



ECAY6003: Advocacy: Maintaining Independence in Service Provision

Theme 2: Independence in Advocacy (Part 1)

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 - Reminder

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 - Reminder

- ‘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)



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)

Advocacy: Models and Effectiveness

Stewart and Macintyre (2013, p. 2) have identified the following key issues:

- ‘There is a range of models of advocacy, each with distinctive characteristics relating to:
 - Type of work undertaken
 - Length of involvement
 - The person undertaking the role’
- ‘There is a limited evidence base about the effectiveness of advocacy. This is primarily due to differing definitions and a lack of understanding about the role of advocacy’

Advocacy: Models and Effectiveness

They go on to state that:

- There is some evidence to suggest that the advocacy process promotes increased self-confidence and ensures the voices of people who access services are heard
- Geographically, the availability of advocacy is varied across Scotland, particularly for specialist forms of advocacy
- Advocates require a significant set of skills to undertake the role effectively; there is a need for ongoing training and regular supervision to maximise effectiveness.

(Stewart & Macintyre, 2013, p.2)

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(Stewart & Macintyre, 2013).



Models of Advocacy – A Reminder

Self Advocacy

- is individuals acting and speaking for themselves.
- It may be hard for people to speak up in this way;
- the formation of self-advocacy groups has enabled them to support each other. Survivors Speak Out is perhaps the best known self-advocacy organisation in mental health advocacy.

(Dalton & Carlin, 2002, p.24)

Models of Advocacy – A Reminder

Self Advocacy

- Individuals represent and speak up for themselves, with support, either individually or collectively. This support can be in a paid or unpaid capacity. Key features include:
- Outward-facing model aimed at securing services and supports for the individual
- Focus on ensuring the person's voice is heard
- Can promote confidence, skills and knowledge and protection of individual rights

(Stewart & Macintyre, 2013, p.3)

Can you identify any draw-backs with this model of advocacy?



Models of Advocacy – A Reminder

Peer advocacy

- is support from a person who is or has been a service user for another who is confronting experiences or difficulties similar to their own.
- It has been said that the uniqueness of the peer advocacy role is in the advocate's empathy with the client's situation;
- Their experience may have equipped them with valuable skills or qualities and the client may feel that they have a particularly equal relationship with the advocate

(Dalton & Carlin, 2002, p.24)

Models of Advocacy – A Reminder

Peer advocacy

- The advocate and the person have a common background, for example, they may have shared experience of service provision, “experts by experience” (Monaghan, 2012). Peer advocacy can be conducted on an individual or collective basis and often develops spontaneously, for example in care homes or day centres. Key features include:
- Focused on common problem solving
- Lessens the imbalance of power between the advocate and their advocacy partner as they have shared experiences
- Most effectively used with specific groups, for example, people with substance misuse problems or mental health problems as they can prefer advocates with similar experiences (SIAA, 2008 *cited in* Stewart & Macintyre, 2013).

(Stewart & Macintyre, 2013, p.4)



Models of Advocacy – A Reminder

Volunteer / Citizen Advocacy

- Is an independent, long term, one to one partnership between a volunteer citizen advocate and a person who needs help in representing and defending their interests and rights as a citizen.
- Citizen advocates are usually part of a scheme (led by a paid co-ordinator) which will recruit, train and support the volunteers.
- The citizen advocate role is different from other forms of advocacy in that it involves a long-term partnership with one person and involves responding to and representing many concerns or views that their 'partner' may have in different areas of their life

(Dalton & Carlin, 2002, p.24)

Models of Advocacy – A Reminder

Volunteer / Citizen Advocacy

- Involves volunteers (unpaid) who are recruited, trained and matched with an individual – generally only one at a time.
- It involves a one-to-one relationship over an extended period and
- goes beyond befriending - the volunteer represents the views of the person.
- The partnership is independent, supported, but not influenced by, the
- advocacy organisation.

(Stewart & Macintyre, 2013, p.4)

Models of Advocacy – A Reminder

Volunteer / Citizen Advocacy

Key Features:

- The relationship between the advocate and the individual (the partnership) is viewed as an outcome in and of itself
- The relationship continues regardless of any presenting ‘issue’
- Citizen advocates are supported to use their own networks, as well as community organisations to support them to develop their social networks.

(Stewart & Macintyre, 2013, p.4)



Models of Advocacy – A Reminder

Independent Professional Advocacy

- is where a trained, paid worker offers independent, short term, one to one support to a client who wishes to access the service or is a service user.
- This type of advocacy has often been developed and managed by voluntary organisations.

(Dalton & Carlin, 2002, p.24)

Models of Advocacy – A Reminder

Independent Professional Advocacy

Key Features:

- A partnership between a paid advocate and a person who accesses support.
- The advocate provides support, information and representation, with the aim of empowering their partner and enabling them to express their needs and choices.
- This type of advocacy can be undertaken on a short-term or long-term basis.
- Long-term advocacy work may be required due to changing needs over time and the complexity of issues, for example, with parents with learning disabilities involved in the child protection system.

(Stewart & Macintyre, 2013, p.5)

Models of Advocacy – A Reminder

Independent Professional Advocacy

Key features include:

- A focus on upholding the person's rights
- Ensuring fair and equal treatment and access to services
- Making certain that decisions are taken with consideration for the individual's unique preferences and perspectives
- Using as a last resort only when all other attempts at communicating and understanding an adults wishes have failed
- Trying out a range of methods of communication to ensure the person's wishes are clear
- Using a number of core quality of life domains, together with relevant legislation, to make comparisons and consider what quality of life or experiences would be usual and acceptable to the general population.

(Stewart & Macintyre, 2013, p.5)



Models of Advocacy – A Reminder

‘Best Interests’ / Non Instructed Advocacy

- Advocacy can be provided to those who are, for reasons of capacity, unable to personally instruct their advocate.
- This may be because of the person’s limitations in grasping concepts or because they are not able to make others understand their wishes because of significant communication barriers.
- Capacity to instruct or understand can be diminished for a number of reasons, for example mental health problems, dementia, acquired brain injury, or learning disabilities.
- However, it should be noted that having one of these conditions does not automatically mean a person lacks capacity.
- An advocate will observe the partner and their situation, look for alternative means of communication with the partner, gather information from significant others in the partner’s life, if appropriate, and ensure the partner’s rights are upheld.

(Stewart & Macintyre, 2013, p.6)

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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 documents 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?*

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

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.

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.*

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