



## Guide 25:

# Independent Advocacy

Like everybody else, sometimes some older people can feel unable to speak out and make sure their voice is heard in relation to any difficult issues affecting them. Independent advocacy can be a one-to-one partnership between an independent advocate and an older person who needs support in order to secure or exercise their rights, choices and wishes.

This guide looks at what independent advocacy is, and what it is not, types of independent advocacy, when it may be needed, the importance of the relationship between the independent advocate and the older person, and how to access it.

**The Counsel and Care advice service works with older people, their families and carers to get the best care and support. All the guides and factsheets we produce are available from our website: [www.counselandcare.org.uk](http://www.counselandcare.org.uk) or paper versions can be ordered by calling 020 7241 8522. You can call our advice line on 0845 300 7585 to arrange an appointment to speak to one of our experienced advisors.**

The Counsel and Care service is now part of Independent Age, a unique and growing charity providing information, advice and support for thousands of older people across the UK and the Republic of Ireland. Visit [www.independentage.org](http://www.independentage.org) for more information about Independent Age.

There are differences in the ways each country cares for and supports older people. The information in this guide applies essentially to England, although there may be similarities with countries in the rest of the UK.

All of the guides we publish may be downloaded from [www.counselandcare.org.uk/advice-and-information](http://www.counselandcare.org.uk/advice-and-information) or posted to you if you call our guide order line on 020 7241 8522.

For information about advocacy in Scotland contact the Scottish Independent Advocacy Alliance (SIAA) (tel.: 0131 260 5380; [www.siaa.org.uk](http://www.siaa.org.uk) ) who hold a directory of independent advocacy schemes in Scotland and produce a range of publications including a 'Principles and Standards for Independent Advocacy' and a 'Code of Practice for Independent Advocacy'.

For information about advocacy in Wales contact Action for Advocacy (tel.: 0207 921 4395; [www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk)) who hold a directory of advocacy schemes in Wales and produce a variety of publications on advocacy.

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# **1 The importance of independent advocacy**

If you are surrounded by family or professionals (who each may have an opinion on what is best for you), you may feel powerless or unable to voice your opinions. In such circumstances, you may find it daunting or feel unable to influence or challenge the decisions that affect your life. In some cases, you could be faced with having to challenge the individual or the organisation causing the problem in order for things to change.

An independent advocate can devote time to you as an individual and be on hand to respond to the changing circumstances of your needs and situation. The advocate is able to talk one-to-one with you and is then able to support you to voice your views and wishes or can represent your views and rights on your behalf to those involved with your care. This support should be free of charge.

There is now some legislation and policy guidance surrounding the provision of advocacy. Notably the Mental Capacity Act 2005 created the role of independent mental capacity advocate (IMCA) and the Mental Health Act 2007 created the role of independent mental health advocate (IMHA) (see sections 5.4 and 5.5).

The Older Peoples Advocacy Alliance and Action for Advocacy have created a manifesto for independent advocacy in England and Wales. It can be viewed here:

[www.opaal.org.uk/Libraries/Local/830/Docs/Manifesto-for-web.pdf](http://www.opaal.org.uk/Libraries/Local/830/Docs/Manifesto-for-web.pdf)

## **2 Who is an independent advocate?**

An independent advocate is someone who has been asked by, or given permission by you, to represent you. Representing you means they will help you to speak out to have your views, wishes and rights taken into account by your family, carers and the professionals in any decision that affects your life. The independent advocate will make sure at each point in the advocacy relationship that you have all the information you need about the situation so you can make informed decisions and choices. The independent advocate will then support you to voice your decisions and views or speak on your behalf which may include voicing your views and rights as well as putting these into context for anyone placing barriers on you securing your rights.

Your advocate can be a neighbour, a friend, a relative, a volunteer from an advocacy organisation or a paid independent advocate. Independent advocacy is not usually about legal representation, or paying a solicitor or lawyer to act as your advocate. However, it could involve your independent advocate appearing in court to speak on your behalf, for example, at a deputyship hearing.

If someone is trying to influence you to make a particular decision, is not listening to your views or wishes, is trying to make decisions for you rather than letting you make them yourself (if you are able to), or is not saying the things that you asked them to say, this person is not advocating independently for you.

