

Independent Professional Advocacy



Getting in on the Act

Aims of the modules



Getting in on the Act



Module 1 – About Advocacy

Aims to increase knowledge and understanding of independent professional advocacy



Module 2 – Well-being

Aims to promote real choice and control in line with the well-being principles and duties of the Act



Module 3 – Golden Thread

Aims to promote understanding of advocacy as the Golden Thread that runs throughout the Social Services and Well-being (Wales) Act 2014 (the Act) and the duties on professionals

Module 1 – About Advocacy



Getting in on the Act

Module 1 – About Advocacy



Aims to increase knowledge and understanding of independent professional advocacy

Learning outcomes

At the end of this module learners will:

1. Be able to describe what advocacy is and why it is important
2. Have identified the key principles of advocacy and understand why independence is important
3. Recognise what barriers there are to people being able to fully participate and uphold their rights and how to overcome them

Contents



Getting in on the Act

- Introduction
- History of advocacy
- Advocacy definition
- Advocacy principles
- The purpose of advocacy
- What is advocacy
- Types of advocacy
- Independent Professional Advocacy
- Advocacy, rights and barriers
- Reflective learning



Introduction

- The Social Services and Well-being (Wales) Act was implemented on 6 April 2016. Part 10 of the Act is about advocacy and complaints
- A statutory code of practice on the exercise of social services functions in relation to Advocacy under Part 10 has been issued

Voice

Choice

Control

History of advocacy



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- 1950s – scandals in long stay hospitals
- 1960s – increasing awareness of rights and the way people are treated who need services
- 1966 – Wolf Wolfensburger established the first Citizen Advocacy project in America
- 1979 – first Citizen Advocacy project in London
- 1983 and 1984 – developments in advocacy for mental health patients, people with learning difficulties, and children
- 1980s – to date – legislative and policy changes based on the rights of individuals to have a voice, choice and representation

Advocacy definitions



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Section 181(2) of the Act defines “advocacy services” as: “services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.”

Advocacy definitions



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- **“Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain the services they need.**
- **“Advocates and advocacy schemes work in partnership with the people they support and take their side.**
- **“Advocacy promotes social inclusion, equality and social justice.” Advocacy Charter, Action for Advocacy (2002)**

Principles of advocacy



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Independence

Accountability

Clarity of purpose

Accessibility

Person-centred approach

Supporting advocates

Empowerment

Confidentiality

Equal opportunity

Complaints

Safeguarding

Purpose of advocacy



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What is advocacy?



Getting in on the Act

Befriending

Counselling

Choices

Mediation

Legal support

Rights

Having a voice

Support

Advice

Dependency

Empowerment

**Making
decisions**

Impartial

Representation

Advocacy isn't:

Advocacy is:



Getting in on the Act

Befriending

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Choices

Rights

Having a voice

Making decisions



Advocacy is also about:



Myth busting quiz



Getting in on the Act

Exercise:

In pairs, decide whether the 20 statements on the handout are a myth or a fact

Review answers in the group to discuss any arising issues

Advocacy relationship

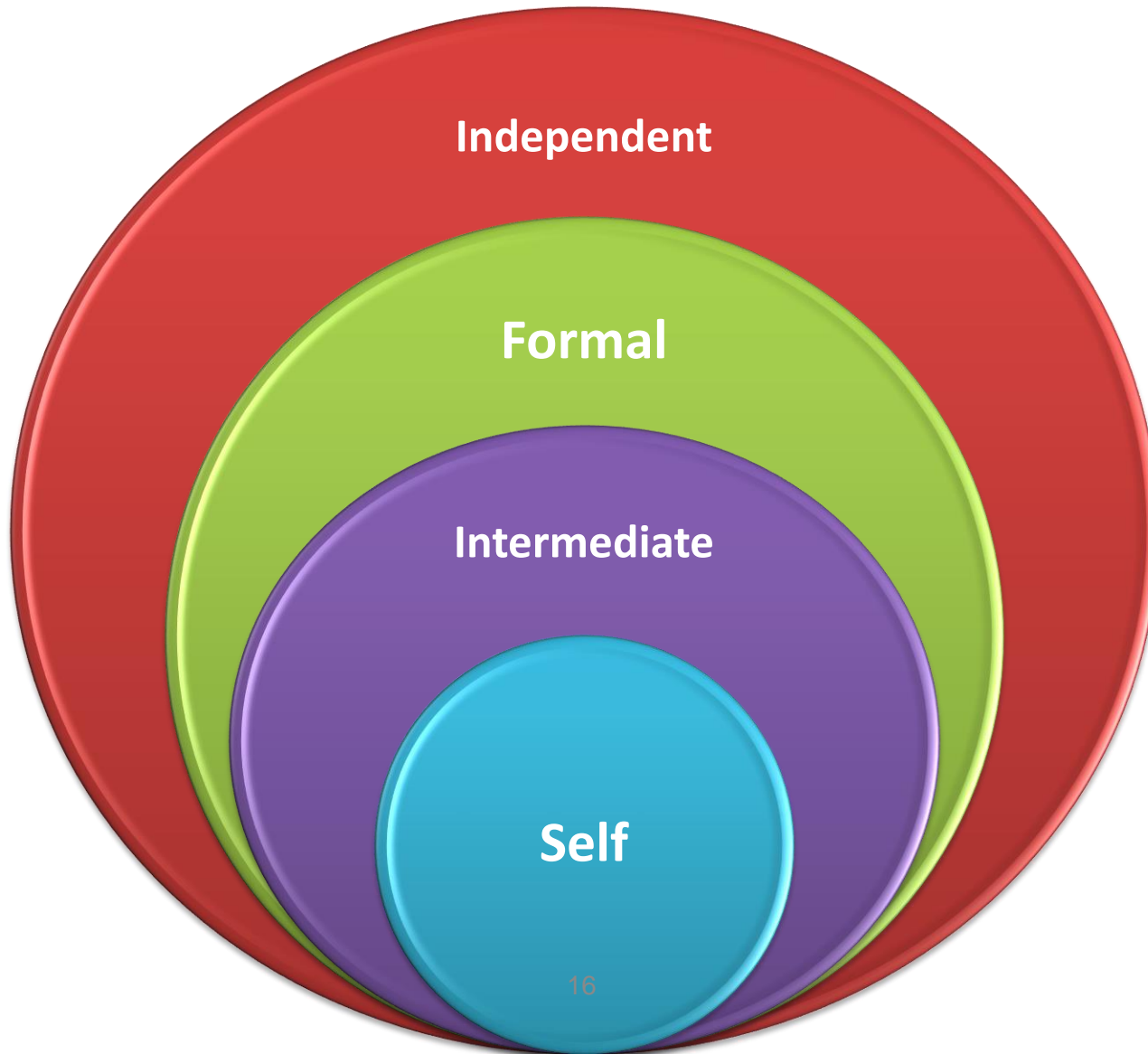


- A relationship based on trust and empowerment
- Not based on best interests, but on what the individual's wishes are
- Able to identify abuse
- No conflict of interest
- Individual is at the centre of making their own decisions and choices

Types of advocacy



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Benefits of advocacy: Exercise



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In what circumstances have you had to advocate for someone in the past and in which style/model was it?



