



Advocacy during the coronavirus pandemic: Continue making referrals

The legal duty to refer people for advocacy still applies during the coronavirus pandemic, and is especially important at a time when people may be facing decisions about medical treatment or changes in care.

The right to advocacy under the Mental Health Act 1983, Mental Capacity Act 2005 or the Care Act 2014 isn't affected by the emergency powers in the Coronavirus Act.

Health and social care professionals must make a referral for advocacy if a person:

- › **lacks capacity to make a decision** about (and can't be supported by family /friends):
 - serious medical treatment (including for COVID-19 related symptoms)
 - advanced care planning (including DNACPR)
 - long term accommodation (including discharge from hospital into a different care setting)
- › **needs support to decide about their care and support** (including changes to their care, assessments, and reviews)
- › **is detained and can't ask for a mental health advocate** themselves
- › **may be deprived of their liberty**, even if the assessment is taking place on paper or by phone
- › **needs support and representation in a safeguarding enquiry** or a Safeguarding Adults Review.

We're providing advocacy by phone and video call (or in person if essential).

We can help support the people you work with. Contact us for advice or to make a referral.

020 3960 7920

referrals@

advocacyproject.org.uk

www.advocacyproject.org.uk/advocacy-referrals/

Please note

- Everyone detained in a **mental health setting** must be able to access support from an IMHA if they request it – this means staff need to arrange a phone, video, or other means.
- If someone is being **discharged from hospital to a different care setting** than they were in previously, staff must refer for an advocate (and we will contact the person in their new care setting).