### **3 Lack of mental capacity and advocacy**

A person lacks mental capacity in relation to a particular matter, if they cannot make a decision at the time the decision needs to be made. A person lacks capacity if he or she is unable to do one or more of the following:

- understand the information relevant to the decision;
- retain the information long enough to be able to make a decision;
- use or weight up the information;
- communicate the decision by any possible method.

The definition of mental incapacity set out above is specific to the Mental Capacity Act 2005 (England and Wales). For more information, see our guide:

**Money and welfare: managing my affairs if I become ill** (guide number 33).

When an older person lacks mental capacity, perhaps because they have dementia or another mental health problem, it is still possible for the independent advocacy relationship to work.

By law, lack of capacity must never be assumed, as doing so may deprive someone of their rights. It is important, particularly if there is a dispute or difference of opinion, that mental capacity is assessed by psychiatric services that specialise in mental health for older people. Sometimes, older people who lack capacity are denied access to independent advocacy because those in a position to refer them to advocacy services incorrectly assume that this support will not be of value because the older person cannot (or it is assumed they cannot) give instructions or make choices. However mental capacity is time and issue specific (the older person may be able to

make some decisions) and there are types of advocacy, such as non-instructed advocacy which can work for people who lack mental capacity (see section 5.6). For more information on non-instructed advocacy, contact Advocacy Plus (tel.: 020 7 837 6744; [www.advocacyplus.org.uk](http://www.advocacyplus.org.uk)).

There are also independent advocates trained specifically to communicate and work with people who have dementia and other mental health problems. These advocates are known as independent mental capacity advocates (IMCAs) and independent mental health advocates (IMHAs) (see sections 5.4 and 5.5).

Advocacy when someone lacks mental capacity is important because:

- Your past wishes, by law, should be taken into consideration, for example, you may have regularly stated you wished to remain in your own home rather than move into a care home. An advocate will ensure your wishes (past or present) are taken into account by those involved in your care.
- If you have dementia or other mental health problems you may not be able to process complex information, but you may be able to make 'one-off' important decisions, such as where you wish to live or who you live with.
- An independent advocate will ensure your rights, needs and wishes are taken into account by those involved in your care should there be any conflict of interest. For example, a doctor, nurse or social worker may need to balance your needs and wishes against their budget or workplace policies.

## **4 'Independent' or independent?**

An advocate must be truly independent if advocacy is to be effective. Although some professionals, such as a social worker or nurse, can have an advocacy-type role as part of their overall job description, if your problem is connected to the policies, guidelines or practices of the local council social services department or NHS hospital, then it may be inappropriate for the social worker or nurse to advocate on your behalf. This is because in order for you to achieve the outcome you want or have a right to, the social worker or nurse may have to 'risk' challenging their own manager or their agency's practices and policies. Although some professionals may attempt to do this, it is difficult because, ultimately, they are employed by that organisation. As a result, your voice may not be heard properly or may be brushed aside due to the conflict of interest.

There are many independent advocacy organisations that can be accessed by older people where the advocates are not employed by the organisations that may be providing the service that you are unhappy with or want to access, for example, the NHS, local councils, or care homes. The contact details of independent advocacy organisations can be found in section 12 of this guide.

## **5 Types of independent advocacy**

There are different types of independent advocacy. The main three for individuals are: crisis (or issue-based) advocacy, citizen advocacy and self-advocacy. There are also specific independent advocacy services set up to represent people subject to the Mental Capacity Act 2005 and Mental Health Act 1983, amended in 2007.

### **5.1 Crisis advocacy**

Crisis advocacy tends to be short-term in nature, lasting anything from one day to six months, although it can be longer depending on the complexity of the case and the responses of the other people involved. The advocacy relationship will focus on one issue or aspect of your life, for example, your wish to challenge the decision to discharge you from hospital to a care home. The independent advocate will stay involved until the outcome that you want (for example, to go back home from hospital) is achieved, or until all possible avenues to achieve this have been exhausted. The independent advocate then ends their involvement.

Hopefully, after this experience you would feel more able to advocate your own needs in the future. There is also the option of referring yourself in future for further advocacy support about a similar or different issue.