What are the benefits of advocacy to
a) individuals, and
b) organisations?

Independent Professional Advocacy



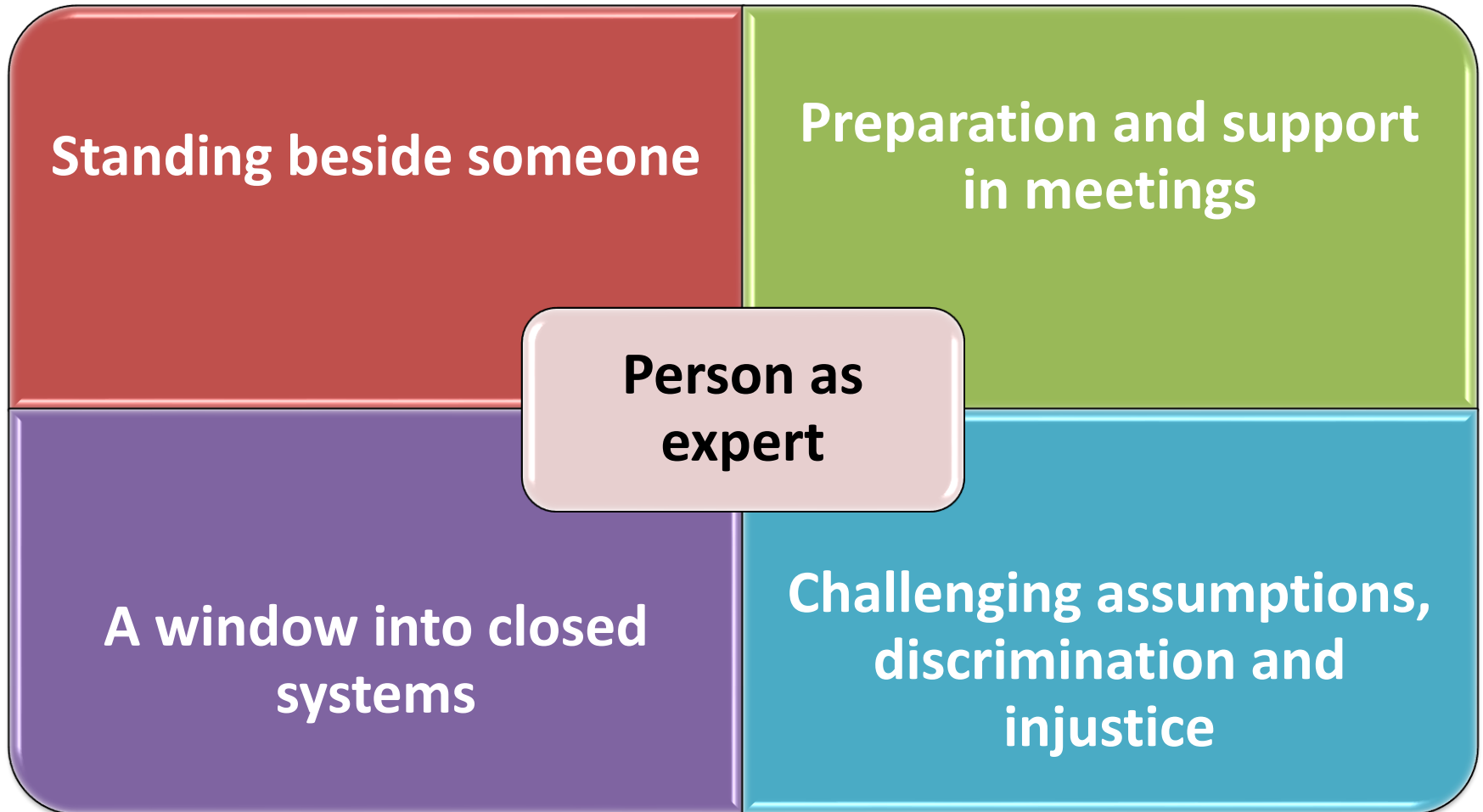
Getting in on the Act

- Independent Professional Advocacy is not meant to replace other forms
- It is important that professionals and carers keep speaking up for people's rights and care
- An Independent Professional Advocate has a specific role and function
- With no other role in a person's life, an Independent Professional Advocate is focused solely on maximising an individual's voice, involvement, control of their own life, and rights.

Tools of advocacy – do they need independence?



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To advocate or not to advocate: Exercise



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In groups discuss why an individual might require and wish to engage an Independent Professional Advocate rather than take the support of a professional, family member, friend or carer.

In what ways might you have a conflict of interest if someone asked you to speak up on their behalf?

Are there any conflicts that people might assume there are even if you don't think there are?

Rights – UN and European Conventions



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United Nations Convention on the Rights of Disabled People

United Nations Principles for Older Persons

United Nations Convention on the Rights of the Child

European Convention on Human Rights

Exercise on barriers to rights



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What are the potential barriers to individuals being able to exercise their rights?



Why is the role of an Independent Professional Advocate important in ensuring rights are upheld?

Potential barriers to rights



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- Unable to participate
- Not knowing what their rights are
- Not understanding how they apply to the individual
- Not having the right information, not being able to access it
- Not having support to understand how rights apply to someone
- Not being able to challenge them or be frightened to challenge
- Unable to stand up for oneself
- Feeling alone and not having the confidence to speak up
- Living in fear of others
- Not wanting to make a fuss
- Lack of capacity
- Services not understanding what people's rights are

Why is the role of an Independent Professional Advocate important in ensuring rights are upheld?



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- The individual doesn't want someone from health or the local authority supporting them
- An advocate has no conflict of interest
- Time to spend with someone exploring what rights need to be upheld/challenged, etc
- One-to-one relationship of trust and confidence
- Another person might not be equipped to stand up for an individual's rights
- An alternative person may be abusing the individual or have coercive control over them
- There may be no one else to help them
- Someone else may be acting in their best interests instead of putting the individual's views, wishes and feelings at the centre of the process
- Someone else might put their own feelings or interests ahead of those of the individual

Reflective learning



Getting in on the Act

1

- Name two core principles of advocacy
- Give two examples of what advocacy is and isn't

2

3

- Name two different models of advocacy
- Why is the role of an Independent Professional Advocate important?

