

Independent Advocacy

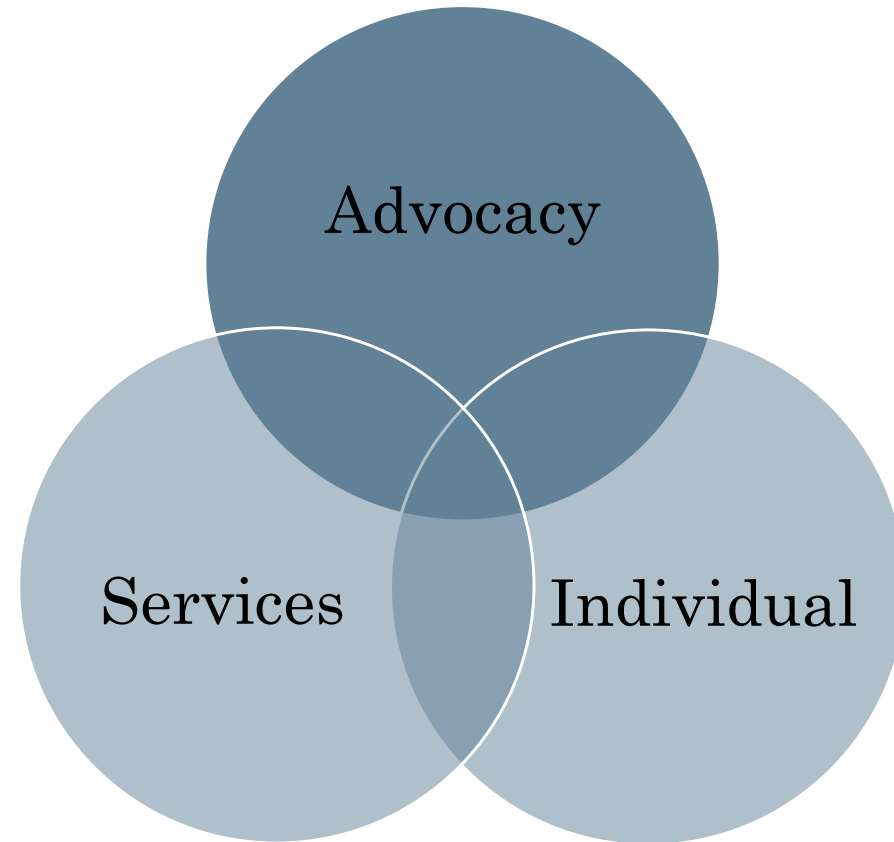
ECAY4003

2023

Non Independent Advocacy:

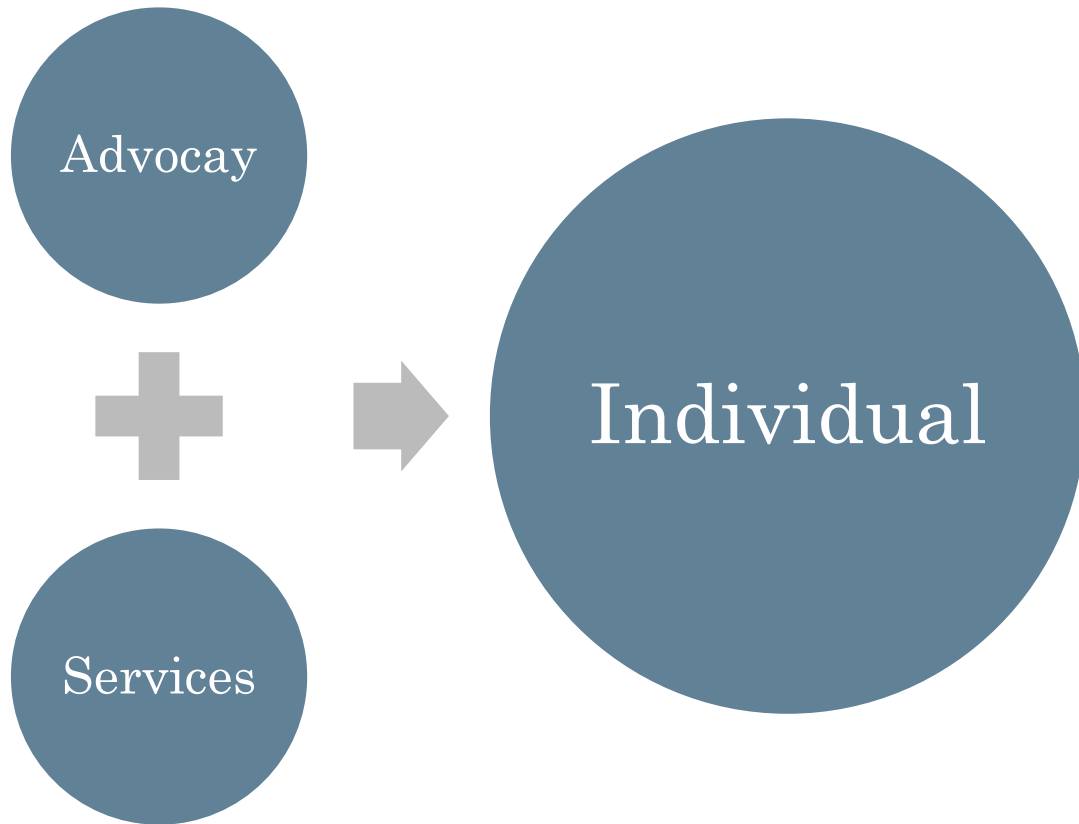
What does it look like?

