

Advocacy in Wolverhampton

An overview for Professionals

What is advocacy?

What are the different types?

When should I refer?

How do I refer?

What advocacy is not

- **A replacement for appropriate services**
- **Counselling or Befriending**
- **Offering advice**
- **Making decisions about people's care and treatment**
- **Support to complete forms or help with finances**
- **A mediation service**

The role of advocacy is to support and enable people who face discrimination or disadvantage to

Express

Express their views and wishes, especially when decisions are being made about their lives – including assessments, planning and reviews

Explore

Explore options available to them and support people to make their own decisions

Understand and secure

Understand and secure their own rights

Enable

Enable them to self advocate and represent themselves

Types of Advocacy

Instructed

Advocacy is user led. The Advocate works on the instruction of the client. They will always gain their consent before doing anything on the client's behalf

Non-instructed

This takes place when a person lacks the capacity to instruct an advocate. The non-instructed advocate seeks to:

- Uphold the person's rights.
- Ensure fair and equal treatment and access to services
- Make certain that decisions are taken with due consideration to all relevant factors including the person's unique preferences and perspectives.

Statutory advocacy

Type	Description
Independent Mental Capacity Advocacy (IMCA)	Support when there is an accommodation or serious medical treatment decision. Eligibility is based on decision-making capacity and whether the person has friends or family.
Independent Mental Health Advocacy (IMHA)	Support with issues relating to mental health care, and treatment and rights under the Mental Health Act. Almost anyone detained under the Mental Health Act is eligible, plus people subject to CTOs or Guardianship, and others.
Care Act advocacy	Support if there are decisions to make about care or support, it will be difficult for the person to be involved in the process, and friends or family aren't able to help.
NHS Complaints advocacy	Everyone is eligible for NHS complaints advocacy when they have a complaint about an NHS service.
RPRs / Rule 1.2A Representatives	For people who are or may be deprived of their liberty.

IMCA overview

What is it?	Supporting people when they are assessed to lack capacity to make a best interest decision
When to refer?	<p>The person has been assessed to lack capacity to make a best interest decision and they do not have family or friends appropriate to consult about the decision.</p> <ul style="list-style-type: none">• MUST refer for decisions about long term accommodation and serious medical treatment.• MAY refer for a care review following a long-term accommodation decision, or for safeguarding issues. However, in these cases, sometimes a Care Act referral may be more appropriate.
Who can refer?	The Decision Maker or someone referring on their behalf.

What does 'lack capacity' mean?

An assessment that someone 'lacks capacity' means that:

1. the person has an impairment or disturbance that affects the way their mind or brain works (such as a brain injury, dementia, autism, learning disabilities or mental health problems)
2. they have an impairment or disturbance which means that they are unable to make a specific decision at the time it needs to be made

Both conditions must apply.

Before an advocate can start work with a client a copy of the Capacity Assessment covering the referral issue needs to be supplied. This can either be attached to the referral, or where this is currently being undertaken should be noted on the referral form and forwarded to Voiceability once completed.

When to refer for an IMCA

An IMCA can support someone with best interests decisions about

- **long-term accommodation** (to hospital for more than 28 days or to other accommodation for more than 8 weeks)
- **serious medical treatment** (this can be a decision about whether to stop or withhold treatment, as well as a decision to start it)

Also, if the person is or may be deprived of their liberty, the IMCA can provide support

- during an assessment under Deprivation of Liberty Safeguards (DoLS)
- between the appointment of Relevant Person's Representatives (RPRs) when an authorisation is in place
- to the person, RPR or both when the authorisation is in place

IMCA DoLS

39A, 39D and 39C under the Mental Capacity Act

Who is the 'decision maker'?

For serious medical treatments, the decision maker can be a GP, dentist or consultant.

For long term accommodation, the decision maker can be a social worker, care coordinator, discharge coordinator or nurse.

Good to know
IMCAs do not offer support for financial issues. These may need to be referred to the Court of Protection.

Care Act advocacy overview

What is it?	Supporting people to understand their rights under the Care Act and to be fully involved in a process that is happening.
When to refer?	When all three conditions apply: <ol style="list-style-type: none">1. one of these processes is taking place:<ul style="list-style-type: none">• social care needs assessment• carers assessment• care planning• care review• S42 safeguarding investigation2. without support, the person will have substantial difficulty being involved3. there are no appropriate, able and willing family or friends to support the person's active involvement
Who can refer?	Care Act referrals should be made by a social care professional.