4

5

- What might a conflict of interest look like?
- In one minute, explain the role of an advocate

6

Conclusion to Module 1



Getting in on the Act

- The Act sets out requirements for local authorities relating to advocacy under Part 10 (and related parts) Advocacy ensures that individuals have a voice, choice, and control over their lives
- Advocacy upholds rights and challenges injustice and discrimination
- Independent Professional Advocacy is free from conflict of interest and works with individuals less-able who would otherwise be unable to participate in decisions being made about them

Module 2 – Well-being



Getting in on the Act

Module 2 – Well-being



Getting in on the Act

Aims to promote real choice and control in line with the well-being principles and duties of the Act

Learning outcomes

At the end of this module learners will:

1. Have explored the issues of choice and control for individuals requiring an Independent Professional Advocate
2. Understand how advocacy fits with the well-being principles of the Act
3. Have identified opportunities to overcome barriers to well-being

Well-being principles and duties



Getting in on the Act

Well-being – I know and understand what care, support and opportunities are available to me, and I get the help I need, when I need it, in the way I want it

Securing rights and entitlements – My rights are respected, I have voice and control, I am involved in making decisions that affect my life, my individual circumstances are considered, I can speak for myself or have someone who can do it for me, and I get care through the Welsh language if I need it.

Contents



Getting in on the Act

- Reflection on Module 1
- Introduction
- Choice, control and consent
- Confidentiality
- Risk and the principles of advocacy
- Best interests
- Non-instructed advocacy
- Well-being, advocacy and possible barriers
- Other related overarching duties in the Act
- Reflective learning

Reflection of Module 1



Getting in on the Act

1

- Give three examples of what advocacy is and isn't

2

- Why is the role of an Independent Professional Advocate important?

3

- In one minute, explain the role of an advocate

Introduction



Getting in on the Act

- A person exercising functions under this Act **must** seek to promote the well-being of people who need care and support, and carers who need support
- Well-being includes securing rights and entitlements

