

Independent Mental Capacity Advocacy (IMCA) in ReSPECT Form Decisions

This guide is for professionals who are supporting people with completing ReSPECT (Recommended Summary Plan for Emergency Care and Treatment) Forms.

What is a ReSPECT Form?

A ReSPECT Form documents a person's preferences and clinical recommendations for emergency treatment, including whether CPR should be attempted.

Unlike traditional DNACPR (Do Not Attempt Cardiopulmonary Resuscitation) forms, ReSPECT includes broader recommendations about other treatments the person may or may not want, such as intensive care, ventilation, or hospital admission.

The form is not legally binding but is a respected clinical document. It should be reviewed and updated as the person's health or preferences change.

IMCA Eligibility Checklist

1. Assess Mental Capacity

- Has the person been recently assessed as lacking capacity to make decisions about emergency care and treatment?

2. Determine the Nature of the Decision

- Does the ReSPECT form include decisions about serious medical treatment?
- Examples: CPR, artificial ventilation, major surgery, chemotherapy, or withholding life-sustaining treatment. (See below for when an IMCA should be involved in a CPR decision).

3. Check for Appropriate Representation

- Is the person unbefriended?
- Meaning: No family, friends, or others who are willing and able to be consulted about the person's wishes, feelings, beliefs, and values.

4. Duty to Instruct IMCA

- If all the above are true, the NHS or local authority should instruct an IMCA to be involved in the decision-making process.

When CPR is a Clinical Decision and an IMCA is Not Needed

CPR is considered a clinical decision when a healthcare professional determines that there is no realistic prospect of success - i.e., CPR would not work due to the patient's medical condition. This is not a best interest decision and an IMCA is not needed.

When CPR Might Involve a Best Interest Decision and an IMCA is Needed

If CPR might be clinically effective, but the decision involves weighing the burdens and benefits of treatment (e.g., potential suffering, quality of life), then the decision does fall under the Mental Capacity Act (2005) as a best interest decision and an IMCA is needed.

ReSPECT Forms, Decision Making and Capacity

A ReSPECT Form does not replace the need for a decision-specific, time-specific capacity assessment under the Mental Capacity Act at the time the decision needs to be made. If the person regains capacity in the future, they must be involved in decisions at that time.

If they continue to lack capacity, clinicians must still assess capacity for each new decision and act in the person's best interests, using the ReSPECT form as part of the evidence base.

If the decision amounts to serious medical treatment and the person is unbefriended, clinicians must involve an IMCA before making the final decision.

The ReSPECT Form should be used to inform future decisions, especially in emergencies when capacity cannot be assessed. An IMCA is not required for clinicians to make treatment decisions in an emergency.

Additional Information

- IMCAs do not make decisions, but provide information and representation to ensure the person's rights and preferences are considered.
- The decision-maker (usually the clinician or care team) remains responsible for making the final decision in the person's best interests.
- IMCA involvement is not required if the person has a valid and applicable Lasting Power of Attorney (LPA) for health and welfare or a court-appointed deputy for welfare.

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