



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

Trawsnewid Addysg, Trawsnewid Bywydau
Transforming Education, Transforming Lives

ECAY6007

Professional Practice in Advocacy: Tensions and Opportunities



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Aims:

To identify legislation, codes, conducts and values associated with professional standards in advocacy work.





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Upon the successful completion of this module, the student should be able to:

- demonstrate a critical understanding of how management of personal behaviour/ interaction with others is influenced by legislation, codes, conducts and values associated with professional standards in advocacy work;
- identify and critically engage with appropriate standards relating to specific interest groups;
- explore interventions which support the voice of the individual;
- demonstrate a critical understanding of how current legislation establishes a framework of measures designed to maintain professional boundaries, professional practices and in the provision of effective advocacy services.



Advocacy and Person Centred Practice



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Introduction and setting the scene

- Introductions including name, relevant interests and motivation for your studies.
- Hobbies/ passions/ 'spare' time?
- 5 minute writing task – continuous writing regarding advocacy and person centred planning.
- Discuss topics emerging
- Identify learning and development needs for the module

Advocacy: Definition

- “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”

(Henderson & Pochin, 2001, p. 1)

Definitions of Advocacy

- “Supporting and empowering disadvantaged individuals so that their views and concerns are heard in order to secure enhanced rights and entitlements”

(The King’s Fund, 2004)
- “Creates a relationship with a person who is at risk of social exclusion and chooses one or several of many ways to understand, respond to and represent that person’s interests as if they were the advocate’s own”
- Rick Henderson, ‘Mental Health Advocacy and Empowerment in Focus

Definitions....

- “taking action to help people say what they want, secure their rights, represent their interest and obtain the services they need. Advocates....work in partnership with the people they support and take their side. Advocacy promotes social inclusion and social justice”
- The Advocacy Charter, Advocacy Across London

Advocacy is....

- A process of supporting and enabling people to:
 - express their views and concerns
 - access information and services
 - defend and promote their rights and responsibilities
 - explore choices and options

(Mind 2018)

Advocacy is Not...

- Befriending
- An Advocate Will Not...
- give their personal opinion
- solve problems and make decisions for the person
- make judgements about the person



Advocacy, according to Henderson & Pochin

- The need for advocacy arises where circumstances have taken away an individual's ability to speak up freely for their interests
- The advocacy movement has at its foundation the recognition that there are groups of people for whom such radical disempowerment is not so much a random occurrence as a way of life

Who Needs Advocacy?...Risks

- “certain groups of people are at great risk of exclusion and ill-treatment, not only from society at large, but also from the very service systems which are designed to care for them”

(Henderson & Pochin, 2001, p. 3)

Class Exercise

- Have you ever been in a situation when you felt you could not speak up/ stand up for yourself?
- How did that make you feel?
- What was the outcome of that situation?

Advocacy



Advocacy

- Born in the USA! In the 1960s
- Response to:
 - Fears of Parents and Carers of children with disabilities
 - History of institutionalization, abuse and neglect
 - Ad hoc emergence in UK from 1980's

Types of Advocacy

- Citizen
- Volunteer
- Self-advocacy
- Peer
- Statutory Advocacy (IMHA/IMCA)
- Professional Casework
- Legal Advocacy
- Non Instructed Advocacy

Key features of Citizen Advocacy

- Provided by volunteers from the local community.
- Based on an ongoing, one to one relationship with a client (eg. adult with a learning disability).
- The volunteers work with their partners on a long term basis.

Exercise: Identify and discuss in your peer study groups who provides advocacy that is:

- Independent
 - List
 - Describe
 - Discuss
 - Critically explore
- Dependent
 - List
 - Describe
 - Discuss
 - Critically explore

Giving a Voice

- They will support people to speak up for what they want and make their own choices in any situation where this is required
- Advocate is answerable to their partner
- Independent from service providers
- discuss the concept of 'GIVING' voice.
- Is this an arrogant proposition fraught with elements of power and control, benevolence and superiority?

