

14 June 2016

Agenda Item: 7

REPORT OF THE CHAIRMAN OF JOINT CITY AND COUNTY HEALTH SCRUTINY COMMITTEE

POHWER – MENTAL HEALTH ADVOCACY

Purpose of the Report

1. To introduce the work of POhWER, an organisation engaged in mental health and other advocacy.

Information and Advice

2. Over the last twenty years, from 1996 to 2016, POhWER has expanded to cover various parts of the country providing advocacy services to the following people:
 - People who feel they have been let down by the NHS and want to make a complaint
 - Older people
 - People with mental health issues
 - People with sensory impairment
 - People with physical disabilities
 - People with learning disabilities
 - Children and young people
 - People with autism
 - People who have experienced discrimination or exclusion
 - Children's Advocacy Services
 - Direct Payments and Brokerage
 - Information, advice and signposting (helpline services)
 - Independent Mental Health Capacity Advocate/Independent Mental Health Advocacy
 - Specialist Secure Services and complex advocacy
 - Community Engagement Services
3. An Independent Mental Capacity Advocate (IMCA) becomes involved When someone is assessed by a doctor or social worker as lacking mental capacity to make key decisions in their lives - perhaps because of mental illness, dementia, learning difficulties, a stroke or brain injury - they can have the help of a specialist Independent Mental Capacity Advocate (IMCA). This is a legal right for people over 16 who lack mental capacity and who do not have an appropriate family member or friend to represent their views.
4. An IMCA can be instructed where there is a decision to be made regarding one of two specific issues:

- Serious medical treatment
 - A change of accommodation.
5. Serious medical treatment applies where an NHS body proposes to provide, withdraw or withhold treatment. Change of accommodation applies where an NHS body or Local Authority proposes a move for the person to hospital for more than 28 days or to alternative accommodation for more than 8 weeks.
 6. In addition, there is a duty to consider whether it would be of benefit for an IMCA to be instructed for the following issues:
 - Safeguarding Adults from Abuse
 - Care Reviews
 7. Safeguarding Adults from Abuse applies where the NHS body or Local Authority have commenced Safeguarding procedures and the person lacks capacity regarding any of the protective measure being proposed. This is the only issue that the person can have family or friends appropriate and practical to consult and still have IMCA support.
 8. Care Reviews applies where the NHS body or Local Authority have can instruct an IMCA to support and represent a person who lacks capacity when they have arranged accommodation for that person or they aim to review the arrangements as part of a care plan or otherwise
 9. POHWER's IMCAs seek to ascertain the views and beliefs of the person referred to them and gather and evaluate all relevant information about that person. The advocate then writes a report to help decision-makers, like doctors, reach decisions which are in the best interests of the person concerned. Sometimes the advocate will look at courses of action other than those suggested by the professionals and sometimes seek a second medical opinion. An advocate has the right to challenge any decision made, informally if possible but otherwise through the relevant complaints procedure. In this way an advocate can enable the individual to participate to some extent in decision-making.
 10. Ultimately the issue, if it is particularly serious, may go to the Court of Protection, which is a specialist court for all issues relating to people who lack capacity to make specific decisions. The court makes decisions and appoints deputies to act on behalf of people who are unable to make decisions about their personal health, finance or welfare.
 11. POHWER's strategy for 2016-19 is to reconnect and grow their membership while developing the POHWER local identity through existing services and capacity building in community inclusion projects.
 12. The organisation will undertake a restructure of its charity governance and senior management while developing better support and delivery structures. POHWER will also develop unrestricted income streams to provide more value added and community-based services.

13. POhWER also plans to develop evidence-based research and metrics for advocacy and engagement services with leading UK academic institutions, as well as developing their existing advice helpline to be a 24 hour service.
14. Locally, POhWER plans to develop a distinct Nottingham and Nottinghamshire POhWER branded service, and, in addition, to widen the range of advocacy services in line with Human Rights and Equality issues.
15. Senior representatives of POhWER will attend the Joint Health Scrutiny Committee to brief Members on the work of the organisation and answer questions. [A written briefing from POhWER is attached as an appendix to this report.]

RECOMMENDATION

That the Joint City and County Health Scrutiny Committee consider and comment on the information provided.

Councillor Parry Tsimbiridis
Chairman of Joint City and County Health Scrutiny Committee

For any enquiries about this report please contact: Martin Gately – 0115 977 2826

Background Papers

Nil

Electoral Division(s) and Member(s) Affected

All