

The Care Act: Transforming Social Care

Available Advocacy Services

Fact sheet

All local authorities have a duty to provide independent advocacy when someone has substantial difficulty being involved in the process of care and does not have an appropriate individual to support them.

Independent advocacy is concerned with maximising people's involvement in decisions about their lives. Independent advocacy is taking action to help people understand information, express their needs and wishes, secure their rights.

Local authorities have to commission statutory advocacy services (independent mental capacity advocacy, independent mental health advocacy and NHS complaints advocacy). Care Act Advocacy has now been added as another Local Authority responsibility to become compliant with Care Act 2014.

What is Advocacy?

- Making sure people have the information they need to make the right choices for them.
- Supporting people to speak up and be heard.
- Helping people to get the services and support they need and are entitled to.
- Helping people to play a full part in their communities.

The amount of Advocacy Support required will vary between different people but the service should, where possible, encourage people to say what is important to them and make their own decisions and choices.

Advocacy should help people to do more for themselves and make them less dependent on other people where possible.

Who Might Need an Advocate?

Adults with Social Care and Health Needs

All Local Authorities must arrange an independent advocate to support and represent the adult if:

- The adult has substantial difficulty being involved in decisions around their own care and support.
- There is no appropriate individual available to support and represent the adult's wishes around their care and treatment.
- Local authorities must decide if the person would have substantial difficulty being involved in making decisions and understanding issues around their own wellbeing support needs.

There are four areas where "substantial difficulty" in being involved might be found, these are:

- Being able to understand the relevant information
- Being able to retain information
- Being able to use or weigh up the information
- Being able to communicate their views, wishes and feelings.

To help people understand the health and care system in general we have produced a series of fact sheets which can be viewed on Staffordshire Cares at: www.staffordshirecares.info/careact or you can call to request a factsheet on **0300 111 8010**

Who Can Act as an Independent Advocate?

An Independent Advocate must be suitably experienced and qualified and most importantly have the ability to work independently of the Local Authority, and/or its Partners.

Can a friend or relative be an advocate?

If there is an appropriate individual the person trusts to help them say what is important to them and who knows their wishes they can choose for them to be their advocate.

To be able to become an appropriate individual the following points need to be considered, you cannot be an appropriate individual to represent an Adult if:

- You are already providing care or treatment to the Adult in a professional capacity or on a paid basis.
- If you are someone the Adult does not want to support them.
- If you are someone who is unlikely to be able to, or available to, adequately support the Adult's involvement.
- If you are someone implicated in an enquiry into abuse or neglect or who has been judged by a safeguarding Adult review to have failed to prevent abuse or neglect.

It may not be obvious at the first point of contact whether an Adult has an appropriate individual to support them, if there is any doubt, an independent advocate should be appointed.

If at a later stage, an appropriate individual is identified, the independent advocate can 'hand over' to them. Alternatively the Local Authority may agree with the Adult, the appropriate individual and the independent advocate that it would be beneficial for the independent advocate to continue their role.

Specialist Children and Young People's Advocacy

These services are aimed at:

- Looked after children
- Children with Special Educational needs and disabilities (SEND)
- Children subject to a child protection plan
- Children with a learning disability and difficulties
- Children affected by emotional wellbeing and/ or mental health issues.

Specialist Advocacy for People Assessed as Lacking Mental capacity (Independent Mental Capacity Advocacy Services- IMCA)

For People aged 16 and over who have been formally assessed to be lacking mental capacity and have no appropriate friends or family to consult an Independent Mental Capacity Advocate (IMCA) must be instructed when:

- A decision must be made on their behalf about providing, withdrawing or withholding of serious medical treatment.
- A decision must be made on their behalf about long term accommodation in hospital, residential nursing or other supported care environment.

