not paid to care for them) or other who is *appropriate* to consult in determining the person's best interests.

The 'May Refer' Scenario

We may also be able to provide an IMCA where a person lacks capacity to agree to arrangements in;

1. Care reviews, where the person lacks capacity and there are no family or friends able to support and represent the person.
2. Adult protection proceedings, where the person lacks capacity and is victim or alleged perpetrator, regardless of family and friend involvement.

Who can make a referral?

Anyone can make a referral to the IMCA services as long as it is made on the form. However, only the decision maker (the professional who has to make the decision e.g. consultant, senior care team manager, etc) can instruct an IMCA to become involved.

After a referral and instruction, an IMCA will attempt to ascertain the individual's wishes/beliefs/feelings about the proposal and submit a report based on 'best interests' to the decision maker before the decision deadline.

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HOW TO COMPLETE AND RETURN THE REFERRAL FORM

OPTION 1: Hard copy

Print the referral form out (or use a photocopy) and complete by hand. Return either by post or facsimile.

OPTION 2: Pdf Form (version 03.07.07 or later)

Complete as a pdf form on a PC. To do this, just open the form using Adobe Reader and type your text in the various sections by clicking on them with your mouse. You can highlight the areas that need filling in by clicking the 'highlight field' checkbox in the top right. In the case of the boxes, just move the mouse pointer onto the box you want to select and click once with the mouse. The completed form can be printed out or saved for your records. It can be emailed to us (address below) as an attachment. Alternatively you can use the blue 'send email button' at the end of the form, which will send us just the field data from the form (a much smaller file size).

OPTION 3: Online at www.matrixsdt.com (from late August 2007)

Visit our website, choose the IMCA page and follow the instructions to complete the form online. Once you have finished, leave an email address and submit the form. This will be automatically returned to us and a copy of the form sent to your supplied email address for your records.

About Adobe Reader

Adobe Reader (formerly Acrobat Reader) is a free to download program allowing the viewing and manipulation of Adobe's Portable Document Format (PDF). This referral form is designed to be used with Adobe Reader version 7 and above. It will open with earlier versions (often with warnings) but some of the options will not be available (i.e. the email button, ability to save the document, etc). In these cases, you will only be able to fill in and print the form and will have to use Option 1: Hard Copy, as outlined above.

Obtaining copies of the referral forms

Additional forms are available to download from:

www.matrixsdt.com

or by using any of the contact details listed below.

Contact/Referral Methods

Email

imcaberkshire@matrixsdt.com

By facsimile

01932 722965

Online:

www.matrixsdt.com

By Post:

Matrix Advocacy Service (IMCA),
ACU, Guildford Road,
Chertsey, Surrey.
KT16 0QA.

If you wish to discuss the referral please call Rodica Pintea-Austin on
01932 722965 or **07879 408 692**