### **5.2 Citizen advocacy**

Citizen advocacy can be more long-term in nature than crisis advocacy. This type of advocacy is traditionally linked to people with mental health difficulties and is rooted in communities. In this form of advocacy, the partnership takes more time to form as the independent advocate has to be 'matched' to you. As you will be

spending more time together, perhaps even every day, it is important that you and the advocate feel comfortable together. Citizen advocates may be involved in advocating on a number of issues on your behalf. The relationship is designed to support you in some or many aspects of your life. The citizen advocate may not 'belong' to a specific advocacy scheme, for example, it may be a neighbour or a volunteer from the community you live in.

### **5.3 Self-advocacy**

Self advocacy is the term used when someone speaks up for themselves either individually or in a group. It may be interesting to note that when someone not considered vulnerable or disabled expresses their views, it may be called being assertive. When people, especially the more vulnerable people in society, are excluded or have their right to choice and self-determination limited, it can become difficult for them to find the confidence to speak out. Self advocacy can support you to speak up for yourself and make decisions about issues that affect your life. Self-advocacy may lend itself to group advocacy (where a group of people rather than an individual are affected by the same issue i.e. a residents group in a care home) more than the other two types of advocacy mentioned above, although both have been used in group advocacy.

### **5.4 Independent Mental Capacity Advocates (IMCAs)**

The Mental Capacity Act 2005 introduced a new role of independent mental capacity advocate (IMCA). This is the first time that advocacy has been enshrined in legislation in England. The Act was designed to provide a framework for acting and making decisions on behalf of someone who lacks the mental capacity to do so themselves. An IMCA would be involved in a serious welfare decision related to medical treatment or a change of residence, if someone is regarded as not having the capacity to make the

decision themselves and does not have any family or friends that can be consulted (or where it is judged to be inappropriate or impractical to consult family or friends). Staff of local councils and NHS Trusts have a duty to refer individuals who need to make such a decision to an IMCA in their local area.

The IMCA will meet with the individual to gather as much information as possible about what their wishes are and what they would like from the situation. In cases where it is not possible to establish what the individual thinks about a decision, the IMCA will act in their 'best interests' in a similar way to non-instructed advocacy, and will represent the person's rights and past wishes (if known) to the professionals involved in the care and treatment of the person.

A list of IMCA providers can be found on the Social Care Institute for Excellence website:

[www.scie.org.uk/publications/imca/files/imca\\_providers.pdf](http://www.scie.org.uk/publications/imca/files/imca_providers.pdf)

The booklet 'Making Decisions' provides more information about IMCAs. It can be viewed on the Department of Health website:

[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_073931.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_073931.pdf)

## **5.5 Independent Mental Health Advocates (IMHAs)**

As of April 2009, those people receiving compulsory treatment, supervised community treatment and 'informal' or 'voluntary' patients considering serious treatment, such as neurosurgery, have a legal right to an independent mental health advocate (IMHA) to help make their wishes heard and their rights protected. This has come about through the Mental Health Act 2007 which amended the Mental Health Act 1983.

For more information about IMHAs contact Action for Advocacy (tel.: 020 921 4395; [www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk)). Their IMHA Support Project aims to develop best practice in and improve the quality and effectiveness of IMHA services in England.

Questions and answers about the IMHA service can be viewed on the Department of Health website:  
[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_095162.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_095162.pdf)

## **5.6 Non-instructed advocacy**

Non-instructed advocacy supports people who are in need of an advocate but are not able to tell the advocate what they want. This may be because of communication difficulties, severe learning disabilities or dementia. Non-instructed advocacy is about maximising the older person's input into the decisions that affect their life. This is achieved by:

- Trying different ways to communicate with the older person.
- Ensuring the older person is not ignored when decisions are made.
- Gathering information about the older person and building up an idea of what the world is like from their point of view so the advocate can, as far as possible, understand the older person's needs, wishes, preferences and priorities.
- Ensuring that every possibility is looked at.
- Treating people with respect.

For more information on non-instructed advocacy contact Advocacy Plus (tel.: 020 7 837 6744; [www.advocacyplus.org.uk](http://www.advocacyplus.org.uk)).

## **6 What independent advocacy is and what it is not**

### **6.1 Independent advocacy is ...**

- Being on your side.
- Believing in you.
- Speaking on your behalf or supporting you to speak.
- Providing information (though some advocates such as citizen advocates may dispute this and prefer to direct the person to other organisations for information) and discussing options.
- Enabling you to make informed decisions and choices.
- Ensuring that your rights, views and wishes are acknowledged and taken into account by others.
- The independent advocate placing their own values aside.
- Exhausting all avenues to try to achieve the outcome you want or have a right to.