Volunteer Advocate

- More likely to be generic than specialist
- Training a central issue (and retaining volunteers)
- Focus on providing support over a particular issue rather than on a longer-term relationship
- Advocates may support more than one person at a time

Self-Advocacy

- Organised and driven by service users
- Offer mutual support and confidence building
- Individuals working together (to challenge discrimination for example)
- Sharing information and experience

Peer Advocacy

- Advocate and partner share a common experience/background etc.
- Not as 'organised' as citizen advocacy but nonetheless can be a strong force for change
- Mutual support and empowerment

Legal Advocates

- Work done by lawyers on behalf of vulnerable people
- Usually complex cases involving a service user against the service
- Professional service model
- Based on legal precedence
- Fee-based and outcome-focussed

Legal Advocates

- “While some advocacy can be performed successfully using good negotiation skills, without relying on the law or other rules, it is not advisable (if).....there is a legal basis to a case”

(Bateman, 2000, p. 138)

Professional Casework Advocacy

- Generally paid workers and trained
- May be more attractive to funders as support a large number of clients
- Task-based with clear outcomes and targets
- Short-term relationships
- Advocates generally work in teams

What Advocacy Matters Wales Offers

- Casework Advocacy is provided by professional advocates.
- These advocates are employed by Advocacy Matters Wales to work alongside adults with a learning disability.
- They will support people to speak up for what they want, make their own choices, find information and understand their rights
- They will support a person with a particular issue on a short term basis.
- They will stop working with this person once this issue has been resolved.

Professional Advocates

- Examples:
- Independent Mental Health Advocacy (IMHA)
- Independent Mental Capacity Advocacy (IMCA)
 - Commissioned services by LA or NHS
 - Nationally recognised qualifications
 - Paid roles

Policy Environment – Mental Health



Policy Environment – Mental health

- Mental Capacity Act 2005
- framework to empower and protect vulnerable people who are not able to make their own decisions.
- It makes it clear who can take decisions, in which situations, and how they should go about this.
- It enables people to plan ahead for a time when they may lose capacity.

The Mental Capacity Act (MCA) 2005

- Came into force in early 2007 and introduces the new statutory role of the Independent Mental Capacity Advocate (IMCA) to support people who lack capacity to make certain decisions.

What is Capacity?

- What do you think?
- What situations do you think warrant the conclusion that someone lacks capacity?



What is 'capacity'?

- A presumption of capacity - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise;

Capacity

- Individuals must retain the right to make what might be seen as eccentric or unwise decisions;
- Anything done for or on behalf of people without capacity must be in their best interests
- Anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

Independent Mental Health Advocacy (IMHA)

- To support and represent the individual who lacks capacity
- To uphold the principles of the Mental Capacity Act to ensure the Act is complied with
- To find out the wishes, values and beliefs of the individual

Role of the IMHA

- To ensure the individual is involved with the decision making process as far as they are able
- To ensure that information is provided for the individual in a way they can understand using their preferred method of communication
- To consult with others regarding the decision to be made

Role of the IMHA

- To research and identify all the options relevant to the decision
- To find out what alternative actions have been considered, which appears to be the least restrictive
- If necessary to obtain a second medical opinion
- To submit a report of the findings to the Decision Maker

An IMCA Must be Instructed where:

- There is a decision to be made regarding either serious medical treatment (SMT) or change of accommodation.
AND
- The person has no close family or friends to represent their views
AND
- The person has been deemed by the Decision Maker not to have capacity to make that decision in accordance with the assessment of capacity as defined in the Act

This can include:

- People with dementia or mental ill health
- People with learning disabilities
- People with physical disabilities
- People who have had a stroke
- People with acquired brain injuries
- People who are unconscious or in a coma

Deprivation of Liberty Safeguards-

- Referrals for DoLS can only be made by the Supervisory Body in the NHS or Local Authority.
- An IMCA may be involved in the assessment process and then to provide support to the individual that is deprived of their liberty and in some cases to also support their family or friends.

Good MH Advocacy

- According to Former Chairperson of the UK Advocacy Network, Andrew Wetherall, an effective advocacy service is,
- “adequately funded, proactive as well as reactive...plus properly trained, supported and supervised staff.....(with) effective policies and procedures in place...(and) a ‘healthy diplomatic tension’ between themselves and service providers”

COVID and Erosion of Rights-Based Care

- During COVID-19 (consider)
 - Lock-down
 - Decision Making
 - Liberty
 - Human Rights
 - Access to advocacy services
- What changed?
- Discuss in your peer study groups

Good Practice in Advocacy

- The ability to be clear thinking and focussed on the service users agenda
- Non-judgemental approach towards service users
- Good listening skills, communication skills and patience
- Ability to keep one's own agenda firmly to one side
- Good support network for off-loading and use as a sounding board

Distinctions Between Advocacy and Other Means of Support

- What it is.....
 - Choice
 - Equality
 - Justice
 - Support
 - Empowerment
 - Protection
 - Information
- What it is not....
 - Advice
 - Befriending
 - Mediation
 - Counselling
 - Social Work

Exercise: Task

- Have you ever been an advocate?
- Have you ever needed an advocate?
- How would you address the power imbalance?
- Consider how the 'person' might feel as they receive assistance from an advocate?
- Consider how the receiver of the service has not been trained in being a receiver of assistance and how this impacts on the power relationship between the care giver and receiver.