Well-being

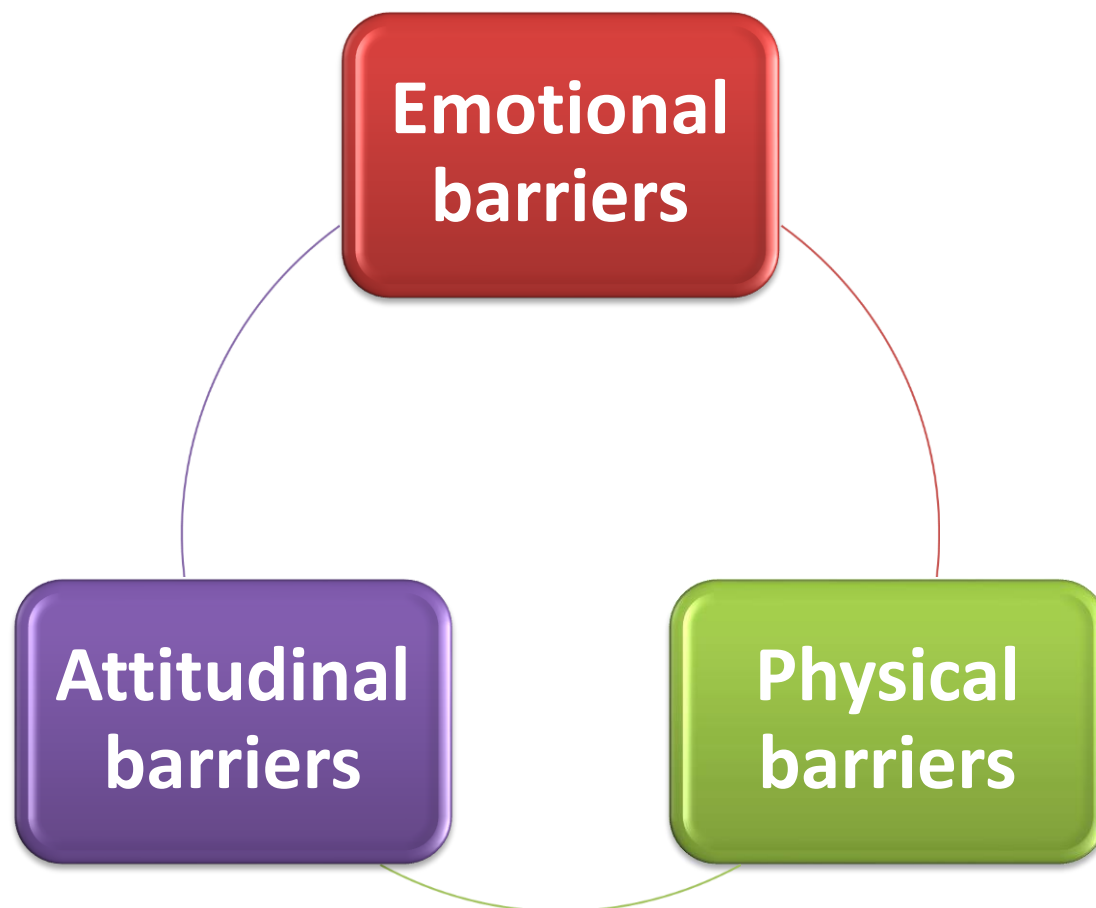
Personal outcomes

Rights

Choice and control



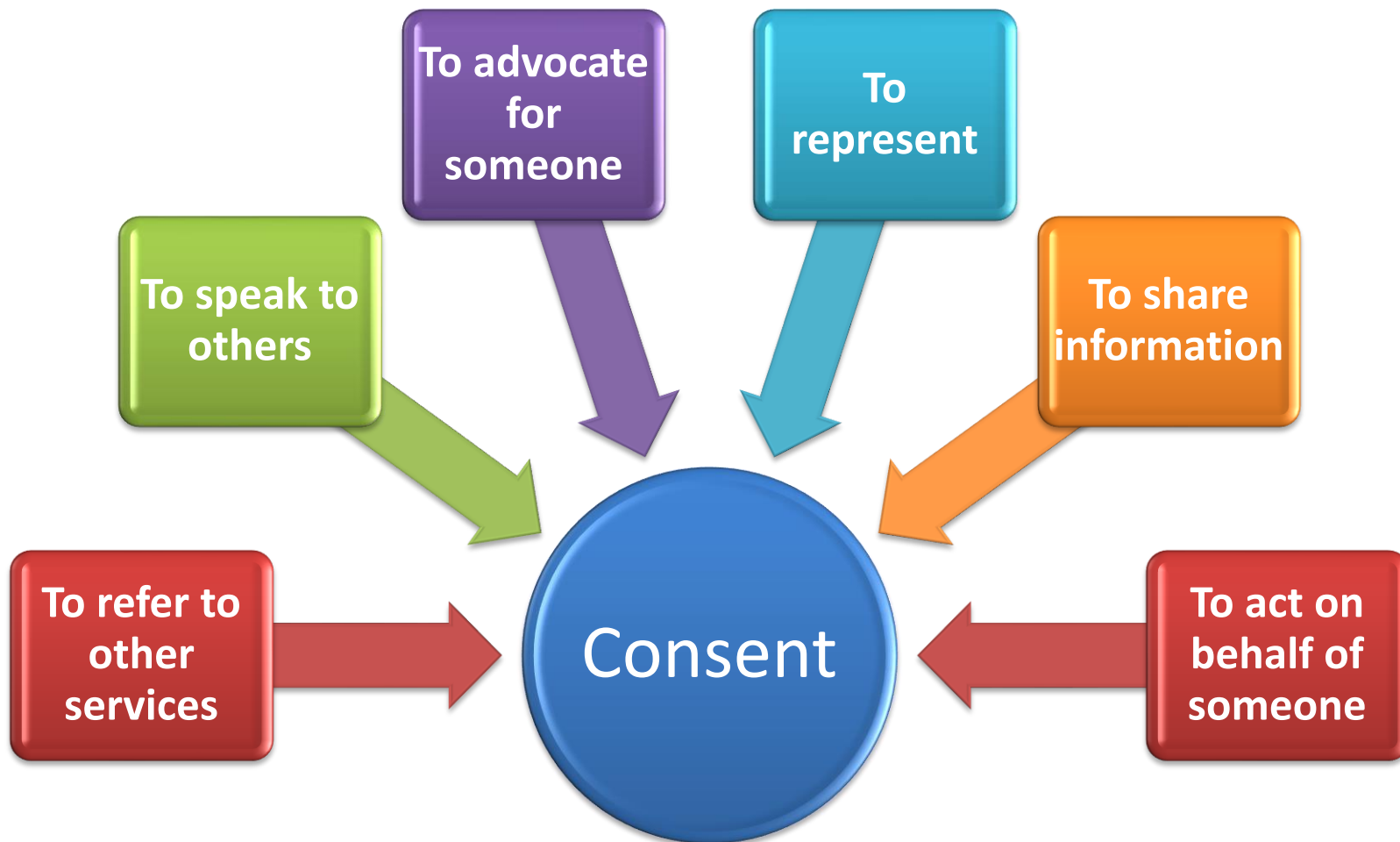
Getting in on the Act



Advocacy and consent



Getting in on the Act



Confidentiality in an advocacy partnership



Getting in on the Act

Understanding when to breach confidentiality

Safeguarding – client and advocate

Duty of care

Levels and limits of confidentiality

Independence

Risk and the principles of advocacy



Getting in on the Act



A person-centred approach



Getting in on the Act

The advocacy provider will ensure that the wishes and interests of the people it advocates on behalf of direct its work. Advocates should be non-judgmental and respectful of people's needs, views, culture and experiences

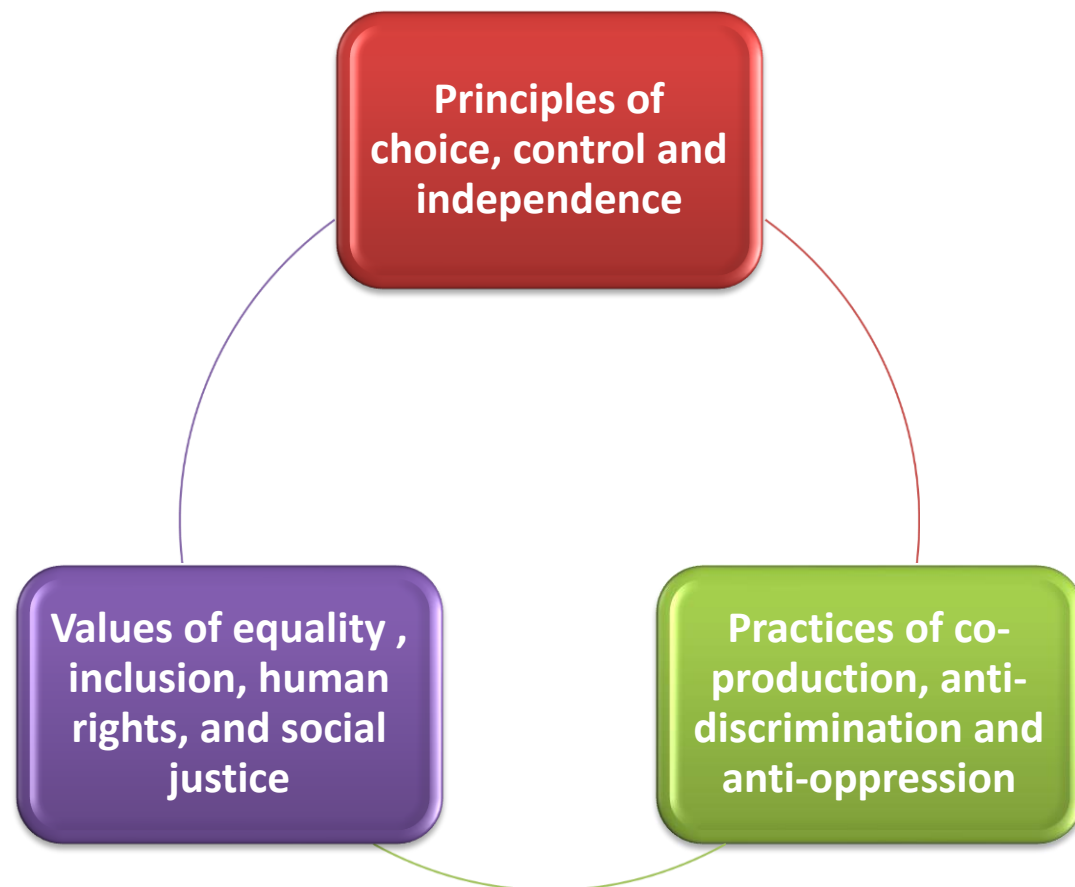
Citizen Directed Support



Getting in on the Act

“Citizen Directed Support is a set of ideas to help us build good relationships with people who support us to achieve our goals and live our lives as we choose.”

These ideas are principles, values and practices. They describe what we should expect from people who support us.



Empowerment



Getting in on the Act

The advocacy provider should have empowerment at the heart of their service delivery and carry out actions to ensure clients are as active and present in decisions that are being made about them as they possibly can be