### **6.2 Independent advocacy is not ...**

- Influencing you to make a decision.
- Making a decision for you.
- Advising you on the course of action to take.
- Persuading you to do what other people want you to do.
- Doubting what you say or the outcome you want.
- Counselling you.
- Speaking for you when you want to speak for yourself.

## **7 The independent advocacy relationship**

### **7.1 Defining the problem**

Is there really a 'problem' and if so, is it really your problem? The 'problem' may be defined or explained in various ways depending on who is describing it, for example, you, a family member, or a professional. That person may have a personal view of, or stake in the problem being resolved in a particular way. It may be easier for that person if the problem was resolved 'to their advantage' and that you were to agree with them. For this reason, it is important to have your view of the problem, from your perspective acknowledged. Your stated or known views and your rights should always be at the centre of the advocacy relationship.

### **7.2 After a referral is received**

When you are referred to an independent advocacy organisation (or if you refer yourself), an advocate should arrange a private meeting with you to discuss accessing support. The independent advocate should, for security reasons, notify the care home manager, charge nurse or warden of their planned visit if you live in a care home, sheltered housing, or are a patient on a hospital ward.

The independent advocate should explain their role to you, how they would support you and explain what the advocacy organisation does and how it maintains its independence. At this point, the conversation should be completely confidential to enable you to speak openly to the advocate about the issue(s) affecting you.

### **7.3 Permission to advocate your views**

Although the independent advocate should listen to the views of others around you (your GP, carers, social worker, and family –

particularly when it is non-instructed advocacy) your definition of the problem and the outcome you want should be at the centre of the advocacy relationship.

Once the independent advocate knows your views and wishes, the advocate then needs to get your permission to advocate for you. For a description of the advocacy relationship where someone is not able to give their permission see section 3 of this guide.

If you give permission, then and only then, do they become your independent advocate. The independent advocate should then ask you what outcome you want – how you would like the problem to be resolved. This outcome is the ultimate aim of the advocacy partnership and is not negotiable as far as social services, the NHS etc are concerned unless you decide to change it based on the ongoing information and circumstances which you should be kept fully informed of.

#### **7.4 Speaking out**

The independent advocate should support you to speak out or should represent your views, wishes and rights to those involved in your care, for example, professionals, carers and family. The advocate may also put your views and wishes of how you would like the problem to be resolved in the context of your rights enshrined in law and government policy. For example, the advocate may state to the professionals involved in your care, not only that you want to go back home but that you have a legal right to decide where you live because you have the mental capacity to make decisions about your own care.

The independent advocate's role is to ensure that your views and wishes are conveyed to the people you want to say it to (or to

support you to be able to say it yourself, if you want to). This could be done by letter, telephone or in person – for example, attending a case conference or meeting on your behalf or supporting you to attend the meeting yourself.

### **7.5 Who is in charge of the advocacy relationship?**

You should be in charge of the advocacy relationship. You have given your view of the problem and decided the outcome you want. You can also end the advocacy partnership at any time and in any circumstances, whether the outcome has been achieved or not.

When an independent advocate is working with you and talking to those involved, there is likely to be a response to your views or wishes, for example, from a social worker or care agency in relation to the agency's policies and practices. It is the role of the advocate to take this information back to you so that you can continue to make informed choices and decisions in the face of the sometimes changing nature of the issue. It is important that the independent advocate knows what your rights are and asks about your views and wishes and the outcome you want on an ongoing basis. This is because your views and wishes may change as a result of the information coming back to you via the independent advocate. The independent advocate then continues to make clear your continuing or changed views to the other involved.

Tip: It is not the role of the independent advocate to persuade you to continue the process, whatever stage you have reached. You have the right to make the decision to end the advocacy relationship and your decision should be respected.

### **7.6 Summarising the advocacy relationship**

The advocacy relationship is a process of:

- Discussing the problem or issue with you;
- Supporting you to voice your views/wishes or taking your views/wishes forward on your behalf, while keeping you informed so that you can continue to make informed decisions.

Tip: It is not the role of the independent advocate to make or take decisions for you. It is also not the role of the independent advocate to negotiate the outcome. The outcome that you have requested is only negotiable if you decide that it is.

