

Policy Name	Advocacy Policy
Version No.	5
Approval Date	
Category	Operational
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ADVOCACY POLICY

Author	Katie Stallard – Programme Portfolio Lead
Contributors	Fran Kelsey, Steve Medley, Sarah Rothwell
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Version Control

Version	Date	Description	Updated By	Approved By
1	11.11.2022	First Draft	Sophie Jenkins	
2	09.03.2023	Draft amends	Katie Stallard	
3	24.05.2023	Update following review and comparison to Advocacy Strategy	Kirsten Forbes	
4				
5	03.08.2023	Updated following Head of Service review	Kirsten Forbes	

1. Policy Purpose and Aim

This policy explains how Worcestershire County Council are committed to a Fairer Future for all our residents. We have commissioned independent advocacy services to ensure that individuals can access appropriate support where there is a statutory requirement under the:

- Mental Health Act 1983
- Reforming the Mental Health Act white paper 2021
- Mental Capacity Act 2005
- Mental Capacity (Amendment) Act 2019: Liberty Protection Safeguards (LPS)
- Care Act 2014
- Health and Social Care Act 2012
- Local Government and Public Involvement in Health Act 2007

We will work constructively with Independent Advocates to enable them to support the individual, make representations on the individual's behalf, and to meet any other requirements of their role under the relevant act.

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2. Objectives

This policy ensures that Worcestershire County Council provides independent support to individuals with care needs so as to facilitate their involvement in the key processes and interactions and ensure that their wishes, feelings and needs are at the heart of any support planning, care or treatment.

There are a number of statutory requirements for advocacy including Independent Mental Capacity Advocacy (IMCA), Independent Mental Health Advocacy (IMHA), Health and Social Care Act and Deprivation of Liberty Safeguards (DOLS). Worcestershire County Council will continue to provide a service which supports vulnerable adults in speaking out and participating fully in decisions about their lives.

In line with the Care Act 2014 and other relevant legislation, Worcestershire County Council will support and ensure a person has the tools to make an informed decision about their situation, their care, living environment or medical treatment.

In line with Worcestershire County Council's Advocacy Strategy ([insert link once strategy is finalised and agreed by legal](#)), our vision is that people should:

- Be free, independent, and available to the people who qualify for them
- Be high quality
- Help people to understand information
- Provide value for money
- Help people to be involved in their care, support, and treatment so that they can be as independent as possible
- Individuals' best interests are taken account of and protected
- Help people to speak up and make choices and therefore keep safe from harm

The service should be available for anyone who uses or wants or needs to use adult social care support, care and assessment.

Advocates will not make any decisions for the person but will represent and inform them so that they can make their own decisions where possible. Worcestershire County Council has defined local outcomes for advocacy, which fit into four areas:

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Area	Outcome
<p>Enhancing quality of life <i>People should be able to live independently, balance different life commitments, manage their own support and contribute to community life.</i></p>	<p>People will have as much choice and control as they want over their support</p>
<p>Delaying and reducing the need for care and support <i>People should be able to proactively manage their health and care needs with support and information, secure early interventions to reduce dependency on intensive services and can regain their health, wellbeing, and independence.</i></p>	<p>People will understand what advocacy is and how it can help</p> <p>People can access the most appropriate type of advocacy when they need it</p>
<p>Positive experience of care and support <i>People are satisfied with their experience of support, feel respected as equal partners, are aware of the choices available to them and where to get support from.</i></p>	<p>People will be supported by high quality advocacy services that help them be involved in their care and support, and respected as equal partners</p>
<p>Protection from avoidable harm <i>People enjoy physical safety and feel secure, are free from abuse, intimidation, harassment, and neglect, are supported to plan ahead and manage risks in the way they want.</i></p>	<p>Advocacy will contribute to keeping people safe from harm by helping them to speak up and make the choices they want</p>

Worcestershire County Council will continue to commission independent advocacy to support

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people who may require it. Worcestershire County Council has currently entered a contractual arrangement with Onside Independent Advocacy to provide these services. The Council, through its commissioning cycle (Evaluate / Design/Source/Review), can commission a service which supports people in line with best practice.