Mental Capacity Act – Five statutory principles



Getting in on the Act

Assumption of capacity

Decision making

Unwise decisions

Best interests

Least restrictive

Best interests and the Mental Capacity Act



Getting in on the Act

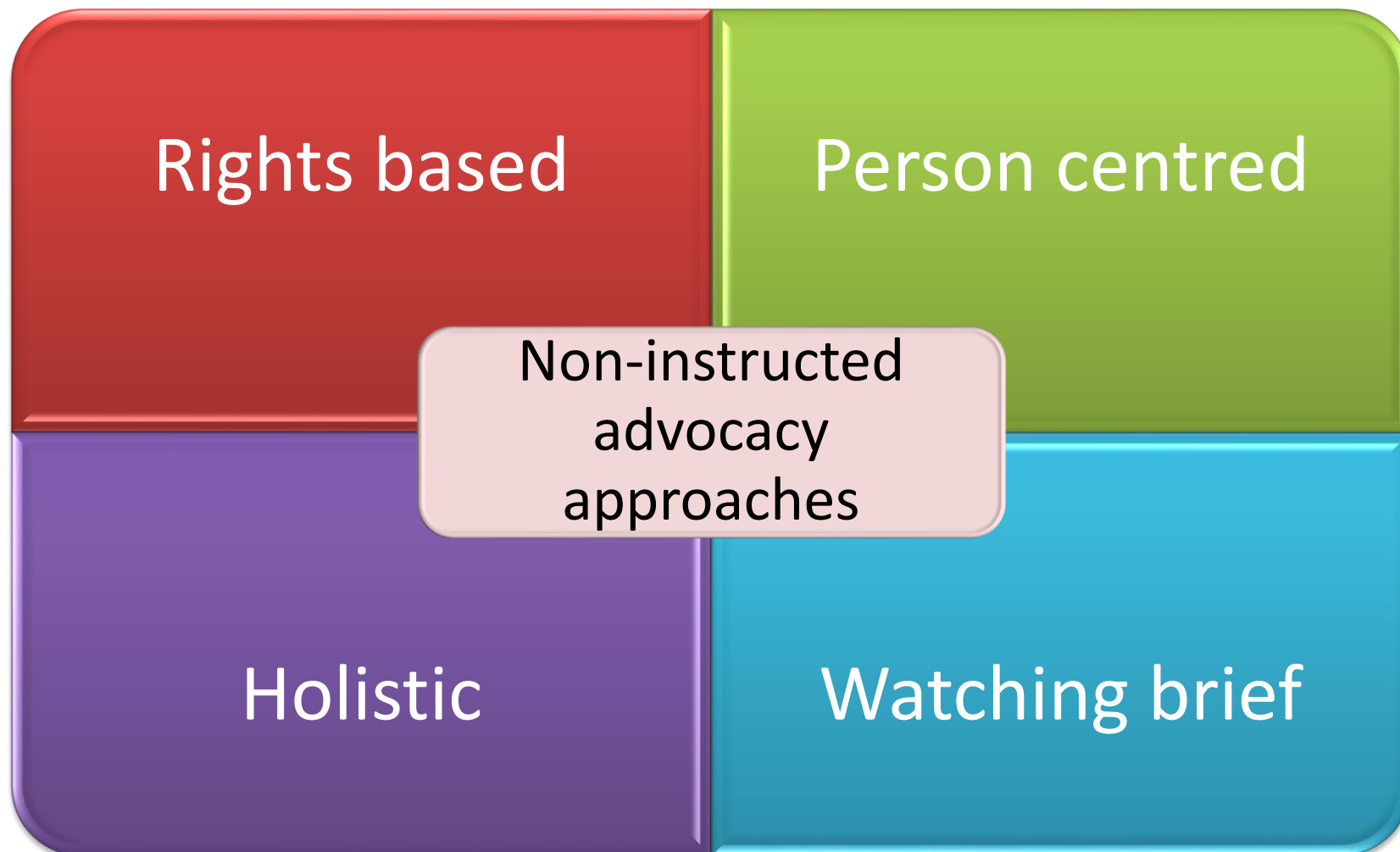
Principle 4: Best interests

If a person has been assessed as lacking capacity then any action taken, or any decision made for, or on behalf of that person, must be made in his or her best interests

Best interests and non-instructed advocacy



Getting in on the Act



Watching Brief – Eight domains to ordinary living



Domain	Definition	Focus	Avoidance
1. Competence	To have a level of skill to be able to be as independent as possible	Learning and developing skills which lead to a greater independence or allow minimal support	Dependence and inactivity, having to rely on others, not taking risks or allowing people to do things for themselves
2. Community presence	Having a sense of belonging to a local area by means of access and use	Encourage a high frequency of use and involvement in local public facilities and amenities	Using segregated services or not using local facilities enough
3. Continuity	Having a past, present and future with key people and events in your life	Meaningful relationships which last over time, planning out your life's hopes and ambitions	Stagnation and loss, no past and no future, only the present
4. Choice and influence	Being able to determine the course of events , looking at situation from your perspective	Self determination, self advocacy, making your own decisions and choices because you want to	Domination over protection, no involvement in the way your life is directed

Watching Brief – Eight domains to ordinary living



Domain	Definition	Focus	Avoidance
5. Individuality	A unique person in your own right	Individual needs and wishes, support that is responsive to individual demands	Grouping and labelling
6. Status and respect	Having value in the eyes of others	Raising others' expectations and the removal of social stigma and prejudice	Not placing value on a person by degrading them by age, culture or activity
7. Partnership and relationships	Having meaningful interaction with other people	Valuing interaction and friendship, promoting social networks	Having no one in your life who is important, only associating with other devalued people
8. Well-being	Having a state of physical, psychological and social health	To maintain a balance between all health needs to promote health	Accepting illness and disability, not securing appropriate health support and treatment

Exercise



Getting in on the Act

In small groups complete the exercise, then feed back to the main group.

What do you see are the main challenges to developing personal well-being outcomes for individuals?

How can an Independent Professional Advocate assist in developing personal outcomes for an individual?

Challenges to achieving personal well-being outcomes



Getting in on the Act

Juggling competing demands

Personal outcomes vs mandatory criteria for services

More outcome-focused planning and commissioning needed

Individual unable or unwilling to participate

Changing from service-led to outcome-led focus

Time limitations on services

Understanding and implementing different types of outcomes

Benefits of advocacy



Getting in on the Act

Support the individual in being the expert in their own life

Ability to respond to the barriers of participation

Independent with no conflict of interest

Time and support to explore options

Support to explore options in decision making

Support to be heard

Empowerment to express their own needs

Support to fully engage and participate

Well-being and advocacy



Getting in on the Act

- ✓ I know and understand what care, support and opportunities are available and use these to help me achieve my well-being
- ✓ I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being
- ✓ I am treated with dignity and respect and treat others the same
- ✓ My voice is heard and listened to
- ✓ My individual circumstances are considered
- ✓ I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me

Empowering

Supporting

Speaking up

Enabling

Safeguarding

Exercise



Getting in on the Act

Well-being outcome	Possible barriers	Reason for advocacy
I know and understand what care, support and opportunities are available and use these to help me achieve my well-being		
I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being		
I am treated with dignity and respect and treat others the same		
My voice is heard and listened to		
My individual circumstances are considered		
I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me		

Other related overarching duties



Getting in on the Act



Views



Wishes



Feelings



Participation

Reflective learning



Getting in on the Act

1

- What barriers are there to choice and control?
- Discriminatory attitudes are a barrier to choice and control. True or false?

2

3

- Name three things consent is needed for in an advocacy partnership

4

- An Independent Professional Advocate works in the best interests of an individual. True or false?

5

- Which aspect of well-being relates to advocacy?
- Why might an individual need an Independent Professional Advocate to develop their own well-being outcomes?