## 8 Advocacy and human rights

The Human Rights Act 1998 sets out your sixteen most basic, fundamental rights. These are known as your human rights. The act guarantees people who receive care and support services a certain standard of treatment from public bodies and prevents them from being discriminated against. This means that even if you find it difficult to express your views and opinions to professionals you are entitled to have your human rights adhered to.

An independent advocate may be able to establish your rights in relation to a situation by referring to the Human Rights Act. An independent advocate (or more likely a legal representative) may also be able to challenge a decision by an organisation felt to be in breach of the Human Rights Act through the courts.

Key points in the Act include:

- “No-one shall be subjected to ... inhuman or degrading treatment.” (Article 3)

For example, people being cared for in a hospital or in a care home, are entitled to treatment which maintains their dignity and respect. It should be noted that, whilst care home residents whose place was organised by the council are covered by the Human Rights Act, privately-funded residents who arranged their own care are not.

- “Everyone has the right to respect for his private and family life, his home and his correspondence.” (Article 8)

For example, it may be possible to challenge when an older person is being pressurised by a council to go into a care home, rather than be helped to maintain their independence at home because care in a care home is the cheaper option. The Court of Appeal decision:

Khana (by Official Solicitor) v. the Mayor and Burgess of Southwark (2001) may be of interest and you may want to take legal advice about this case.

- “Everyone has the right to freedom of expression.” (Article 10)  
Independent advocacy can assist someone who has problems expressing themselves to do so.

- “Rights and freedoms ... should be enjoyed without discrimination on any ground.” (Article 14)  
For example, age discrimination - someone may be treated or cared for in a certain way, because they are considered to be old. No-one should receive treatment or experience attitudes which treat them differently simply because of their age.

If you are affected by any of the above issues you should seek further advice from an advice service such as Counsel and Care, (tel.: 0845 300 7585; [www.counselandcare.org.uk](http://www.counselandcare.org.uk)) who can advise you on your rights to services and direct you to other organisations, that can help you to challenge the situation you are in. You may want to take legal advice from Community Legal Advice (tel.: 0845 345 4 345) or Liberty, a charity specialising in human rights law (tel.: 0845 123 2307; [www.liberty-human-rights.org.uk](http://www.liberty-human-rights.org.uk)).

An independent advocate may be able to support victims of abuse subject to adult safeguarding procedures. Independent advocacy can be used to support older people involved in safeguarding investigations and also as a preventative measure to enable people deemed at risk of exploitation or abuse to speak up.

## **9 When might independent advocacy be beneficial?**

### **Scenario 1**

You may be faced with a situation where you want to complain about the person or people that are responsible for your care. However, you may feel worried that if you complain your care and treatment could suffer, or that you are seen as being a 'troublemaker' or unappreciative by those caring for you. Therefore, you may be reluctant to say anything and your quality of life may continue to be adversely affected. An independent advocate can listen to your concerns and help you to voice your views to the professionals involved, ensuring your views and wishes are heard.

You may want to make a complaint to the organisation providing your care, such as the care home, the home care agency, or the local council using the organisation's formal complaints procedure. An independent advocate can assist you to make a complaint.

### **Scenario 2**

You may reach a stage where you think you are 'at risk' and need to access care and support but have no idea where to start. You may not know of what your entitlement to services from the council is or how to begin the process. Sometimes, the processes involved and the information provided can appear complicated or confusing. In these situations you may feel unable to begin the process, provide the necessary information or deal with the professionals involved to make your voice heard. As well as contacting an advice service such as Counsel and Care (0845 300 7585; [www.counselandcare.org.uk](http://www.counselandcare.org.uk)), an independent advocate can help you through the system, ensuring that you understand your options, what your rights are,

and how to begin the process. They can also give practical support to help you access the care you are entitled to. For example, attending assessments and meetings with you or helping you to locate information such as proof of address, health records etc.

