**Advanced Care Planning in care homes during Covid 19**

Hi everyone. We know you probably haven’t had the time to be checking on the legal situation every five minutes in relation to advocacy but we have been keeping an eye on things!  We thought it would be useful to share the legal expectations around advocacy as its becoming complex under all the different acts of law.

* Independent Mental Capacity Advocates/ Relevant Person’s Representatives - The law in relation to needing an advocate for all the usual decisions hasn’t changed for Independent Mental Capacity Advocates (change of accommodation, serious medication treatment or the Deprivation of liberty roles)  or for RPRs .  No aspect of the MCA has been amended under the Coronavirus Act so there would still be a duty to refer for an advocate in these cases. This specifically applies within care homes to the role of the advocate in inputting into DNACPR decisions where people do not have any family or friends suitable to consult. The law is clear an advocate should be involved here on a case by case basis.
* Independent Mental Health Advocacy – We are waiting for the amendments to the Mental Health Act to take effect but as yet the MHA as it stands still applies.
* General Advocacy – We have boosted our general advocacy service during this time: so anyone affected by issues with benefits , housing, accessing mental health or physical health services etc. can be supported by a general advocate through the usual referral process on our website.
* NHS- Currently all NHS complaints can still be made, although the PHSO ombudsman is not taking cases, these can be submitted at a later date.

We hope that’s helpful. We’ve seen a big drop in referrals recently, which doesn’t compute with an increase in people needing help so if you do need to talk through whether someone is eligible our temporary telephone number is 07864 728942. You can also make a referral at: <https://www.yorkadvocacy.org.uk/professionals/referrals/>

We’re still all working, but mostly via video link and telephone (there are occasional exceptions when we may do face to face advocacy based on a  case by case decision of complexity of case v risk for person from contracting Covid 19) .

**York Advocacy Hub**