

CARE ACT ADVOCACY - SUBSTANTIAL DIFFICULTY AND APPROPRIATE INDIVIDUAL

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.

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

What is meant by “substantial difficulty”?

Substantial difficulty in the Care Act means that you have difficulties being involved in the processes of assessing, planning or reviewing your care and support needs.

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

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

When must a Care Act Advocate be involved?

If you have substantial difficulty in any of those areas and you do not have an “appropriate individual” to support you, the local authority has to arrange for you to be provided with independent advocate.

A Care Act Advocate can help you to express your views, wishes and feelings, and to understand and apply your rights within the Care Act.



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What is an “appropriate individual”?

An appropriate individual is someone who can help you in the process of assessing, planning or reviewing your care and support needs, if you have substantial difficulty doing that for yourself. If you have an appropriate individual to support you, you do not need a Care Act Advocate.



Who can be an “appropriate individual” for me?

Your appropriate individual could be one of your family members, a friend, a neighbour, or a carer, as long as they meet certain criteria.

They must:

-  be someone that you are happy to have as your appropriate individual.
-  be willing to be your appropriate individual.
-  be able to explain the local authority’s processes to you in a way you understand.
-  help you to participate in the processes.
-  know how to get information for you about local services, so that informed decisions can be made.
-  help you understand your options relating to specific decisions that need to be made.
-  support you to request a review, challenge or appeal a decision, or complain about the service you receive if you are not happy.

They should not be:

-  someone who is paid to care for you.
-  someone who has harmed or abused you.

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>