Policy environment

- Race Relations Act 2000
- Special Educational Needs and Disability Act 2001
- The Health and Social Care Act 2001
- The Adoption and Children's Act 2002
- The Mental Capacity Act 2005
- Mental Health Act 2007
- Valuing People Now 2007
- Equality Act 2010
- Care Act 2014
- Social Services and Wellbeing (Wales) Act 2014

In Wales

- In 2019 the Welsh Government introduced a framework and action plan aimed at supporting people with a disability in Wales to live independently
- Advocacy is embedded in this and most current legislation
- <https://gov.wales/sites/default/files/publications/2019-09/action-on-disability-the-right-to-independent-living-framework-and-action-plan.pdf>

Mencaps Response

- “But targets count for little unless they are actually being met”.
- Mencap is hopeful that the government's strategy can bring about real change. However, we also believe that a little pressure along the way will help to make sure targets are met, and any shortfalls are addressed

The Voice of the People....

- People with learning disabilities say that being a part of a self-advocacy group or getting support from an advocate is a really important part of being able to take control of their lives.

Advocacy- Key Issues...

- Funding
 - Inadequate and unreliable funding
 - Funding from public bodies could challenge the independence of the service
- Lack of training and development
- No UK-wide standards or guidelines for organisations
- Lack of opportunity for evaluation
 - advocacy organisations often lack resources or capacity to see what works and what doesn't

Advocacy- Key Issues...

- Ad hoc development of advocacy
 - Some developed through identified needs
 - Some through legislation and policy directives
 - Patchy provision
- Different definitions and working practices
 - Lack of awareness of what advocacy is
 - Lack of collective identity and UK-wide presence



But....

- It is linked to:
 - Empowerment
 - Social justice and inclusion
 - More effective services
 - Revolutionary change in attitudes
 - Social model of disability

Advocacy Charter

- Published in 2002
- By Action for Advocacy
- Established in 2001, working in England and Wales to be the leading authority on the development of effective advocacy services for vulnerable and disempowered people
- www.actionforadvocacy.org.uk

What has advocacy in UK achieved?

- Energetic movement with considerable growth
- Movement shares goals of empowerment and challenging social inclusion
- emerging new political culture
- Highly regarded activity
- Shaped ideas about care in UK

What has advocacy in UK failed to achieve?

- Different or competing forms of advocacy - fuzzes the definition
- Maintaining status quo v force for change
- Tensions: Training? Payment? Vs Volunteer? Quality?
- Not understood by general public
- Lack of identity and ability to develop good practice across the sector

Advocacy

- Lack of consistency
- No agreed benchmarks
- How do we know when advocacy has succeeded?
- How is success measured??

References

- Ashmann, B. et al (2010) Person-centred Active Support. A Handbook, Brighton: Pavilion.
- Audit Commission, Integrated Services for Older People, 2002
- Dalrymple, J. & Burke, B. (2006) Anti-Oppressive Practice, Maidenhead: McGraw-Hill.
- Gasper, M. (2010) Multi-agency Working in the Early Years, London: Sage.
- Harris, J. & Roulstone, A. (2011) Disability, Policy and Professional Practice. London: Sage.
- Henderson, R. 'Mental Health Advocacy and Empowerment in Focus' in, Ryan,T and Pritchard, J. (eds) Good Practice in Adult Mental Health. London: Jessica Kingsley Publishers, 2005
- Mind, (2013) What is Advocacy? Available at:
<http://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy-in-mental-health/what-is-advocacy/#.VIXwMjGsWII> (Accessed: 1 December 2014).

Useful references

- Henderson, R. & Pochin, M. (2001) A Right Result? Advocacy, justice and empowerment. Bristol: Polity Press.
- Mansel, J. et al (2005) Person-centred Active Support: A Multi-media Training Resource for Staff to Enable Participation, Inclusion and Choice for People with Learning Disabilities. Brighton: Pavillion
- Mind, (2018) What is Advocacy? Available at: <https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/what-is-advocacy/> (Accessed: 20 January 2020).
- Murray, P. 'Disabled children, parents and professionals: partnerships on whose terms?', Disability and Society, 15, 638-98, (2000)
- Useful Organisations:
- Mencap
- Advocacy Matters Wales
- Action for Advocacy