Onside will provide skilled and trained advocates on behalf of Worcestershire County Council to offer practical and proactive guidance and support to ensure people facing disadvantage are treated fairly as citizens, have equal rights within all aspects of their lives and have access to the right services.

3. Scope of Policy

This policy applies to Worcestershire County Council Adult Social Care Services.

The requirement to consider and involve Independent Advocates also extends to people whose needs are being jointly assessed with Worcestershire County Council's partners, and where packages are being jointly commissioned with the Integrated Care Board (ICB).

Worcestershire County Council will arrange an independent advocate to support and represent any person who is ordinarily resident in Worcestershire or in the case of a carer, who is caring for someone ordinarily resident in Worcestershire but has been placed by Worcestershire County Council in another local authority's area.

Exclusion criteria (out of scope of this policy):

- Cases where other formal advocacy services are available such as:
 - People eligible for support from the Independent Mental Capacity Advocacy service
 - People eligible for support from the Independent Mental Health Advocacy service
 - People eligible for support relating to Domestic Violence
- Professional advocacy usually provided by a solicitor or other legal representative
- Advocacy for victims of domestic violence
- On-going advocacy for service users outside of the specific issue or complaint being supported.

The Service Provider (Onside) will seek the Council's advice in any situation where eligibility is unclear.

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4. Responsibilities

Role	Responsibilities
Board	All decisions in relation to advocacy and its Policy is managed through PDLT (People Directorate Leadership Team)
Senior Leadership Team	Any changes required to the policy or changes in process will be agreed through SLT prior to PDLT sign off.
Finance Team	Finance support to ensure costs in relation to advocacy are met both internally and externally. Their responsibility is to ensure any legal changes which effect costs are managed.
Team Managers	Team managers ensure that internal services are encouraged initially and that all staff adhere to this policy and receive relevant training as required.
Staff	Employees are responsible for reading and understanding the policy and for ensuring they act out the policy in relation to service users and carers.
Commissioners	Commissioners are responsible for identifying opportunities within the market, sourcing required services from appropriate providers and ensuring any legislation in relation to advocacy is upheld within contractual arrangements.

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5. Monitoring and Review

This policy will be reviewed in line with any changes in relevant local policy decision or national government changes in advocacy legislation.

The policy reflects the Council's current position and will be reviewed every 3 years.

6. Risk Management

In cases where Worcestershire County Council has concerns that a person is at risk of, or is experiencing abuse or neglect and/or an incident has arisen which results in a safeguarding referral, Worcestershire County Council will arrange for an advocate to support the person where:

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1. Without an advocate, the person would have substantial difficulty in understanding and being involved in any safeguarding enquiry; and
2. The person has no informal representative who is appropriate to support and represent them.

Advocacy arrangements will be made as soon as it is identified that an advocate is required so that there are no unnecessary delays and any potential risk is mitigated.

7. Statement of Commitment

The service will be available to people aged 18 or over, or their carer or recognised representative, who uses, or is eligible to use any social care service provided by Worcestershire County Council.

The service will be available across the whole of Worcestershire.

The service will support people with a wide range of personal, social, economic and health problems,

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coming from a county of multi-ethnic diversity. The Provider of this service will be required to provide information and communicate in the most appropriate method within the service budget proposed, including:

- Have access to appropriate foreign language translation service
- Have access to appropriate sign language translation service and an understanding of deaf culture.

The Service will be available Monday to Friday and 52 weeks of the year (excluding Bank Holidays). Although the Provider can exercise some flexibility, the core hours of 9am – 5pm across standard working days indicates the current demand.

The Provider should have a website from which people can obtain such information as an overview of the service, relevant telephone numbers and hours of accessibility.

Referrals may be made to the service by service users themselves (self-referrals), by health and social care professionals or by other agencies and individuals.

To commission a service that can help people to:

- make clear their own views and wishes.
- express and present their views effectively and faithfully.
- obtain independent advice and accurate information.
- negotiate and resolve conflict.

The service will promote the right of independence by:

- protecting the right of individuals.
- ensuring people understand any legal provisions/actions to which they are subject to and to signpost them to the relevant service e.g. Independent Mental Health Advocacy (IMHA) service
- empowering service users in the pursuit of high standards of health and social care.
- enabling people to be involved in the consultation process.
- ensuring that service users have easy access to services with a particular reference to black and minority ethnic groups.