What is 'substantial difficulty'?

'Substantial difficulty' means that, without support, the person will find it very hard to do one or more of these:

- understand relevant information
- retain that information
- use or weigh up that information
- communicate their wishes and views

Who can be an 'appropriate individual'?

An 'appropriate individual' CANNOT be

- someone already providing care or treatment to the person in a professional capacity or on a paid basis
- someone the person does not want to support them
- someone who is unlikely to be able to, or be available to, adequately support the person's involvement
- 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

Someone can be an appropriate individual as long as none of the above apply

Exceptions

People who have an appropriate individual to support them are not usually eligible for Care Act advocacy support.

However, there are two exceptions to this:

1) where the assessment or planning might result in a placement in NHS-funded provision

- either in a hospital for more than 4 weeks, OR
- in a care home for 8 weeks or more, AND
- AND the local authority believes that arranging an advocate would be in the best interests of the person

2) where the local authority and the friend or family member disagree on something relating to the person, but agree that it would benefit the person for them to have an advocate

IMHA overview

What is it?	Supporting people with issues relating to their mental health care and treatment, and helping people understand their rights under the Mental Health Act.
Who to refer?	People who are: <ul style="list-style-type: none">• detained under the Mental Health Act (except under short term sections 4, 5, 135 and 136)• subject to a Community Treatment Order• subject to guardianship• being considered for S58A treatment (including informal patients and people under 18) or being considered for S57 treatment (including informal patients)
Who can refer?	Professional referral and self referral accepted

Inpatients aren't the only people who can get an IMHA. You must also tell people on COs and subject to guardianship that they can have an IMHA.

Relevant Person's Representative (RPR)

When someone is or may be deprived of their liberty, the law calls them the 'Relevant Person'.

The law says the Relevant Person must have a 'Representative' to help make sure their views, wishes and rights are respected.

Sometimes this role is taken unpaid by the person's friend or family member. Sometimes the role is taken by a paid professional such as an advocate.

A paid RPR may be needed if there are no friends or family members suitable to be an RPR or if there is a gap before a new RPR can take up the role.

Safeguarding

Because advocates work independently with their clients, they are often in a position to hear about, or observe, safeguarding concerns

Advocates are trained to respond to all safeguarding concerns appropriately by reporting these to the local authority.

Advocates are trained to follow up on safeguarding concerns, and to escalate matters where they remain concerned.

We can also sit on Local Adult Safeguarding Boards to act as critical friend

Advocacy – a legal right

- If a person would struggle to be involved in a safeguarding enquiry or a safeguarding adult review (SAR) then by law the local authority must 'arrange, where appropriate, for an independent advocate to represent and support the adult'