The 'personalisation' of social care initially seemed to be leading to independent advocates providing care brokerage as part of their role. Care brokerage can be a useful source of support when someone has a personal budget and uses a direct payment to arrange/purchase their care. However 'A Manifesto for Independent Advocacy Services in England and Wales' by the Older Peoples Advocacy Alliance and Action for Advocacy voices the opinion that independent advocacy and care brokerage are complementary but distinct roles from each other, just as independent advocacy is complementary to and distinct from other roles, such as social work. It can be viewed at:

[www.opaal.org.uk/Libraries/Local/830/Docs/FinalPersonalisation%20Advocacy-1%2097%20version.pdf%20](http://www.opaal.org.uk/Libraries/Local/830/Docs/FinalPersonalisation%20Advocacy-1%2097%20version.pdf%20)

You may also want to view the SCIE 'Personalisation Briefing' on the implications of the personalisation of social care for independent advocates: [www.scie.org.uk/publications/ata glance/ata glance12.asp](http://www.scie.org.uk/publications/ata glance/ata glance12.asp)

### **Scenario 3**

You may be in hospital when you are told you are ready to be discharged. A social worker or NHS staff may be pressurising you to move from hospital to another setting. You or your family may be concerned that services are not in place for the discharge to be safe and may be in dispute about the decision to discharge you.

Alternatively, you may decide that you want to be discharged from hospital but the professionals are reluctant to do so due to them

prioritising your physical needs over your psychological and social needs. Therefore, you are being denied the right to take 'risks' that you understand, accept and have a right to take.

An independent advocate can ensure that your voice and rights are listened to by the professionals planning your discharge.

#### **Scenario 4**

You may feel concerned about the quality of your care or that you are being abused; emotionally, financially, or physically. This may be happening at home, in hospital, or in a care home. You may feel scared, intimidated and alone. It may even be in some cases that you are not aware of, or are unable to understand that the abuse is taking place, for example, financial abuse.

An independent advocate will be able to talk to you in confidence about the circumstances. You can decide whether to take up the offer of independent advocacy to help you feel protected and stop the abuse.

#### **9.1 Valuing independent advocacy**

Independent advocacy may not always prove successful in achieving the outcomes that you want. You may have no right to your desired outcome. However, research has found that it is not necessarily the outcome of the independent advocacy experience that was the most important aspect for the older person. Additional values were felt to be:

- That the older person felt that someone was on their side;
- That the older person felt the independent advocate believed what they were saying; and
- That the older person had met someone who had tried to help them.

## **10 Barriers to successful independent advocacy**

### **10.1 Failure to recognise conflicts of interest**

In some cases, when a professional, such as a social worker, is working with you, the professional may simply not recognise that a conflict of interest exists or they may be unable to grasp that the older person has a right to have the issue taken further than they can take it (see section 3).

Tip: The independent advocate could point out that a conflict of interest may be taking place and explain why this is felt. They may also want to use any available national, organisational policies or legislation to reinforce your right to have independent, impartial support.

### **10.2 Resisting the concept of independent advocacy**

Some professionals, carers and family members may not understand how the independent advocacy relationship should work. They may also not recognise your right or need to have an independent advocate. Therefore, they may not respond appropriately or may resist working with the independent advocate. Independent advocacy is about redressing the power imbalance that often exists between professionals, carers, care services and you when difficult decisions need to be made.

Tip: In this situation the independent advocate, with your permission, should continue to seek a response from those involved. This may involve taking the issue to a more senior person. The independent advocate could also provide an opportunity for those involved to discuss the purpose and process of

independent advocacy so that any misunderstandings can be addressed.

### **10.3 'Shooting the messenger'**

When the actions of professionals, carers and other people who are acting on your behalf and in your 'best interests' are challenged, they may try to prevent themselves from being challenged by excluding the independent advocate. They may do this by failing to keep the advocate involved or even refusing to engage with them, therefore, effectively dismissing your views as part of the decision-making process.

Tip: The independent advocate may wish to acknowledge that it is understood that those involved feel they are working in the older person's best interest. The independent advocate may wish to reinforce what the role of the independent advocate is and that the views they are expressing are actually those of the older person.

### **10.4 'Paying lip-service'**

Sometimes professionals, carers and other people involved in your life may express a willingness to work with an independent advocate. However, it may become apparent that no improvement to your situation is taking place. This may be because a professional feels concerned about the impact independent advocacy may have on their work or they may feel anxious about something negative they have done becoming known.

Tip: The independent advocate should quickly become aware that this is an issue and address it in a way that both ensures your views are acknowledged and that the person 'paying lip-service' is made aware that this is unacceptable.

