

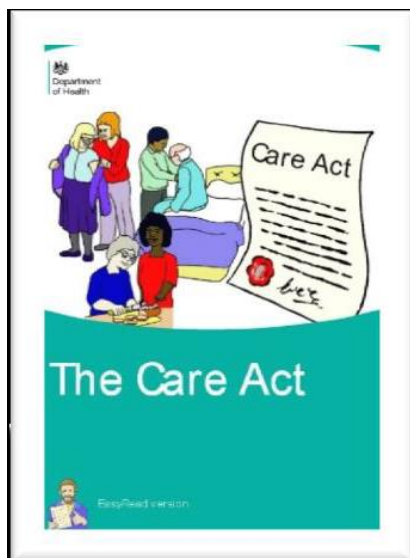
Independent Advocacy and the Care Act



This booklet tells you about independent advocacy in the **Care Act 2014**.

The **Care Act** says that local councils must provide **independent advocacy** for more people from April 2015.

This means advocacy that is independent of the council.



Words in **blue** are in the word list at the end of this booklet.





When should a person get advocacy?

Councils **must** involve people in assessments about their care and support and in planning and checking their care and support.

The Care Act says that councils must think about if a person needs independent advocacy to support them to be involved for things like:

- When they are carrying out an **assessment** to see what care and support they might need (a needs assessment)
- When they are carrying out an assessment to see if someone who provides care for someone else needs support (a carer's assessment)
- When they are writing what is in a care plan or checking what is in it
- When they are carrying out a **safeguarding** enquiry or a safeguarding adults review



Carers Assessment



Who gets independent advocacy?



When the council is involving the person with any of these things they must think about whether the person would find it very difficult to:

- understand information about their care and support
- remember information
- use the information
- communicate their views or feelings



If the council thinks that a person would find it very difficult to do any of these things they must make sure that there is someone to support them.



They will look first at whether there is a family member or a friend who can help them take part. This person is called an **appropriate individual**.

If **not**, the council must arrange an **independent advocate** to support them.

Who can be an 'appropriate individual'?



It must be someone the person **wants** to support them. It **cannot** be someone who is already providing care to the person as a professional or who is paid to do this.

Independent advocacy under the Mental Capacity Act and Mental Health Act

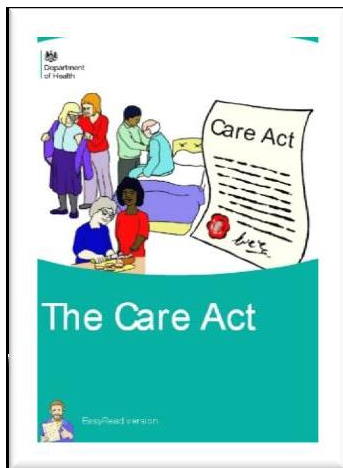
There are already laws which say that some people must be given an advocate.

The **Mental Capacity Act** means that some people can have an Independent Mental Capacity Advocate.

The **Mental Health Act** means that some people can have an Independent Mental Health Advocate if they want one.

The Care Act does **not** change these rights. The Act makes getting an independent advocate easier for some people who will not get one under these other laws.

In lots of local areas there is also some advocacy which is not there just because the law says it must be. It is there because people and local councils know that it helps people to have a voice and rights. This includes self-advocacy. The Care Act does **not** take away this advocacy.





What should an advocate do?

An advocate should support the person to say what they want and speak out about the things that matter to the person.

They should:



- ❑ help the person to **understand** what is happening when the council is looking at their care and support



- ❑ help the person to **communicate** what they feel and want



- ❑ help the person to make **decisions** and **challenge** decisions if the person wants this



- ❑ help the person to **understand** their rights.



The council must listen to friends or family when the person asks them to - even if the person has an advocate.

Word list

Assessments

An assessment is the way of working out what a person's needs are. A care needs assessment looks at how you are managing everyday activities such as looking after yourself, household tasks and getting out and about. You are entitled to an assessment if you have social care needs, and your views and wishes are very important.

Care Act

This is a new law that tells councils and other groups how they should work with people who need care and support.

Independent Advocacy

Advocacy is support for people so they can have their say. It can help make sure services and staff treat them well. **Independent Advocacy** means it is separate from the council.

Mental Capacity Act

This is a law about helping people to make their own decisions. It protects the rights of people who cannot make their own decisions about some things. This may be because they have a learning disability or mental health problem.

Mental Health Act

This a law about the care and treatment of people who have a 'mental disorder'. This includes people with a mental health problem.

Safeguarding

This is when social workers and other professionals check on a person's care to make sure their health, wellbeing and rights are protected. It makes sure they live free from harm and abuse. A safeguarding enquiry happens when a local council needs to find out if someone is being abused or neglected. A **safeguarding adults review** is a way of checking whether the right things are being done to keep people safe.