

#### Mental Health Measure - Part 4

Part 4 of the Measure ensures all inpatients in Wales who are receiving assessment or treatment for a mental disorder are entitled to request support from an Independent Mental Health Advocate (IMHA). This extends the Independent Mental Health Advocacy scheme provided under the Mental Health Act 1983. It covers patients subject to compulsion under the Mental Health Act 1983, and those in hospital voluntarily. This includes patients that are receiving treatment for their mental disorder in: mental health specific hospitals, independent hospitals and general hospitals

IMHA's under the Measure need to meet specific requirements:

- (1) The Welsh Ministers shall make such arrangements as they consider reasonable to enable persons ("independent mental health advocates") to be available to help–
  - (a) Welsh qualifying compulsory patients; and
  - (b) Welsh qualifying informal patients.
- (2) The Welsh Ministers may by regulations make provision as to the appointment of persons as independent mental health advocates.
- (3) The regulations may, in particular, provide–
  - (a) that a person may act as an independent mental health advocate only in such circumstances, or only subject to such conditions, as may be specified in the regulations;
  - (b) for the appointment of a person as an independent mental health advocate to be subject to approval in accordance with the regulations.
- (4) In making arrangements under this section, the Welsh Ministers shall have regard to the principle that any help available to a patient under the arrangements should, so far as practicable, be provided by a person who is independent of any person who–
  - (a) is professionally concerned with the patient's medical treatment; or
  - (b) falls within a description specified in regulations made by the Welsh Ministers.
- (5) For the purposes of subsection (4) above, a person is not to be regarded as professionally concerned with a patient's medical treatment merely because he is representing him in accordance with arrangements–
  - (a) under section 35 of the Mental Capacity Act 2005; or
  - (b) of a description specified in regulations under this section.
- (6) Arrangements under this section may include provision for payments to be made to, or in relation to, persons carrying out functions in accordance with the arrangements.
- (7) Regulations under this section and sections 130F to 130H–
  - (a) may make different provision for different cases;
  - (b) may make provision which applies subject to specified exceptions;
  - (c) may include transitional, consequential, incidental or supplemental provision.

#### Mental Health (Wales) Measure 2010 - Mental Health Measure Part 4

##### Guidance Notes

##### General Points

- (1) Local Health Boards to provide one completed template for all hospitals within the LHB area.
- (2) Information should be provided in relation to the functions of overall IMHA services.
- (3) The submission requirements for 2013/14 are every six months as follows (if the submission date falls on a weekend, please submit on the next working day following the weekend):

Census Date	Submission Date
30/09/2014	31/10/2014
31/03/2015	30/04/2015

- (4) All submissions should be e-mailed to the Welsh Government Delivery & Performance Division inbox at:  
[HSSDG.Performance@wales.gsi.gov.uk](mailto:HSSDG.Performance@wales.gsi.gov.uk)

Definitions	
<p><b>Row 1 – the number of hospitals, split by hospital type within each LHB area as at the end of the 6 month snapshot</b></p>	<p>Please refer to the list of hospitals with their designated type (on the 'Hospitals' tab of the spreadsheet).</p> <p>The term mental health hospital will apply to all hospital based provision whose primary role is to provide in-patient secondary mental health services, and can be a whole hospital, unit or ward.</p> <p>Other NHS hospitals will refer to places whose primary role is other than providing in patient secondary mental health services.</p>
<p><b>Row 2 - the number of hospitals which have arrangements in place to ensure advocacy is available to qualifying patients, split by hospital type as at the end of the 6 month snapshot</b></p>	<p><b>“Qualifying patients”:</b> Individuals are eligible for independent mental health advocacy services if they fall within the meaning of a Welsh qualifying compulsory patient (set out in section 130I of the Measure) or the meaning of a Welsh qualifying informal patient (set out in section 130J of the Measure).</p>
<p><b>Row 3 – the number of qualifying compulsory patients who have accessed advocacy services in past 6 months, split by hospital type</b></p>	<p><b>“Any other setting”:</b> Refers to those persons:</p> <ul style="list-style-type: none"> <li>• subject to guardianship and the responsible local social services authority is situated in Wales</li> <li>• subject to supervised community treatment (SCT), the responsible hospital for them is situated in Wales or</li> <li>• those conditionally discharged under Part 3 of the MHA 1983.</li> </ul> <p>Those patients on section 17 leave should be treated as in-patients for the purposes of this form.</p> <p><b>“Accessed advocacy services”:</b> each period of Independent Mental Health Advocacy (IMHA) service accessed. To include:</p> <ul style="list-style-type: none"> <li>- the initial eligible contact;</li> <li>- eligible contact following a change in legal status from formal to informal (and/or the reverse); and</li> <li>- when a previous qualifying patient has become eligible again within the reporting period following a readmission to hospital.</li> </ul> <p><b>“Advocacy services”:</b> The help which independent mental health advocates are to provide must include helping all eligible patients to obtain information about, and understand:</p> <ol style="list-style-type: none"> <li>a. what (if any) medical treatment is being given to the patient or is being proposed or discussed in the patient’s case;</li> <li>b. why such treatment is being given, proposed or discussed;</li> <li>c. the authority under which it is, or would be, given.</li> </ol> <p>IMHAs can also help eligible patients:</p> <ol style="list-style-type: none"> <li>a. to become involved, or more involved, in decisions made about their care or treatment specifically, or more generally, decisions about care and treatment;</li> <li>b. to complain about their care or treatment;</li> <li>c. to receive information about other services which are or may be available to them.</li> </ol> <p>In giving this help, the IMHA may represent the patient and speak on their behalf. But independent mental health advocates are not designed to take the place of advice from, or representation by, qualified legal professionals about such matters.</p>