6

Conclusion



- Voice, choice and control are essential to achieving well-being and an Independent Professional Advocate can help an individual to overcome the barriers an individual may face
- An Independent Professional Advocate never works in the 'Best Interests' of the individual
- Consent is an ongoing process and not a one-off decision
- Independent Professional Advocacy safeguards people's rights, speaks up for them and gives them a voice when required, and empowers individuals to establish their own personal outcomes

Module 3 – Golden Thread



Getting in on the Act

Module 3 – Golden Thread



Aims to promote understanding of advocacy as the ‘Golden Thread’ that runs throughout the Act and the duties on professionals

Learning outcomes

At the end of this module learners will:

1. Understand how advocacy fits within the whole context of the Act
2. Know when to refer to an Independent Professional Advocate
3. Be clear on professional duties, and how and when to implement them

Content



Getting in on the Act

- Reflection on Module 2
- Introduction to Module 3
- The Golden Thread and functions relating to advocacy
- Barriers to participation and when to refer to an IPA
- Early referral and early intervention
- Advocacy and safeguarding
- Professional focus
- Working with an Independent Professional Advocate
- Statutory advocacy
- Reflective learning

Reflection of Module 2



Getting in on the Act

1

- What is the well-being outcome relating to advocacy?

2

- Why is consent important in advocacy?

3

- Describe advocacy and how it can help an individual develop their personal well-being outcomes (in one minute)

Introduction



Getting in on the Act

- Advocacy is central to the Act to focus social support around people and their well-being
- Advocacy enables people to be active partners
- Advocacy gives people a voice, choice and control
- People must be involved in expressing their views, wishes, feelings and options

Values

Principles

Duties

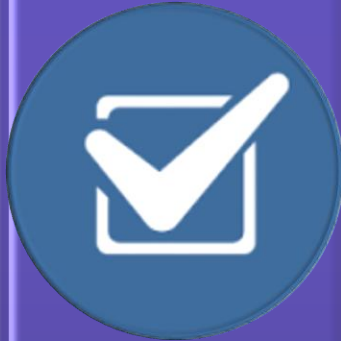
The 'Golden Thread'



