

## INDEPENDENT CARE ACT ADVOCACY

### WHAT IS INDEPENDENT CARE ACT ADVOCACY?

The Care Act (2014) is a law that means the Local Authority has a DUTY to provide an independent advocacy service for people who find it difficult to have their say in care and support processes and do not have someone to help them with this

Independent advocacy is about giving people as much control as possible in their lives. It helps people to understand information, say what they want and need and get the services they are entitled to.

There are **TWO** conditions to meet for Care Act Advocacy:

1. The person has substantial difficulty in being fully involved with their assessment, care and support planning, review or safeguarding processes
2. There is no one appropriate and available to support and represent their wishes

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#### What does substantial difficulty mean?

*(only one need apply)*

-  Understanding relevant information
-  Retaining the information
-  Using / weighing up information to help them be involved in making decisions
-  Communicating their own needs, wishes and feelings

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#### What does Appropriate to support mean?

*(only 1 need apply)*

-  The Care Act says it is not enough to love the person and know them well.
-  They must be able to support the person to be involved in their care and support.
-  They cannot be employed by the local authority or paid to support the person in another role

#### Someone appropriate to support

-  Must consent to providing support
-  The person requiring support consents to that person supporting them

#### Someone inappropriate to support:

-  Appropriate person declines the role
-  Person requiring support refuses the support of the person
-  Conflict of interests - Potential appropriate person has their own strong views on care and support required that may differ from the person requiring care and support
-  The support needed is in relation to a safeguarding enquiry or safeguarding adults review



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### What can an advocate from the Wirral Advocacy Hub be involved with?

-  A needs assessment / carers assessment
-  A transition assessment
-  Preparation of a care or support plan
-  A review of care and support
-  Safeguarding processes
-  An appeal process or complaint against a Local Authority's decision

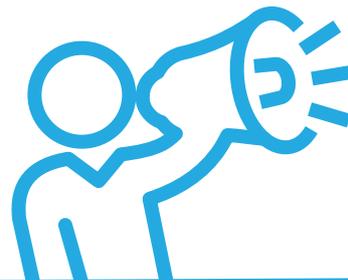
Some people may need an independent advocate before contacting the Local Authority, to make sure they have access to, and can understand, information and advice about care and support.

There are some situations where an advocate can be involved even if there is an appropriate individual to support them. These are:

-  Assessment or planning might result in a placement in NHS-funded provision in either a hospital for a period exceeding four weeks or in a care home for a period of eight weeks or more and the local authority believes that it would be in the best interests of the individual to arrange an advocate;
-  If there is a disagreement between the local authority and the appropriate individual and all agree that the involvement of an advocate would benefit the person

### How to make a referral

It is the local authority that has a duty to decide if the person meets the criteria for an ICAA. We may accept an initial referral from someone other than the local authority where the referrer believes the person meets the criteria for an ICAA. In addition, if a local authority representative is not readily available to make the referral, we will take referral information from you or somebody else such as a family member of other professional. However, in these situations we will need to contact the allocated Social Worker to confirm the instruction.



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

**The Wirral Advocacy Hub offers a SINGLE POINT OF CONTACT for all advocacy enquiries in the area.**

**For more information or to make a referral:**

Tel: **0300 200 0083**

Email: **wirraldutyadvocate@n-compass.org.uk**

Website: **www.wirraladvocacyhub.org.uk**

Online chat: **<https://www.n-compass.org.uk/services/advocacy-service>**