- Social work and health care practitioners who deliver advocacy can create overlaps.
- Although they may have best interest priority for the individual it can not be seen as truly independent.



Independent Advocacy

What does it look like?



- Advocacy which is delivered alongside other services
- remains independent to the service user.
- This form of advocacy provision
- is not constricted by service overlaps.
- The services working together in a multi agency approach
- retain their independence
- while still addressing the needs of the individual.

Independent Advocacy

“Advocacy has always been one of those social constructs that is both very simple and very complex. It is simultaneously a straightforward scratched record representation of someone else’s interests as if they are your own, whilst also dealing with the complex nuances of powerful organisational structures and professional cultures. Advocacy in essence provides a means to amplify voice and reinforce rights; however, being based on values it becomes very easy for it to be misrepresented and corrupted”.

(Brandon, 2015)



Independent Advocacy

- Independent advocacy is about speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others.
- Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual's human rights are recognised, respected and secured.
- Independent advocacy supports people to navigate systems and acts as a catalyst for change in a situation.
- Independent advocacy can have a preventative role and stop situations from escalating, and it can help individuals and groups being supported to develop the skills, confidence and understanding to advocate for themselves.

(Scottish Independent Advocacy Alliance, 2023)

Advocacy Principles

- Unlike professional Advocacy, Independent Advocacy adhere to their own advocacy principles:
 1. Independent advocacy is loyal to the people it supports and stands by their views and wishes.
 2. Independent advocacy ensures people's voices are listened to and their views taken into account.
 3. Independent advocacy stands up to injustice, discrimination and disempowerment.

(Scottish Independent Advocacy Alliance, 2023)



Legislation: The Care Act 2014

- In the UK, the term 'Independent Advocacy' has a specific meaning.
- This meaning is defined by legislation such as the **Care Act 2014**.
- The Care Act 2014 gives a clear outline of what independent advocacy entails;
 - providers of advocacy must be independent of the local authority
 - with their own constitution, code of practice and complaints procedure
 - Advocates under the Care Act will be managed by, and primarily accountable to, the advocacy organisation that recruits and employs them
 - hereby maintaining their independence from the local authority



Care Act 2014



The Care Act 2014: Independent Advocacy Support

- 67 Involvement in assessments, plans etc.
- (1) This section applies where a local authority is required by a relevant provision to involve an individual in its exercise of a function.
- (2) The authority must, if the condition in subsection (4) is met, arrange for a person who is independent of the authority (an “independent advocate”) to be available to represent and support the individual for the purpose of facilitating the individual’s involvement; but see subsection (5).

Mencap: The voice of Learning Disability



- In certain citations, local authorities must arrange independent advocacy support to facilitate the involvement of a person in their assessment, in the preparation of their care and support plan, review of their care and support plan as well as in safeguarding enquiries.
- People with learning disabilities may sometimes find it difficult to understand the intricacies of the care and support processes and voice their own beliefs and concerns.
- The role of an independent advocate is to support and represent the person and to facilitate their involvement in the key process and interactions with the local authority and other organisations as required.

