



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

ECAY5008: Advocacy & Activism in the 21st Century

Theme 2: Independent Professional Advocacy
Part 2: Independence in Advocacy

Trawsnewid Addysg; Trawsnewid Bywydau
Transforming Education; Transforming Lives



www.uwtsd.ac.uk

Defining Independent Advocacy

- What is independent advocacy?



Defining Independent Advocacy

- What is independent advocacy? An Advocacy Provider's Definition
- Independent advocacy is **about speaking up for, and standing alongside individuals or groups**, and not being influenced by the views of others
- Independent advocacy is especially important when individuals or groups are not heard, are vulnerable or are discriminated against.

([Scottish Independent Advocacy Alliance](#) [SIAA], 2022)

Defining Independent Advocacy

- What is independent advocacy? Legal Definitions
- 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

(Care Act, 2014, Section 67 (2))
- Independent professional advocates must ensure individuals’ views are accurately conveyed irrespective of the view of the advocate or others as to what is in the best interests of the individuals.

(Social Services and Wellbeing Act, 2014, Part 10, p.11)

Independence in Advocacy

- **Questions to consider**
 - Is independence necessary?
 - Is independence helpful or not in accessing services for clients/patients/residents?
 - Is independence a possibility or an illusion?

The Importance of Independence

Dalton & Carlin (2002, p.21) state that:

- Where a service user is in a **disenfranchised** position.
- And, where disenfranchisement is imposed by the service provider – (e.g. in the case of mental health/capacity)
- There is an essential role for an advocate who is independent of both the service user and the service provider and who will seek simply to express the views of the service user

The Importance of Independence

- 'The Care Act 2014 and Mental Health Act 1983/2007 place a duty on UK councils to provide an independent advocate for a baby, child or young person who has substantial difficulties being involved in their own healthcare or who may not have an appropriate person to represent them'.
- 'In addition to this, independent advocates may be used in healthcare situations where babies, children and young people cannot agree with their parents or healthcare professionals over a healthcare decision, or where it is not appropriate for their parents or carers to represent them'.

(National Institute for Clinical Excellence [NICE], 2021, p. 6)

Is there anything significant about this information?



Overview of Independent Advocacy

Dalton & Carlin (2002) present a view of the advocate as being:

- The client's agent
- With a Duty of Care
- But without an absolute guarantee of confidentiality

Why do you think they make this last point?



Overview of Independent Advocacy

In making the point regarding confidentiality they argue that:

‘Unfortunately many advocates are unfamiliar with the law affecting their practice and its impact upon those principles, especially in respect of confidentiality.’

(Dalton & Carline, 2002 p.21)

And go on to point out, citing Blackstone’s Criminal Practice (2001) that:

‘an advocate cannot ever give an absolute guarantee to a service user that information will remain private’

(Dalton & Carlin p.30)

Why do they cite Blackstone’s Criminal Practice?



Independent Advocacy: Duty of Care

- Dalton and Carlin (2002) stated above that, as well as the service provider, the Advocate has a 'Duty of Care' to the service user.
- They go on to state that 'The advocate owes a duty of care to persons who are [...] closely and directly affected by the advocate's act' (p.21)
- And that 'It follows that there will have been negligence if the advocate, for want of care or skill, fails properly to understand the instructions given by the service user, or fails properly and accurately to communicate them to others' (p.21)

Standards For Advocacy Services

An Advocacy Providers Code of Practice

'In order to ensure that advocacy services are provided in a way that effectively meet the needs of people who access support and operate in a way that is underpinned by an evidence base, standards for generic advocacy services have been developed by [Action for Advocacy \(2006\)](#) '.

These standards relate to:

- clarity of purpose
- independence
- putting people first
- empowerment
- equal opportunity
- accessibility and accountability • supporting advocates
- confidentiality and complaints.

Standards For Advocacy Services

A Statutory Code of Practice

- The previous code of practice was developed by Advocacy providers
- However, in Wales there is a Code of Practice with statutory implications.
- What do we mean by **statutory**?
- As part of the [Social Services and Wellbeing \(Wales\) Act 2014](#) the Welsh Government has produced a Code of Practice for Advocacy

Standards For Advocacy Services

Critical Thinking Exercise

Take some time to read both Codes of Practice.

You do not have to read the entire document but you should read enough of each to compare the two.

Then answer the following questions

- 1. Which do think should take precedence and why?*
- 2. Are there similarities between the two Codes of Practice?*
- 3. Are there differences between the two Codes of Practice?*

Feedback to your Tutor in the next session.

Independent Advocacy – A clash of interests

- The paper by Dalton and Carlin (2002), used above, was written as a critical response to UK Government plans to introduce the Patient Advice and Liaison Service (PALS) in England and Wales
- This service is now in place in NHS provision in both countries
- The following information is taken from the [NHS website](#) and the [Betsi Cadwaladr University Health Board website](#)

Independent Advocacy – A clash of interests

What is PALS (Patient Advice and Liaison Service)?