We offer several levels of support, to suit different people's needs

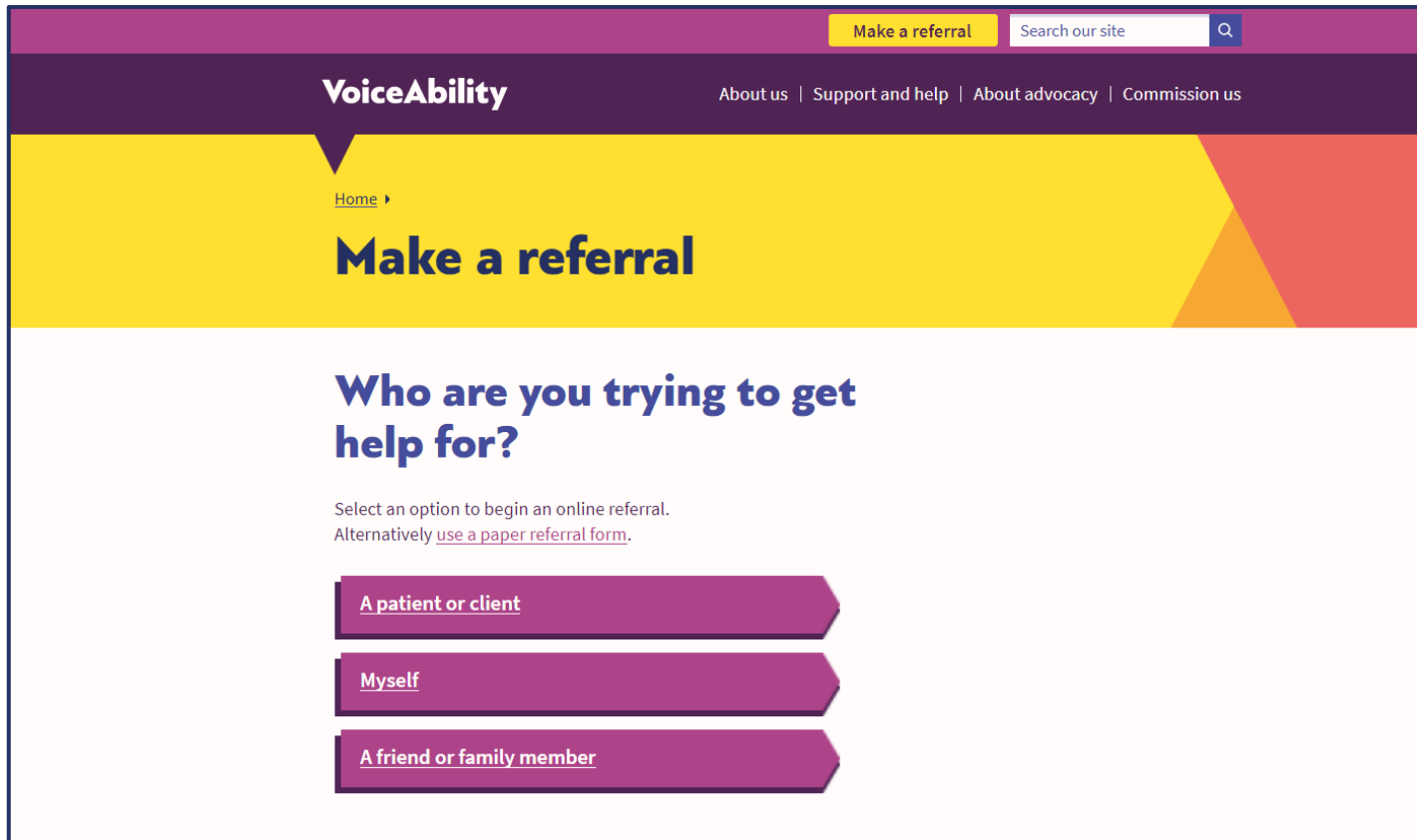
1. **Phone and email support from our helpline staff**
2. **Downloadable information and guides from our internet**
3. **Support from a trained independent advocate**
4. **Volunteer support for less complex cases: a complementary service provided by trained volunteers**

A client may need to access more than one level of support at the same time.



How to refer

Use our online referral form at voiceability.org/referral



The screenshot shows the top portion of the VoiceAbility website. At the top, there is a purple navigation bar with the 'VoiceAbility' logo on the left and a search bar on the right containing the text 'Search our site' and a magnifying glass icon. Below this is a dark purple header with the 'VoiceAbility' logo and navigation links: 'About us | Support and help | About advocacy | Commission us'. The main content area has a yellow background with the heading 'Make a referral' and a sub-heading 'Who are you trying to get help for?'. Below the sub-heading, there is a text prompt: 'Select an option to begin an online referral. Alternatively use a [paper referral form](#).' Three purple buttons with white text are listed: 'A patient or client', 'Myself', and 'A friend or family member'.

Make a referral

Search our site

VoiceAbility

About us | Support and help | About advocacy | Commission us

Home ▶

Make a referral

Who are you trying to get help for?

Select an option to begin an online referral.
Alternatively use a [paper referral form](#).

[A patient or client](#)

[Myself](#)

[A friend or family member](#)

How to refer

Or download a Word document form if you prefer

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Make a referral

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Alternatively [use a paper referral form.](#)

- [A patient or client](#)
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If you choose to download a form

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Advocacy referral forms

Please use our [online referral form](#) to make referrals if you can. Alternatively, download a form from this page to return by post or email.

If you want support for yourself, you don't have to fill in a form. Simply [contact us](#) and tell us about your issue.

↓ DOCX download IMHA referral form	↓ DOCX download IMCA referral form	↓ DOCX download Care Act advocacy referral form
↓ DOCX download 1-24 Representative	↓ DOCX download General advocacy referral	↓ DOCX download Children and young people

Email completed form to helpline@voiceability.org

How professional and clients can access the service

Go to our website – www.voiceability.org –for information both online and downloadable, online referrals and webchat facilities

Contact us on 0300 303 1660 – Helpline and referral number.

Or email us at helpline@voiceability.org