

## CARE ACT ADVOCACY - OVERVIEW

### WHAT IS CARE ACT ADVOCACY?





Care Act Advocacy (CAA) is a statutory advocacy role that was introduced in the Care Act 2014. You are legally entitled to advocacy if you meet certain criteria.

A Care Act Advocate can support you if you have difficulties being involved in or making decisions about your care and support needs. The aim of advocacy is to ensure you are able to participate in decisions being made about your care and support, to better enable your wellbeing.

An advocate can support you if you have “substantial difficulty” taking part in assessments and reviews of your care needs. Substantial difficulty is defined in the Care Act and explained below.

Advocates do not make decisions themselves about your care review or assessment and they are independent of the decision makers.

Your advocate could support you and be involved in several processes that are undertaken by the local authority such as:-

-  Care Act assessments
-  Care and support planning
-  Care reviews
-  Safeguarding issues





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### What is meant by ‘substantial difficulty’?

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The Care Act identifies four areas where people may experience substantial difficulty in making decisions.

To be assessed as having substantial difficulties you must have problems with one or more of the following:-

-  Understanding relevant information,
-  Retaining information,
-  Using or weighing information, or
-  Communicating views, wishes and feelings.

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### When must a Care Act Advocate be involved?

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The local authority has a duty to consider your need for advocacy support at every point of their involvement with you, from initial contact through the assessment, care planning and care review processes.

If you have care and support needs, the authority must identify whether you will have substantial difficulty being involved in the process. They also must identify if there is no “appropriate individual” to support you.

If those two conditions are met, an independent advocate must be appointed to support and represent you, so you can be more involved.



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### What are the principles of the Care Act?

The main principle of the care act is to promote your “wellbeing”. This is underpinned by six other principles, designed to keep you at the heart of plans enabling your care and support.

Principle 1, Empowerment, relates to your autonomy: the ability to make decisions about your own life. Professionals should support you to do this, you should be given information and advice enabling you to consent to your care and support where you can.

Principle 2, Protection, guides how concerns can be raised about your safety or wellbeing. If you are being, or are at risk of being abused or neglected, the local authority has a duty to respond.

Principle 3 is the Prevention principle. This is the belief that is better to plan in advance for care and support needs, rather than react to a more serious situation afterwards. The local authority has a duty to prevent, reduce and delay needs.






Principle 4 relates to Proportionality. A proportionate assessment and response takes into account the risks you face and your care needs. Your assessment should be thorough enough to identify your support needs, but not overly intrusive. The aim is for your resulting care and support to be person centred, based on your own set of circumstances.

Principle 5 is Partnership. This guides people to work in partnership with other agencies to try and facilitate the best outcomes for you, recognising that one organisation is unlikely to be able to provide everything you need. Professionals should seek your consent to share information and your wellbeing could improve further if you engage with more than one organisation or professional. Responsible professionals work together to prevent, detect and act in situations where there is the risk of abuse or neglect.

Principle 6, Accountability. The local authority is responsible for ensuring that you receive the care and support you require and all professionals working with you should note risks and take action to maintain your safety and wellbeing. Professionals should take steps to uphold your autonomy, liberty, dignity and your care and support, on balance, should restrict your human rights as little as possible.

### What other circumstances do CAAs support?

Care Act Advocates can also support with:-

-  A child's needs assessment
-  A child's carer's assessment
-  Young Carers' assessments
-  Safeguarding enquiries
-  Safeguarding adult reviews

An advocate can also assist you to challenge a decision made, or help you to challenge a local authority process. They can also challenge on your behalf decisions made about you, if it is in your best interests for them to do this.

### What do Care Act Advocates (CAAs) do in their role?

A CAA can support by:

Visiting you in a care home, hospital or other place.




If they have been appointed to support you, you have the option to speak with them in private.

CAAs can help you to access your care records.

CAAs can meet with professionals and other people who are involved in your care or treatment.

CAAs can represent your views and wishes and try to secure your rights, by challenging decisions that appear not to be in line with your own decisions, views, wishes and feelings.

A CAA will:

-  Listen carefully to what you tell them about your views and feelings.
-  Support you to speak up or speak up on your behalf if needed.
-  Make sure you are involved in decisions being made about you.

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### What is the Care Act?

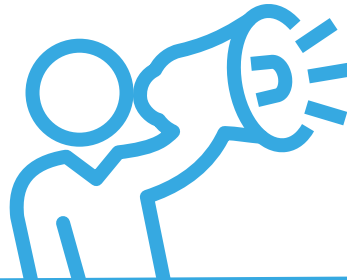
The Care Act 2014 explains how social care in England should be provided. The aim of the act is to improve people's wellbeing and independence by promoting prevention, integration, information, personalisation and quality of care/support services.

### How can I make a referral?

Health and social care professionals have a duty to refer clients to Care Act advocacy services in some circumstances. If you are in any doubt whether a referral should be made, please contact us.

Referrals for advocacy support are usually made by health or social care professionals, n-compass asks the referrer to note which area of the Care Act the client requires support with, together with a brief explanation.

If you are involved in a Care Act process as a client, you can self-refer for advocacy support, if a Social Worker is involved in the process.



### TO LEARN HOW ADVOCACY CAN HELP PLEASE GET IN TOUCH

**The n-compass Digital Advocacy Hub provides free and impartial information on a range of common advocacy issues.**

**n-compass delivers several advocacy services across the north of England.**

**To find out if we deliver in your locality:-**

Website: <https://www.n-compass.org.uk/our-services/advocacy>

Sign video: <https://ncompass.signvideo.net>