Mencap: The voice of Learning Disability



- There are two criteria for eligibility for an independent advocate. A person should meet both criteria to qualify for support through independent advocacy.
 1. That the person would have ‘substantial difficulty’ in being fully involved in the process without the provision of an independent advocate, and
 2. That there was no appropriate individual available to support and represent the person’s wishes who is not paid for or professionally engaged in providing care or treatment to the person or their carer. An appropriate individual may be a family member or friend who is able to understand the complexities of the social care process.
- A local authority is under a duty to provide an independent advocate if both criteria are met.

Mind: The voice of Mental Health



“We all know how frustrating it can be when people aren’t listening to us. Unfortunately, having a mental health problem can sometimes mean it’s even harder to have your opinions and ideas taken seriously by others. This can be very difficult to deal with, especially when you need to communicate often with health and social care professionals. You might find that they don’t always offer you all the opportunities and choices you would like, or involve you fully in decisions about your care”.

What can an advocate do?



- The role of an advocate depends on your situation and the support you want. But they are there to support your choices
- An Advocate can:
 - Listen to your views and concerns
 - Help you to explore your options and rights (without pressuring you)
 - Provide information to help you make informed decisions
 - Help you contact relevant people, or contact them on your behalf
 - Accompany you and support you in meetings and appointments.
- An Advocate will not:
 - Give you their personal opinion
 - Solve problems and make decisions for you
 - Make judgements about you

The Children's Society: The voice for Children



- By helping children and young people communicate their wishes and feelings, independent advocates play a crucial role in enabling children and young people in the looked after system to exercise their right as stipulated in the Children Act 1989 to have their say when decisions are made about their lives.
- Advocacy services support local authorities to meet their duties as corporate parents to children in care improving both children's experience of the care system and their outcomes, as well as being cost effective.
- Children and Young people benefit from effective advocacy support and, as their confidence and self-esteem improve, they feel more able to share their concerns with adults which in turn helps them to stay safe.



Question

- Looking at Mencap, Mind and The Children's Society, do you feel that they have the same, similar or different viewpoints on independent advocacy?

Defining Advocacy:

- Advocacy can be described as the process of identifying with and representing a person's views and concerns, in order to secure enhanced rights and entitlements, undertaken by someone who has little or no conflict of interest.
- Put more positively, advocacy is rooted in a special, perhaps unique, relationship between the advocate and the person they support and uses the tools of representation, negotiation and persuasion in order to bring about a beneficial change in the partner's life.
- Advocacy requires a commitment to the 'partner' (person supported by the advocate) but also a determination to see the process through – to aim for something better at the end of the process, either a concrete 'victory' or a greater sense of involvement and empowerment.





Types of Independent Advocacy

Instructed Advocacy

- The individual tells the advocate what they would like them to say and do.
- The advocate's role is to work with the person to bring together what they have to say in a way that puts their point of view across clearly.
- The advocate supports them in what they want to achieve.





Non-instructed Advocacy

- When someone doesn't have the capacity to tell the advocate what they want them to do, the advocate uses other approaches to make sure the individual's life choices aren't compromised.
- It could be that because of a brain injury, mental health issue, substance misuse or temporary unconsciousness, someone isn't able to make a decision for themselves.
- An advocate's job is to make sure their best interests are represented. Our advocates use recognised ways to work with someone who isn't able to communicate what they want.
- They're trained to be aware that a person's capacity might fluctuate, and continuously look out for opportunities to use instructed advocacy.

Statutory Advocacy

- Statutory advocacy means a person is legally entitled to an advocate because of their circumstances.
- This might be because they're being treated under the Mental Health Act or because they lack the mental capacity to make their own decisions.
- It also covers certain people who are in the care of the NHS or local authority, including prisoners.



Non-statutory Advocacy

- These services continue to play an important role, providing advocacy where vulnerable people fall outside the eligibility criteria for statutory provision.
- Non statutory advocacy supports individuals whose issues fall outside of the advocacy commissioned under legislation. Non Statutory Advocacy can be delivered by a paid advocate or a volunteer



Some of the most
wonderful people
are the ones who
don't fit into boxes.





Self Advocacy

- In self-advocacy, a person is able to assess a situation themselves, make choices about what they want and take steps to make it happen.
- They are able to communicate their views and preferences, and have these heard.
- We support people to develop the skills they need to self-advocate as much as possible.

Age Cymru Independent Professional Advocate Quiz!

- To Play:
 - Download the Quiz Sheet from Moodle
 - Print/open (Digitised)
- The questions will be asked by the Quiz master (Me!) and you must choose:
 - Is it a Fact?
 - Or is it a Myth?



References

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