

# Code of practice on **Advocacy under Part 10 and related parts of the Act**

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## 1. Do you agree that the Code identifies the people to whom advocacy must be provided?

Agree	<input type="checkbox"/>	Tend to agree	<input checked="" type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
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What will further support this?

The Code does not explicitly identify the people to whom advocacy must be provided, rather it provides the reasons as to why advocacy could be provided to an individual, e.g. '*advocacy services are fundamental to supporting people to engage actively and participate in the development of their own well-being outcomes.*' and '*prior to making contact with the local authority, there may be some individuals who require advocacy to support them to access that information and advice.*' The Code also provides examples of circumstances when an individual may require advocacy

services, e.g. when leaving hospital, making decisions that will have a significant impact on their day to day life, etc. It also recognises some of the barriers that can impact on an individual's ability to engage and fully participate, such as their ability to understand relevant information, retain information, use or weigh information and communicate their views, wishes and feelings. These helpfully link with the Mental Capacity Act.

It is helpful not to be too explicit about who may require advocacy services, as this will be influenced by individual circumstances and the code supports this by setting out the reasons and circumstances why someone may require advocacy as identified above. Understandably the code has a focus on the provision of advocacy services, however the majority of people in contact with social services will not require an advocacy service, or will self-advocate. Whilst local authorities will always need to consider how best to support someone to access information and advice and to engage and participate in the development of their own well-being outcomes, care is needed to avoid unnecessarily signposting people towards advocacy.

The code takes the definition from the Act as '*services which provide assistance (by way of representation or otherwise) to person for purposes relating to their care and support*'. The code, helpfully, has a chapter on the different forms of advocacy available, from self-advocacy and informal advocacy provided by family and friends, through to formal advocacy and independent professional advocacy. Underlining the fact that advocacy is not just provided in one way. This needs to be clearly communicated and reinforced to ensure that there is a shared understanding of what we mean by 'advocacy'.

The Code of Practice identifies that there is a separate work-stream developing a national approach to advocacy that previously fell under the Children Act. Whilst the code alludes to those situations where advocacy could be provided, it is important that this work aligns with this code, to balance the current adult-oriented focus. Issues to address include:

- How does this model of advocacy work in situations where the council has a duty to act against people's expressed wishes? What is the interplay with social worker, IRO or others involved?
- Any framework for children and young people needs to have regard to the role of the parent (and potentially other members of the extended family).
- At 16, young people can opt out of their family, but cannot leave care. How does a model respect young people's capacity when they remain the responsibility of the council until 16, 18 or even 25.

<p><b>2. Do you agree that the Code identifies the range of circumstances where advocacy may be required?</b></p>							
Agree	<input type="checkbox"/>	Tend to agree	<input checked="" type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>What will further support this?</p> <p>The Code identifies some circumstances where advocacy may be required, but it would be difficult to provide an exhaustive list of circumstances and so it is helpful to outline the ambition of the Act and how local authorities can support people to achieve their personal well-being outcomes.</p> <p>Again, as mentioned above, the Code does not adequately reflect Children's Services and so this area will need to be re-visited once the children's workstream is completed to ensure that both children's and adults are covered appropriately.</p>							
<p><b>3. Do you agree that the Code identifies appropriate arrangements for publicising advocacy services?</b></p>							
Agree	<input type="checkbox"/>	Tend to agree	<input checked="" type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>What will further support this?</p> <p>The 'publicising advocacy services' chapter makes reference to a table at 8.15 which identifies the key areas where local authorities must consider an individual's needs for advocacy. A number of the areas identified in the table, e.g. assessing the needs of individuals, expressing preference for particular accommodation, meeting needs and safeguarding, have clear and obvious links with considering an individual's need for advocacy support. However, there are some areas highlighted, such as promoting social enterprises and 'co-operation and partnership' where the link is not so obvious. It would be helpful for the Code to elaborate the expectation on local authorities to consider an individual's need for advocacy support in these areas.</p> <p>Local authorities already publicise and signpost towards advocacy services and support people to access information and advice to make decisions, whether this be through the provision of independent professional advocacy, formal advocacy, informal advocacy or self-advocacy. There is a danger that this section retains a focus solely on the provision of a service from the local authority, rather than through the many other forms of advocacy available - the emphasis seems to be on providing advocacy services rather than</p>							

supporting people through their existing support mechanisms / networks or other professional workers being encouraged to take an approach that adopts an 'advocating' role.

**4. Do you agree that the Code will support local authorities to ensure advocacy is provided to support people to express their wishes and feelings?**

Agree	<input type="checkbox"/>	Tend to agree	<input checked="" type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
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What will further support this?

Local authorities currently provide and support people to access advocacy support to help people to express their wishes and feelings and the principles of the Code should support this work to continue. It is positive that the Code recognises that advocacy can take many forms, and that advocacy is not just provided through the arrangement of an independent advocate by a local authority, though this could be strengthened. Again the separate workstream looking at children's advocacy will need to be considered as there may be some distinct issues to consider, such as the importance of the role of a trusted adult, as opposed to the appointment of an independent advocate for a child or young person whom they do not know.

The Code and the Act as a whole place a strong emphasis on the role of advocacy. It is vital that people are supported appropriately in order to ensure that an individual is enabled to represent their interests, exercise their rights, express their views, explore and make informed choices. In order to do this effectively, resources have to be in place to provide appropriate services. This includes all forms of advocacy, rather than simply focusing on independent professional advocacy. There is an important role here for local authorities and also for third sector organisations and the NHS to support the role of advocates. Resources will ultimately have an impact on how we commission services in the future and the current financial climate will continue to have an impact on resources available to local authorities. As such we need to be realistic on the expectations being placed on authorities, especially in light of the intentions on regulating advocacy services under the Regulation and Inspection of Social Care (Wales) Bill.

Increasingly through the Act citizens will be signposted to other services, provided outside of social services, including by other local authority departments as well as within the community. We need to ensure that all departments and organisations are aware of their responsibilities to support people to express their views and make informed decisions and

contributions and that it is not just social services' responsibility to provide this support.

## Other

**The Welsh Government is interested in understanding whether the proposals in this consultation document regarding part 10 will have an impact on groups with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.**

- 5. Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?**
  
- 6. Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?**
  
- 7. Re-balancing the care and support system to deliver the new legal framework will require reprioritisation of resources. What are the key actions that need to be taken to achieve this?**

The Code of Practice makes reference to the Regulation and Inspection of Social Care (Wales) Bill and the Minister's commitment to incorporate advocacy within the list of regulated services in the first tranche of regulations that will be laid in 2016. This has a potentially huge impact, as it will set standards and require local authorities to only use registered advocacy providers to meet their statutory duties. We need clarity on this - it will take time and potentially significant resources to have suitably qualified workers available and to monitor services, at a time when available resources are diminishing. We need to determine whether this is a priority area for increased investment and regulation or, given the other priorities coming out of the Act, whether resources might be better aligned elsewhere.

8. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please enter YES in the box.

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