	<p><b>“Qualifying compulsory patients”:</b> patients who are:</p> <ul style="list-style-type: none"> <li>a. detained under the 1983 Act (which includes patients on leave of absence from hospital) in a hospital or registered establishment situated in Wales;</li> <li>b. conditionally discharged;</li> <li>c. subject to guardianship and the responsible local social services authority is situated in Wales; or</li> <li>d. subject to supervised community treatment (SCT), the responsible hospital for them is situated in Wales.</li> </ul> <p>This includes patients who are:</p> <ul style="list-style-type: none"> <li>a. detained for assessment on the basis of an emergency application (section 4); or</li> <li>b. detained under the “holding powers” in section 5 of the 1983 Act.</li> </ul> <p>It does not include a person detained in a place of safety under section 135 or 136 of the 1983 Act.</p> <p>Other patients are eligible as Welsh qualifying compulsory patients if they are:</p> <ul style="list-style-type: none"> <li>a. being considered for a treatment to which section 57 applies (“a section 57 treatment”) whether they are detained under the 1983 Act or not; or</li> <li>b. under 18 and being considered for electro-convulsive therapy (ECT) or any other treatment to which section 58A applies (“a section 58A treatment”), again whether they are detained under the 1983 Act or not.</li> </ul> <p>Patients who qualify because they are being considered for one of these treatments remain eligible until the treatment is finished (or stopped), or it is decided that they will not be given the treatment for the time being.</p>
Row 4 – the number of qualifying informal / voluntary patients who have accessed advocacy services in past 6 months, split by hospital type	<p><b>“Qualifying informal patients”:</b> is a person who is:</p> <ul style="list-style-type: none"> <li>a. an in-patient in a hospital or registered establishment<sup>3</sup> situated in Wales;</li> <li>b. is receiving treatment for, or assessment in relation to, mental disorder at that hospital or registered establishment; and</li> <li>c. is not subject to powers under the 1983 Act who would render them liable to be detained.</li> </ul>
Row 5 - total number of IMHAs in the LHB as at the end of the 6 month snapshot	<p><b>“IMHAs”:</b> Independent Mental Health Advocate</p> <p>This is the actual number of IMHAs and not the WTE.</p>
Row 6 – the qualification status of the IMHAs in the LHB as at the end of the 6 month snapshot	<p>Total number of IMHAs that satisfy appointment requirements as set out in The Mental Health (Independent Mental Health Advocates) (Wales) Regulations 2011. IMHAs can have more than one of the qualifications stated.</p> <p>Total number of individuals who are delivering the independent mental health advocacy scheme in Wales have either attained, or be working towards, the City and Guilds Level 3 Certificate in Independent Advocacy.</p> <p>Total number who have successfully completed the IMHA specialist Level 4 unit of the Qualification, or have attained this unit within 18 months of their appointment as an IMHA.</p> <p>Total number who have attained, the Independent Advocacy with Children and Young People Level 4 specialist unit, or have attained this unit within 18 months of their appointment as an IMHA.</p>

<b>Row 7 - does you advocacy provider have the 'Action for Advocacy' quality performance mark?</b>	<p>It is expected that those independent mental health advocacy services who provide IMHAs on behalf of LHBs in Wales should also have either attained, or be working towards achieving, the Action for Advocacy Quality Performance Mark or equivalent. The Quality Performance Mark (QPM) is a national advocacy specific quality assessment system which applies to all forms of one to one advocacy. (Welsh Government is aware that new QPMs are no longer available).</p> <p>Selection from a drop down list is required: Yes Working towards No</p>
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