Getting in on the Act



**Voice and
control**



**Consistency
and clarity**



Equality



**Quality of
services**



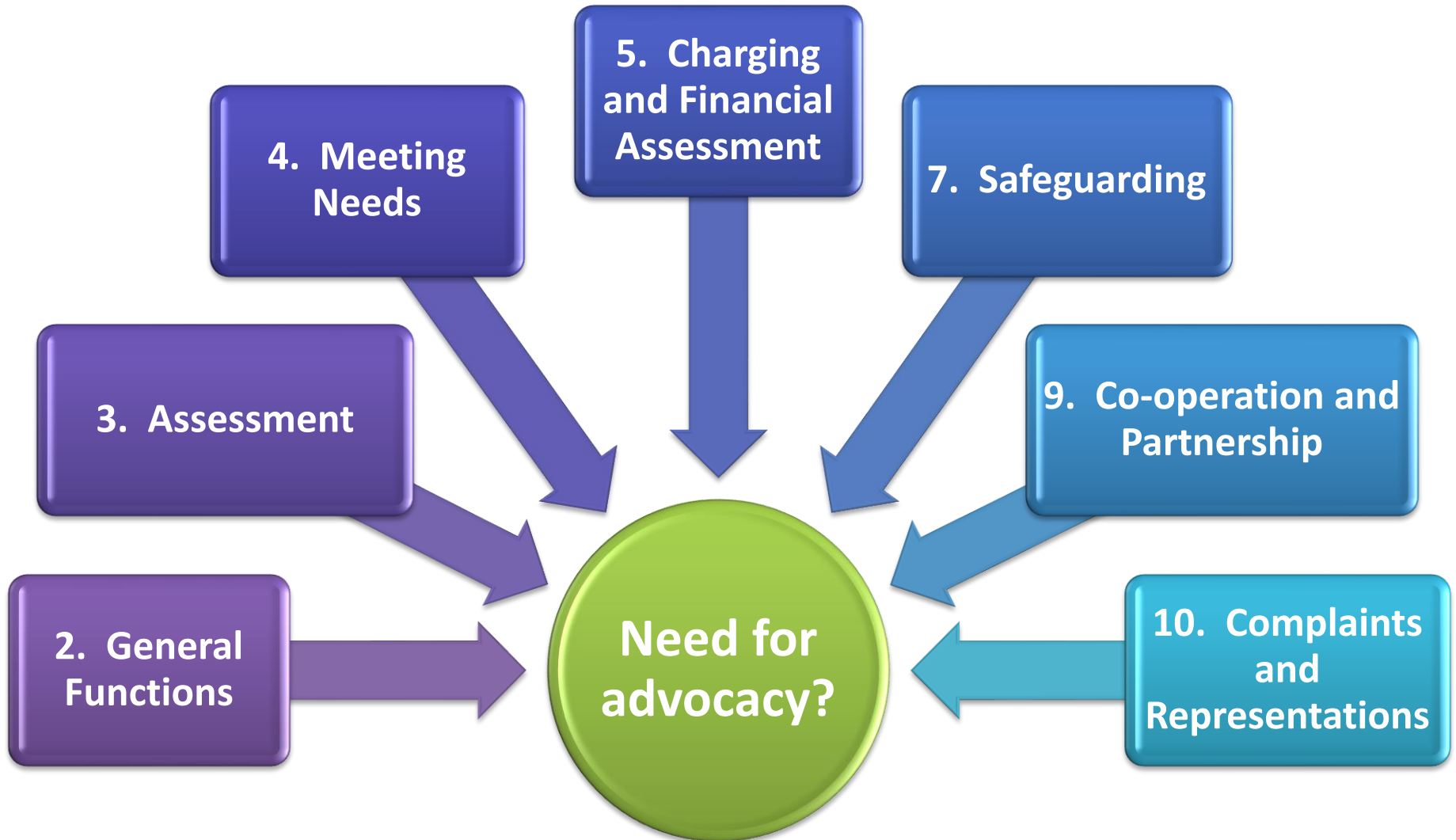
Prevention



Functions relevant to advocacy



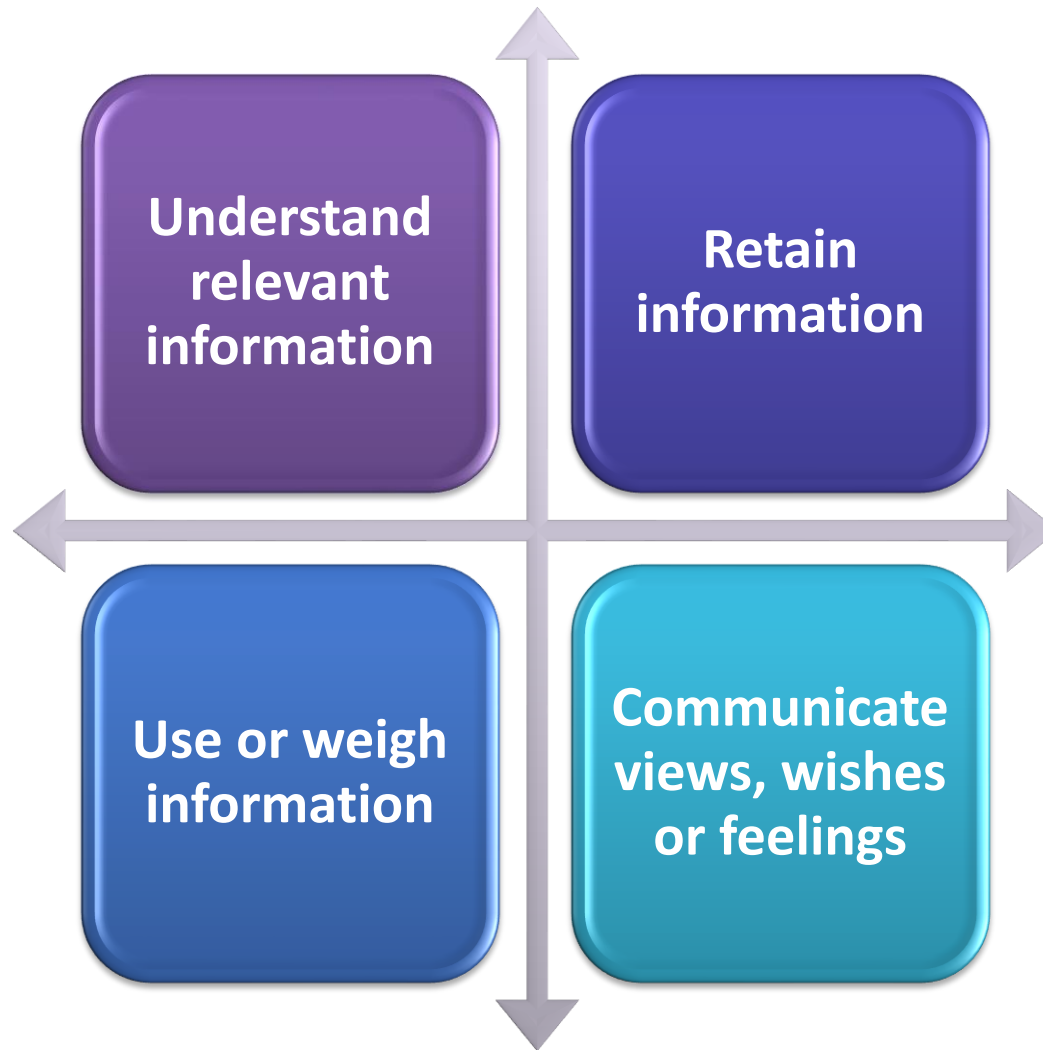
Getting in on the Act



Barriers to participation



Getting in on the Act



When to engage an Independent Professional Advocate



Getting in on the Act



Circumstances requiring an advocate



Getting in on the Act

Making decisions impacting significantly on day-to-day life

Impact of external factors of care and support

When suspected of being at risk of harm or neglect

When preparing to leave hospital and return to the community

Early referral and early intervention



Getting in on the Act

To ensure rights are upheld

To develop well-being outcomes

To prevent 'knock-on' delays to other services

To prevent further abuse or neglect

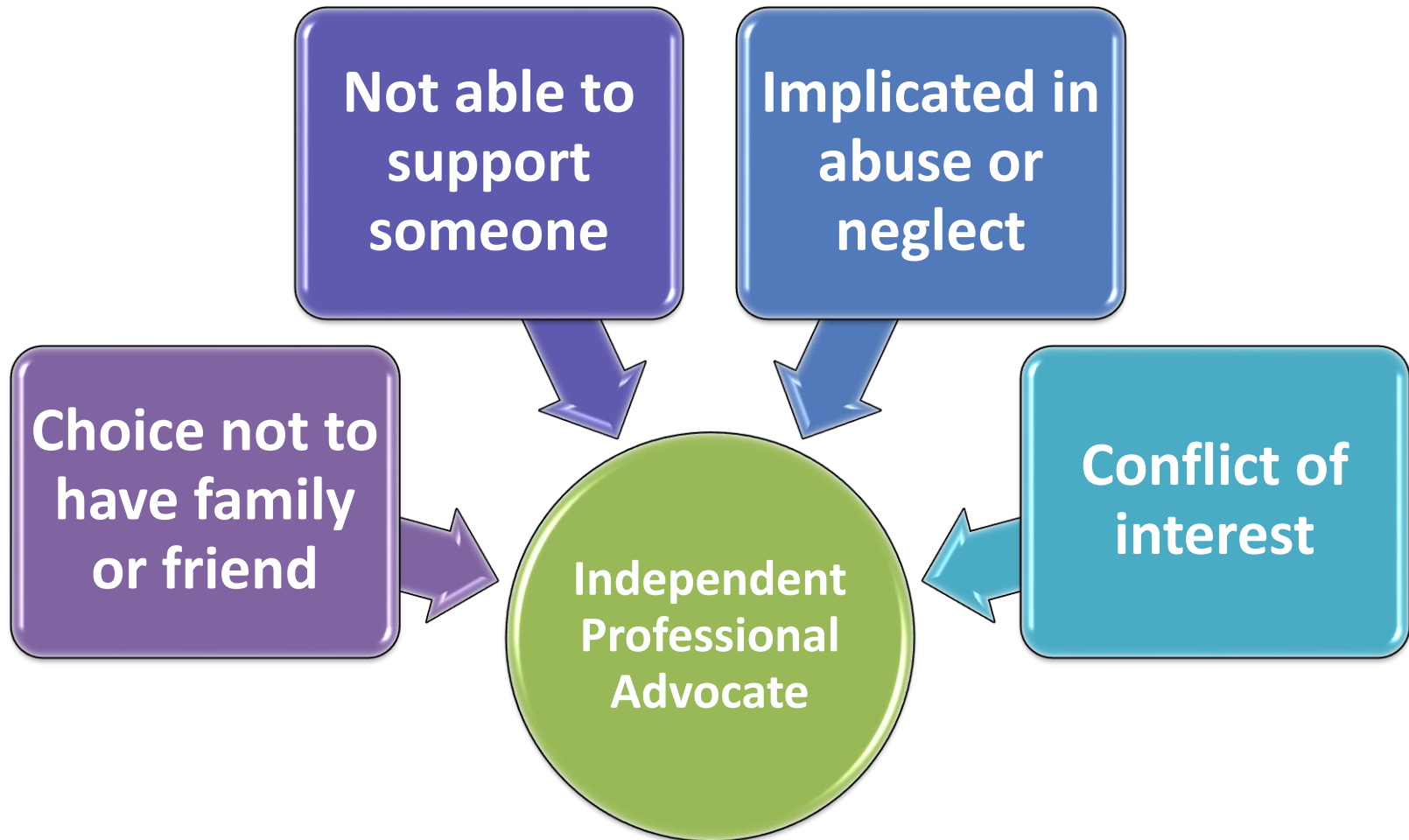
To overcome barriers to participation and enable choice and control