An IMCA may be instructed when:

- It is proposed to take protective measures under adult protection procedures (over 18).
- It is unlikely a referral to the IMCA service will be required when a Service User is already working with a Generic Advocate
- The responsible body are reviewing the accommodation arrangements for a person who lacks capacity and there are no friends and family that it would be appropriate to consult

Specialist Advocacy for People Receiving Treatment under the Mental Health Act (Independent Mental Health Advocacy Services- IMHA).

An independent Mental Health Advocate (IMHA) should be provided for people who qualify as follows:

- People being detained under a Section of the Mental Health Act* or are on leave of absence from hospital
- People on conditional discharge and restricted patients
- Those subject to Guardianship
- Those on Supervised Community Treatment
- Those being considered for a section 57 treatment
- People under 18 and being considered for a Section 58A treatment like electro-convulsive therapy

An IMHA should help people to:

- Understand their rights and the rights others have in relation to them
- Find information, including information about any treatment and the legal authority for providing that treatment
- Have a voice in decisions affecting them by supporting them to speak out, or by representing their views, choices and opinions

***This does not include emergency and short term detentions such as those made under Sections 4, 5(2), 5(4), 135 or 136**

NHS Complaints Advocacy Services (NHSCAS)

Advocacy provides practical support and information to people who want to complain about an NHS service. It also supports people who want to make a complaint on someone else's behalf. The service aims to help people understand what their options are and to support them through the NHS complaints process to ensure they get the best

possible resolution. You decide the level of support you need and an advocate will work with you to ensure you get the best possible outcome to your complaint.

They will:

- Support you to make a complaint about the service, care or treatment provided by the NHS, including complaints about your GP, dentist, local hospital, ambulance service or pharmacy.
- Support you to make an NHS complaint on someone else's behalf, including if someone has died.
- Listen to your concerns.
- Signpost to more appropriate services if required.
- Explain NHS complaints procedures.
- Provide you with an advocate, who will help you, make your complaint and support you through the NHS complaints process via different pathways.

For example:

- supporting with complaints letters,
- attending or accompanying you to complaints meetings,
- requesting access to medical records
- and referring your complaint to the Parliamentary and Health Service Ombudsman (PHSO if the local service is unable to resolve your complaint.

Care Act Advocacy (CAA)

A Care Act advocate will help and support an adult through the care and support planning processes as well as reviews and safeguarding enquiries.

An advocate will assist the adult to make decisions about their care and support arrangements.

Adults should be an active partner in the key care and support processes. The Local Authority must:

- Listen to an adults views, wishes, feelings and beliefs.
- Assume adults are the best judge of their own well-being.
- Ensure that the adult can participate as fully as possible in decisions about their care.

- Not make unjustified assumptions based on age, appearance and behaviour.
- The duty to involve adults in planning their own care applies in all settings, including those people living in the community, in care homes, or adults residing in prisons and approved premises. (The Local Authority's duties for safeguarding adult's reviews do not apply to adults living in prisons or approved premises; they are the responsibility of that specific institution).
- The advocacy duty will apply from the point of first contact with the Local Authority and at any subsequent stage of the assessment, care and support planning, care review, safeguarding enquiry or safeguarding adult review.
- A Needs Assessment (under Section 9 of the Care Act)
- A Carer's Assessment (under Section 10)
- The preparation of a Care and Support Plan or Support Plan (under Section 25)
- A review of a Care and Support Plan or Support Plan (under Section 27).
- A Safeguarding Enquiry or a Safeguarding Adult Review (under Section 68).
- For each adult under the Care Act 2014 the Local Authorities must consider whether they are likely to have substantial difficulty in engaging with the care and support process. The Care Act defines four areas where an adult may experience substantial difficulty. These are:
 - Understanding relevant information,
 - Retaining information,
 - Using or weighing information,
 - Communicating views, wishes or feelings.

Where can I go for independent Advocacy in Staffordshire and Stoke on Trent?