## **11 Who can refer for independent advocacy?**

You can refer yourself to an independent advocacy organisation if you feel you may benefit from this support. A relative, friend, neighbour or carer who supports you, but feels unable to 'challenge the professionals' on your behalf can, with your permission, also make a referral to an advocacy organisation or assist you to make a referral. Alternatively, a professional who feels that you may benefit from an 'independent voice' can also make a referral.

If you are living in a care home, you may also be able to ask the care home manager and/or care workers for assistance to access independent advocacy. The care home staff have a duty under Outcome 1A of the 'Compliance Guidance' for residential care to inform you of the availability of independent advocacy services. The Compliance Guidance used by the Care Quality Commission (tel.: 03000 616161; [www.cqc.org.uk](http://www.cqc.org.uk)) is available from: <http://cqcguidanceaboutcompliance.org.uk/outcome.php?outcome=1>

Please see section 12 for the contact details for organisations that can direct you to local independent advocacy schemes.

## **12 Accessing independent advocacy**

This section provides the contact details of independent advocacy organisations and umbrella groups as well as those specific to older people living in a care home, in hospital or using NHS services.

### **Action for Advocacy (A4A)**

Website: [www.actionforadvocacy.org.uk](http://www.actionforadvocacy.org.uk)

Email: [info@actionforadvocacy.org.uk](mailto:info@actionforadvocacy.org.uk)

Tel.: 0207 921 4395

A4A are involved in promoting and developing advocacy best practice, training, networking and information sharing for independent advocacy schemes. They have an online database of local advocacy schemes in England and Wales.

### **Advocacy Resource Exchange (ARX)**

Website: [www.advocacyresource.org.uk](http://www.advocacyresource.org.uk)

Email: [enquiries@advocacyresource.org.uk](mailto:enquiries@advocacyresource.org.uk)

Tel.: 02380 234 904

Advocacy Resource Exchange is a resource and support organisation for U.K advocacy schemes. They have information on brokerage and self-directed support and how it relates to independent advocacy, and contributed to the formation of a manifesto for advocacy. They have an online database of local advocacy schemes across the U.K.

### **Dementia Advocacy Network (DAN)**

Website: [www.advocacyplus.org.uk](http://www.advocacyplus.org.uk)

Email: [info@advocacyplus.org.uk](mailto:info@advocacyplus.org.uk)

Tel.: Advocacy Plus on 020 7 837 6744

DAN is a support network for independent advocates working with people who have dementia.

## **National Coalition of Advocacy Schemes**

Website: [www.cacoalition.org.uk](http://www.cacoalition.org.uk)

Email: [enquiries@cacoalition.org.uk](mailto:enquiries@cacoalition.org.uk)

Tel.: 0151 733 6705

The National Coalition of Advocacy Schemes promote and support the provision of informal (citizen advocacy) community based advocacy to defend human rights and promote equal citizenship.

## **Older People's Advocacy Alliance (OPAAL)**

Website: [www.opaal.org.uk](http://www.opaal.org.uk)

Email: [jo@bjf.org.uk](mailto:jo@bjf.org.uk)

Tel.: 01782 844 036

OPAAL is a national membership based organisation supporting, promoting and developing the provision of independent advocacy services for older people. OPAAL has a database of local UK independent advocacy schemes specifically aimed at older people.

## **Care home residents**

The 'Compliance Guidance' is clear that each care home has a requirement to be aware of the independent advocacy available to older people in their area and that care home residents can ask for independent representation. Care homes residents should be assisted to access independent advocacy if they request this. Care home residents may, alternatively, want to contact the above named organisations for details of organisations that provide independent advocacy for older people in residential care.

## **People with complaints about the NHS (including hospitals)**

The Independent Complaints Advocacy Service (ICAS) may be able to help someone make a complaint about the NHS. To find your local ICAS contact POhWER (tel.: 0300 456 2370; [www.pohwer.net](http://www.pohwer.net)) who are administering the scheme.

This factsheet is not a full explanation of the law and is aimed at people aged over 60

The Counsel and Care service is now part of Independent Age. Independent Age is the operating name of the Royal United Kingdom Beneficent Association.

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Registered charity number 210729

Tel.: **0845 300 7585**

Email: **[advice@counselandcare.org.uk](mailto:advice@counselandcare.org.uk)**

Website: **[www.counselandcare.org.uk](http://www.counselandcare.org.uk)**

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