



When to refer to an IMCA

Factsheet 4

What is an IMCA referral?

An **Independent Mental Capacity Advocate (IMCA)** supports individuals who cannot make important decisions for themselves due to a lack of mental capacity. IMCAs are appointed when there are no family or friends available to advocate for the person's interests. The **Mental Capacity Act (MCA) 2005** requires IMCA involvement to ensure decisions reflect the person's rights and best interests.

When is there a duty to refer?

Professionals, such as doctors and social workers, must refer a person to an IMCA when:

- The person lacks the capacity to make specific decisions, confirmed by an assessment.
- No family or friends are available to represent their wishes.
- The decision involves:
 - **Serious medical treatment:** life-changing procedures, like surgeries or cancer treatments.
 - **Long-term accommodation:** moving to a care home or similar setting.

When is there a power to refer?

The MCA also allows professionals to refer someone to an IMCA in other situations, even with some family involvement. This includes:

- Conflicts of interest or concerns about family involvement.
- Safeguarding issues, particularly regarding possible abuse or neglect.

Why does timely referral matter?

Making a timely referral to an IMCA is crucial for:

- **Effective advocacy:** Early involvement allows the IMCA to advocate for the individual's voice in decision-making right away.
- **Focus on wellbeing:** IMCAs ensure the person's wellbeing is central to all decisions.
- **Preventing harm:** In safeguarding cases, prompt involvement can help prevent potential abuse or neglect.

For more information on IMCAs and the MCA or to make a referral, please visit our website or contact our Central Support Team directly.



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