Currently we have a number of Advocacy Providers in Staffordshire and Stoke on Trent paid for by the Local Councils who can provide this service for free they are:

Generic and Care Act Advocacy in Staffordshire

POhWER (for general advocacy services).

You can contact them or you can ask someone to contact them for you.

Email: pohwer@pohwer.net

Phone: 0300 456 2370 (charged at local rate)

Post: POhWER, Units 25 & 32 Staffordshire Business Village, Dyson Way, Staffordshire Technology Park, Stafford ST18 0TW

Or visit their website at <http://www.pohwer.net/in-your-area/whereyou-live/staffordshire>

Generic and Care Act Advocacy in Stoke on Trent

This is currently supplied by ASIST . For further information on Care Act Advocacy:

Email careact@asist.co.uk

or

Phone 01782 845584.

(Alternatively the Stoke-on-Trent City Council Contact Centre Number is 0800 561 0015).

Staffordshire County Council and Stoke on Trent City Council's provider for Independent Mental Health Advocacy (IMHA) is ASIST:

Email: imha@asist.co.uk

Phone: 01785 246709

Web: www.asist.co.uk

For people who need an Independent Mental Capacity Advocate (IMCA) in Staffordshire and Stoke on Trent:

Email: imca@asist.co.uk

Phone: 01782 845584

Web: www.asist.co.uk

NYAS (National Youth Advocacy Services) provide advocacy for the following groups of children and young people in Staffordshire and Stoke on Trent:

- Looked After Children
- Children with emotional wellbeing/mental health issues (*Staffordshire only*)
- Children subject to a Child Protection Plan
- Children & young people with Learning Disabilities
- Children & young people with Special Educational Needs and Disabilities (SEND)

This may sometimes include children and young people living/placed outside the Staffordshire and Stoke-on-Trent City Council boundaries. The Service is available to children and young people from the above groups between the ages of 5 – 18 years, and up to the age of 25 for those with SEND or for Care Leavers.

If you would like to make a referral please contact the Freephone national helpline through either:

Telephone 0800 8081001

E-mailing help@nyas.net

Through our secure on-line referral portal
<https://www.nyas.net/referral>

There is also a secure online chat and advice room available for children and young people to make contact with the service (see NYAS home page, <https://www.nyas.net/>).

Mencap provide a Self-Advocacy Network for adults with learning disabilities in Staffordshire.

Phone: 01543 505079

Post: Staffordshire Advocacy Network, Unit 1, Bermar House, Rumer Hill Road, Cannock, WS11 0ET.

In Stoke on Trent:

ASIST provide a self advocacy network for adults with learning disabilities through their project called REACH.

They can be contacted on:

01782 747872

or

Email: reach@asist.co.uk

Healthwatch Staffordshire Provide an NHS Complaints Advocacy Service

Email: advocacy@ecstaffs.co.uk

Phone: 0800 161 5600 or

Text: 'Healthwatch' and your name and number to 60006

Post: Healthwatch Staffordshire NHS Complaints Advocacy, Suite 2, Opus House, Priestly Court, Staffordshire Technology Park, Stafford, ST180LQ.

Web: www.healthwatchstaffordshire.co.uk/nhs-complaints

Stoke on Trent– POHWER provide NHS Complaints Ad- vocacy:

Call: 0300 456 2370

Email pohwer@pohwer.net

<http://www.pohwer.net/stoke-on-trent>

Alternative/ Specialist Advo- cacy Services

The providers listed here have been selected by the Local Councils to fulfil their statutory duties and are free of charge to eligible people.

However there are a number of alternative and specialist advocacy services across the County which may be more suited to your individual needs and personal circumstances. For details of other advocacy services in Staffordshire and Stoke on Trent visit:

<http://www.staffordshiremarketplace.co.uk/index.html> and type 'Advocacy' into the search engine.

For more information about advocacy services or if you don't know which provider you will need call **the Staffordshire Cares team on 0300 111 8010** and one of the advisors will be able to help you.