To develop a relationship with the advocate

Independent Professional Advocacy versus 'I am their advocate'



Getting in on the Act



Advocacy and safeguarding



Getting in on the Act

Protection from abuse and neglect:

I am safe and protected from abuse and neglect

I am supported to protect the people that matter to me from abuse and neglect

I am informed about how to make my concerns known

Advocacy and safeguarding



Getting in on the Act



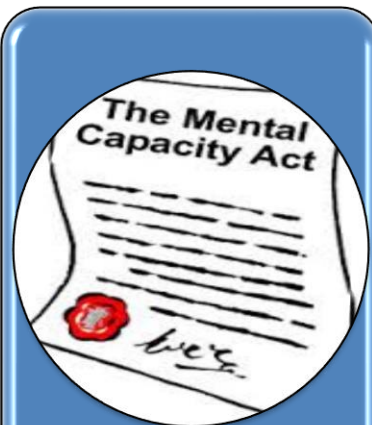
Safeguarding enquiry for adults



Safeguarding enquiry for children



Adult Protection and Support Order



Consider if using Mental Capacity Act is more appropriate



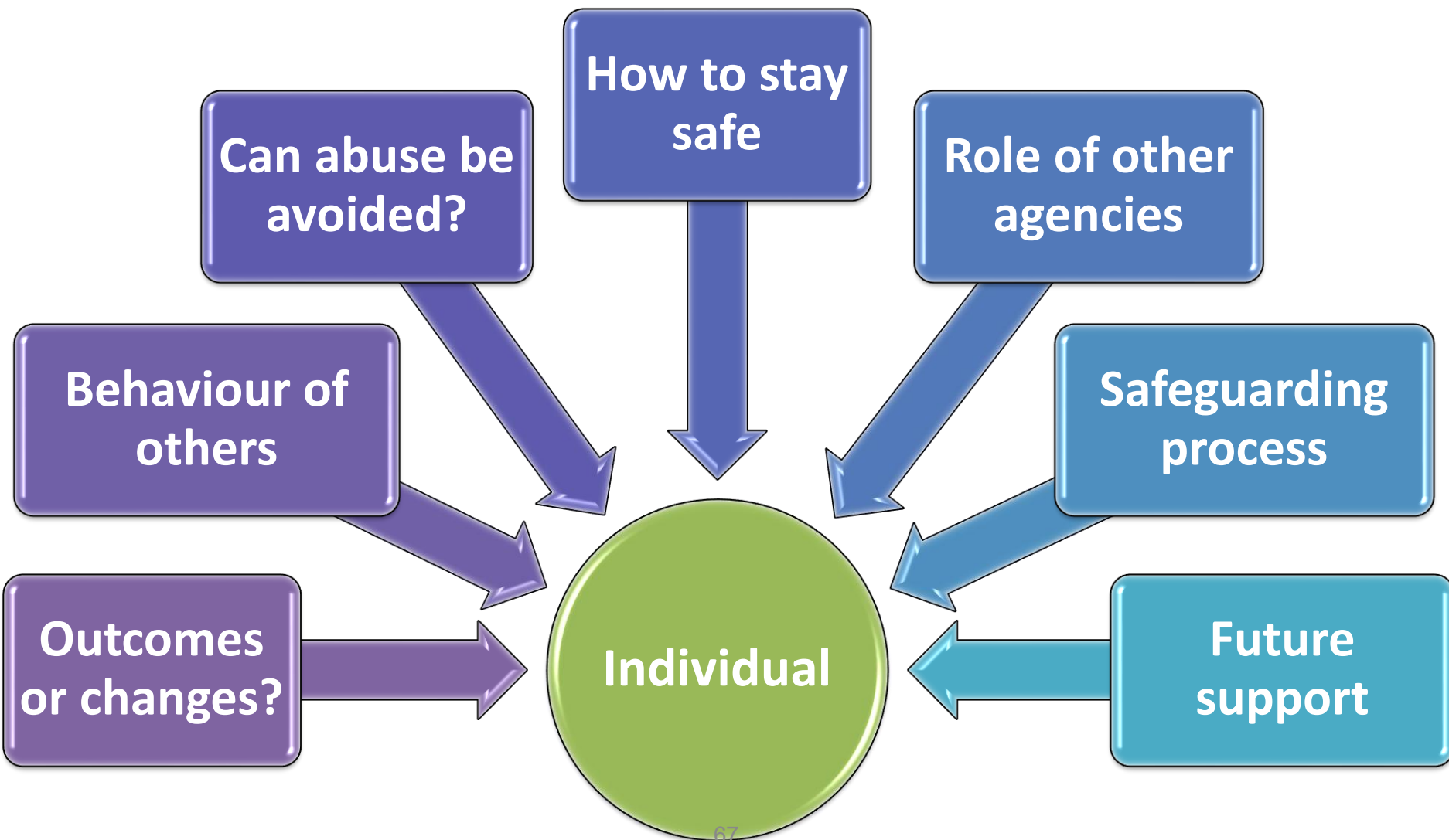
Entitlement to advocacy for children to make representation



Safeguarding, advocacy and the individual



Getting in on the Act



Professional focus and practice of: social care, education and health professionals



Legal duty of care

Professional judgement

Act in person's best interests

Act according to policy and procedure of employer

Working to policy and financial constraints

Working with an advocate



Getting in on the Act

- Does involving an advocate mean I have failed?
- How do I work when an advocate is there as well?
- What can I expect an advocate to tell me about the client?
- Why does advocacy have to challenge?
- Is the advocacy service I refer to regulated?
- Are advocates paid professionals?
- What do I do if there is a problem with the advocate?
- What if there aren't any advocates available?

Referring to an Independent Professional Advocacy Service



Getting in on the Act

Statutory advocacy

**Social
Services
and Well-
being
Wales Act
(2014)**

**Mental
Capacity
Act
(2005)**

**Mental
Health
Act**

**National
Health
Services
(Wales)
Act
(2006)**

**Education
Act**

**Equality
Act
(2010)**

Reflective learning



Getting in on the Act

1

- Why is advocacy considered to be the Golden Thread through the Act?

2

- Name three other functions of the Act where advocacy is relevant

3

- What are the four barriers to participation?
- When should you engage an IPA?

4

5

- What makes the role of the professional different to that of an IPA?

6

- In one minute, explain why advocacy is important in relation to the Act

Conclusion



Getting in on the Act

- Advocacy is central to ensuring people are empowered to express their needs
- Advocacy is the ‘Golden Thread’ throughout the Act that enables services to focus on people and their well-being outcomes
- The Act gives people a voice in, and control over, achieving their well-being outcomes
- What do you need to do to ensure that people are able to participate fully?
- What further learning do you need to enable you to fulfil your duties?