- The Patient Advice and Liaison Service (PALS) offers confidential advice, support and information on health-related matters.
- They provide a point of contact for patients, their families and their carers.
- You can find PALS officers in your local hospital.

(NHS, 2021)

Independent Advocacy – A clash of interests

How can PALS help?

- PALS provides help in many ways. For example, it can:
- help you with health-related questions
- help resolve concerns or problems when you're using the NHS
- tell you how to get more involved in your own healthcare

(NHS, 2021)

Independent Advocacy – A clash of interests

How can PALS help?

PALS can give you information about:

- the NHS
- the NHS complaints procedure, including how to get independent help if you want to make a complaint
- support groups outside the NHS
- PALS also helps to improve the NHS by listening to your concerns and suggestions.

(NHS, 2021)

Independent Advocacy – A clash of interests

About us

- PALS provides information, advice and support to resolve any issues or concerns that arise from using our services. The team can support everyone accessing our services including inpatients, outpatients, carers and families.
- PALS can help you get the information and support you need regarding your care and treatment.
- You can talk to a PALS Officer who can provide confidential advice and support to patients, carers and families.

(Betsi Cadwaladr University Health Board, No Date)

Independent Advocacy – A clash of interests

Our PALS team works with patients and staff to improve our service by:

- Offering advice and support to patients and carers
- Listening to concerns and queries
- Helping to sort out problems quickly on your behalf
- Receiving compliments from grateful patients who wish to thank staff

(Betsi Cadwaladr University Health Board, No Date)

Standards For Advocacy Services

Critical Thinking Exercise

Take some time to research more on the PALS service.

Then answer the following questions

- 1. How independent do you think PALS is? Give reasons for your answer.*
- 2. Does the PALS service remove the need for Independent Advocacy? Give reasons for your answer.*

References

Action for Advocacy (2006) *A Code of Practice for Advocates* Available at: [\[ARCHIVED CONTENT\]](#) [Accessed 01/11/2024]

Bateman, N. (2000) *Advocacy Skills for health and social care professionals*. London: J. Kingsley Available at: [Advocacy Skills for Health and Social Care Professionals - Record details - EBSCOhost Research Databases](#) [Accessed 01/11/2024]

Betsi Cadwaladr University Health Board (No Date) *Contact the Patient Advice and Liaison Service (PALS)* Available at: [Contact the Patient Advice and Liaison Service \(PALS\) - Betsi Cadwaladr University Health Board](#) [Accessed 01/11/2024]

Care Act (2014) Available at: [Care Act 2014](#) [Accessed 25/01/2024]

Dalton, S. & Carlin, P. (2002) 'Independent Advocacy: A brief look at its past and present. Is its future under threat?' *Journal of Mental Health Law* [Feb 2002] Available at: <https://core.ac.uk/download/pdf/266994369.pdf> [Accessed 26/01/2024]

Jowett, C. (2001) 'Blackstone's Criminal Practice 2001, 11th ed', *New Law Journal*. Butterworths & Company (Publishers) Ltd. (UK) **[N.B. The library link to this was not working as of 27/10/2024]**

Martin, J. & Gosling, J. (2012) *Making partnerships with service users and advocacy groups*. London: J. Kingsley Available at: [Making Partnerships with Service Users and Advocacy Groups Work : How to Grow Genuine and Respectful Relationships in Health and Social Care - Record details - EBSCOhost Research Databases](#) [Accessed 01/11/2024]

References

NHS (2021) *What is PALS (Patient Advice and Liaison Service)?* Available at: [What is PALS \(Patient Advice and Liaison Service\)? - NHS](#) [Accessed 01/11/2024]

NICE (2021) *Babies, children and young people's experience of healthcare: Independent advocacy in healthcare for children and young people: NICE guideline NG204* Available at: <https://www.nice.org.uk/guidance/ng204/evidence/i-independent-advocacy-in-healthcare-for-children-and-young-people-pdf-331430552532> [Accessed 01/11/2024]

Pochin, M & Henderson, R. (2001) *A Right Result? Advocacy, justice and empowerment*. Policy Press, UK. Available at: [A right result?: Advocacy, justice and empowerment on JSTOR](#) [Accessed 01/11/2024]

SIAA (2022) *What is Independent Advocacy?* Available at: [What is independent advocacy? - Scottish Independent Advocacy Alliance](#) [Accessed 01/11/2024]

Social Services and Wellbeing Act (2014) 'Part 10: Code of Practice (Advocacy)' Available at: <https://www.gov.wales/sites/default/files/publications/2019-05/part-10-code-of-practice-advocacy.pdf> [Accessed 01/11/2024]

Stewart, A & Macintyre, G (2013) *Advocacy: Models and Effectiveness*. Institute for Research in Social Services [Iriss], Scotland. Available at: <https://www.iriss.org.uk/sites/default/files/iriss-insight-20.pdf> [Accessed 01/11/2024]