

Independent Mental Health Advocacy (IMHA) Factsheet

The IMHA service is a statutory service required by legislation and informed by wider advocacy principles of practice.

IMHA Advocates are specially trained to work within the framework of the Mental Health Act.

Section 130a of the MHA 1983 requires that the appropriate authority makes arrangements for IMHAs to be available to support patients qualifying for the service.

Qualifying Patients are those who are:

- Detained under a section of the Mental Health Act (excluding Section 4, 5, 135, 136);
- Conditionally discharged;
- Subject to Guardianship;
- Supervised Community Treatment (SCT);
- Being considered for a treatment to which the special rules in s57 of the Act apply (neurosurgery);
- Under 18 yrs of age and being considered for treatment to which the special rules in s58A of the Act apply (ECT).

Under the Act, the support which an IMHA can provide must include helping patients to obtain information and understand:

- Their rights under the Act.
- Their rights that other people have in relation to them under the Act (i.e. nearest relative)
- The particular part of the Act which applies to them and which gives the right to an IMHA.
- Exercising their rights: which can include representing the patient at meetings.



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IMHAs have a statutory duty to comply with any reasonable request to visit a qualifying patient when a referral is made by any one of the following people:

- The patient's Nearest Relative
- The patient's Responsible Clinician
- An Approved Mental Health Professional

Under the IMHA regulations someone can only act as an IMHA if they are employed as an IMHA by:

A PCT (or other body) responsible for commissioning.

AND have appropriate experience or training or a combination of the both.

IMHAs must be able to act independently of any person who is professionally concerned with the qualifying patients medical treatment:

AND

Be able to act independently of any person who requests them to visit or interview the qualifying patient.

An IMHA has the right under s130B of the Act to:

- Access the patients records (with their consent)
- Meet with the patient in private
- Meet with professionals concerned with the patients care & treatment

An IMHA may help the patient to:

- Articulate their views
- Access & obtain information
- Explore options
- Attend relevant meetings
- Represent them by speaking or writing on their behalf

