

# *The Role of an Appropriate Individual*

## *Part 10 Code of Practice (Advocacy)*



## Introduction

The importance of the role of the appropriate individual is established in paragraph 47 of the revised Part 10 Code of Practice (Advocacy)<sup>1</sup> (“the Code”) under the Social Services and Well-being (Wales) Act 2014 (“the Act”). The role is then set out in Chapter 13 of the Code, “When is an individual appropriate or inappropriate to act as an advocate?”

This resource reviews what the Code says about the role of the appropriate individual<sup>2</sup> and highlights some points which might be helpful for social care and health professionals, commissioners, providers, advocates, carers and citizens to consider.

## Assessing need for independent professional advocacy

Chapter 8 of the Code states that independent professional advocacy under the Act “is specific to supporting an individual in relation to their care and/or support needs. Advocates which undertake this form of advocacy are referred to as an Independent Professional Advocate (IPA)”<sup>3</sup>.

Paragraph 47 of the Code establishes how local authorities must approach the assessment of need for independent professional advocacy for adults under the Act. It states:

Local authorities **must** arrange for the provision of an IPA when a person can only overcome the barrier(s) to **participate fully in the assessment, care and support planning, review and safeguarding processes** with assistance from an appropriate individual, but there is no appropriate individual available.

Age Cymru’s Golden Thread Advocacy Programme (GTAP)<sup>4</sup> produced a flow chart<sup>5</sup> which sets out a decision making process for determining need for independent professional advocacy for adults under the Act.

After assessing whether a person’s barriers can be overcome through reasonable adjustments under the Equalities Act 2010, and clarifying whether the person is eligible for an Independent Mental Capacity Advocate (IMCA), the process requires the social care professional, “In partnership with the person, (to) determine which form of advocacy is most suitable, including appropriate individual, formal advocacy<sup>6</sup> etc.”

If an appropriate individual is available, the social care professional should confirm the arrangements with them. If neither an appropriate individual or other suitable advocacy is available, the person should then be referred to the service providing independent professional advocacy under the Act.



## The role of the appropriate individual

GTAP’s booklet<sup>7</sup> on independent professional advocacy under the Act states:

The role of the “appropriate individual” is key to understanding what type of advocacy is required in individual cases. An appropriate individual is someone who can **facilitate** a person’s involvement in the assessment, care and support planning, review and safeguarding processes, but cannot be someone who:

- the person does not want to support them
- is unlikely to be able to, or available to, adequately support the person, or
- is implicated in a safeguarding enquiry.

The appropriate individual may be a family member, friend, carer, or anyone providing a non-professional form of independent advocacy, as long as they meet the above criteria.

Crucially, they must have sufficient understanding of local authority processes to be able to support the person’s participation in determining their well-being outcomes and obtaining the care and support they need.

Paragraph 70 of the Code states:

An individual’s wishes not to be supported by friends or family should be respected, where the individual has the capacity to consent, their wishes must be followed. An individual may not wish to be supported by a relative, for example, because there is a conflict of interest in moving forward.

The case study at the end of this document provides an example of how conflicts of interest may arise.

## Requirements and expectations of appropriate individuals

The requirements and expectations of the appropriate individual are described in paragraph 69 of the Code. The highlighting below is for the purpose of this resource.

**Appropriate individuals are expected to support, represent and to facilitate the individual's involvement in securing their well-being outcomes.** Whilst often this will be a family member, friend or someone in the wider support network **it is likely that some people may not find it that easy to fulfil this role.** For instance, a family member who only has occasional contact with the person; a spouse who also finds it difficult to understand the local authority processes; a friend who expresses strong opinions of their own prior to finding out those of the individual concerned. **It is not sufficient to know the person well.** The role of the appropriate individual is to support the individual's full engagement and participation in determining their well-being outcomes.

It may be inferred that the requirements and expectations of the appropriate individual are demanding, to the extent that "it is likely that some people may not find it that easy to fulfil this role." They need to understand and commit to themselves participating fully in assisting the person's involvement in the assessment, care and support planning, review and safeguarding processes.

To be able to "support, represent and facilitate" the individual's "full engagement and participation" in "determining" and "securing" their well-being outcomes requires a basic understanding of what 'well-being' means in the context of the Act, and what 'personal well-being outcomes' are.

It also requires clarity that the support and representation to be provided is for the person, and not for other interested parties, such as family members. This may require a degree of objectivity which some people are unable to bring to the role.

In view of this, the social care professional – in partnership with the person – must determine whether or not it is appropriate for someone to act as an appropriate individual, bearing in mind that it is not sufficient to just know the person well, and that those who are expressly eliminated from the role include a) people who the person does not want to support them; b) people who do not understand local authority processes and concepts such as personal well-being outcomes; and c) people who have only occasional contact with the person.

Some people, including local authority staff who work in areas other than social services, may have insufficient knowledge of the specific systems and processes to be able to provide adequate support as an appropriate individual. To address this, consideration should be given to ensuring that anyone who might act as an appropriate individual is provided with relevant information and understanding of the role.



## Case study

**An older adult female was admitted to hospital after having a fall. She was referred for independent professional advocacy because although her son had said that he wanted her to go into a care home, she had initially said that she wanted to return home.**

An IPA visited the person several times to determine what her true wishes were. In the course of these visits it was apparent that she did want to return home, despite having concerns about being lonely, and that this created a conflict of interest with her son's wish for her to go into a care home.

When visiting the client a few weeks later the IPA was informed by the ward staff that the social worker was having a meeting with the person's family that morning to determine whether she might be eligible for Continuing Health Care (CHC). When the IPA asked the social worker why she had not been notified, she was told that the person no longer needed advocacy because her son was able to act as her appropriate individual. When the IPA pointed out the conflict of interest between the son's wish for her to go into a care home and the mother's wish to return home, the social worker agreed that it would be appropriate for the IPA to join the meeting.

During the meeting the IPA often paused the discussion to consult with her client in order to confirm that her present views and wishes aligned with what she had previously said. It was finally agreed that – contrary to her son's continued preference – moving into a care home was premature at this stage, and that to maintain her well-being she should return home with a full care and support package and on-going monitoring of her health and well-being.



## Notes & References

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- <sup>1</sup> <https://gov.wales/advocacy-services-code-practice>
- <sup>2</sup> Note that the role of the appropriate *individual* introduced by the Code is separate to and distinct from the role of appropriate adults under the Police and Criminal Evidence Act 1984.
- <sup>3</sup> When capitalised in the Code, 'IPA' or 'Independent Professional Advocate' refers specifically to the *role* of someone who is trained and paid to provide the *service* of 'independent professional advocacy' under the Act (i.e. when capitalised it refers to the role, when non-capitalised it refers to the service).
- <sup>4</sup> <http://bit.ly/GTAPhome>
- <sup>5</sup> <http://bit.ly/IPAdeterminingneed>
- <sup>6</sup> "Formal advocacy" is described in Chapter 8 of the Code as "the advocacy role of staff in health, social care and other settings where professionals are required as part of their role to consider the wishes and feelings of the individual and to help ensure they are addressed properly".
- <sup>7</sup> <http://bit.ly/IPAbooklet>



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