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8. Other Relevant Policies & Documents *(Does this policy relate/Link to any other policies)*

*Add link to Advocacy Strategy	•
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9. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
Care Act (2014)	Care Quality Commission Essential Standards of Quality and Safety (March 2010)	
The Care and Support (Independent Advocacy) (no 2) Regulations 2014 Care and Support Statutory Guidance Issued under the Care Act 2014 (DOH) The Mental Capacity Act 2005 The Mental Health Act 1983 (as amended 2007) Health and Social Care Act 2012		

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<p>The Children and Families Act 2014</p> <p>The Equalities Act 2010 Adult Social Care. Independent Advocacy Policy. 2</p> <p>The Advocacy Quality Performance Mark. Third addition. (The National Development Team for Inclusion. April 2014)</p> <p>The Local Government and Public Involvement in Health Act 2007 (as amended by The Health and Social Care Act 2012)</p> <p>The NHS and Community Care Act 1990</p> <p>Mental Capacity Act 2005 Code of Conduct.</p>		
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10. Glossary

Term	Description
Advocacy	Advocacy is support that helps people to speak up and be involved in decisions that affect their lives, or when someone else speaks up or makes decisions for someone who is unable to do it themselves.
Advocate	Someone to help advocate for you and ensure your wishes and feelings are heard independent of the Council. Having help to say what you think and what is important to you. An advocate is the person who provides advocacy.
Assessment	The process of assessing and establishing your daily social care and support needs. Unpaid carers can also have a carer's assessment of their own needs, independent from the needs of the person they care for so as to establish what might help them.
Carer	A person who provides unpaid support to a partner, family member, friend or neighbour who is ill, struggling or disabled and could not manage without this help. This is distinct from a care worker or care giver, who is paid to support people.
Commission Commissioning	To authorise or have a contract with a person or organisation to make something specific happen. This might be to provide a particular service such as nursing care. Often commissioners pay the providers to run a particular service.
Commissioners	The people or organisations that commission other people or organisations to do things. The Local Authority commissions Social Care services, and the Integrated Care Board (ICB) commissioned Health services.
Commissioning strategy	This is a plan about how services need to be changed to make sure people continue to get the support they need in the future.
Consultation	Consultation is a way of involving people in matters and decisions that might affect them. A consultation is an opportunity for people to give their views about

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	a specific subject to help an organisation understand people's needs and opinions so they can be taken into consideration when making decisions.
Deprivation of Liberty	<p>A deprivation of liberty is when someone who is unable to make decisions about their own care and support is under continuous supervision and control and is not free to leave.</p> <p>There are legal protections for people in these situations, such as the Deprivation of Liberty Safeguards (DoLS). Where a person is deprived of their liberty then this must be authorised by the local council (the Supervisory Body) or the Court, depending on the particular circumstances of the case.</p>
Eligible	When your needs meet the criteria for council-funded social care and support as defined within the Care Act 2014
Government	The government is made up of ministers, elected politicians, who decide on government policy and propose new laws. The government is accountable to parliament, which is where proposed laws are discussed and decided on.
LPS	Liberty Protection Safeguards - A new simplified legal framework that is accessible and clear to all affected parties. It aims to deliver improved outcomes for persons deprived of their liberty and their family/unpaid carers and provide a simplified authorisation process capable of operating effectively in all settings. This has not yet however been implemented.
Mental capacity	A person's ability to make a specific decision at a specific time.
Mental health	A state of wellbeing in which every individual realises his or her own potential, can cope with the normal stresses of life and can work productively and fruitfully and is able to make a contribution to her or his community (WHO).
Provider	The organisation/agency/charity responsible for providing the Advocacy service
Referral	A request for an assessment of a person's needs, or for support from a health or social care organisation.

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Term	Description
Rights	What you are entitled to receive, and how you should be treated, as a citizen.
Safeguarding	The process of ensuring that adults at risk are not being abused, neglected, or exploited, and ensuring that people who are deemed 'unsuitable' do not work with them.
Service	The service is the advocates in social care who are independent from the local authority (local council) and the NHS. They are trained to help you understand your rights, express your views and wishes, and help make sure your voice is heard.

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