

# Independent Professional Advocacy

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*Getting in on the Act*

# Aims of the modules



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## Module 1 – About Advocacy

Aims to increase knowledge and understanding of independent professional advocacy



## Module 2 – Well-being

Aims to promote real choice and control in line with the well-being principles and duties of the Act



## Module 3 – Golden Thread

Aims to promote understanding of advocacy as the Golden Thread that runs throughout the Social Services and Well-being (Wales) Act 2014 (the Act) and the duties on professionals

# Module 1 – About Advocacy

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# Module 1 – About Advocacy

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Aims to increase knowledge and understanding of independent professional advocacy

## **Learning outcomes**

At the end of this module learners will:

1. Be able to describe what advocacy is and why it is important
2. Have identified the key principles of advocacy and understand why independence is important
3. Recognise what barriers there are to people being able to fully participate and uphold their rights and how to overcome them

# Contents

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*Getting in on the Act*

- Introduction
- History of advocacy
- Advocacy definition
- Advocacy principles
- The purpose of advocacy
- What is advocacy
- Types of advocacy
- Independent Professional Advocacy
- Advocacy, rights and barriers
- Reflective learning



# Introduction

- The Social Services and Well-being (Wales) Act was implemented on 6 April 2016. Part 10 of the Act is about advocacy and complaints
- A statutory code of practice on the exercise of social services functions in relation to Advocacy under Part 10 has been issued

**Voice**

**Choice**

**Control**

# History of advocacy

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- 1950s – scandals in long stay hospitals
- 1960s – increasing awareness of rights and the way people are treated who need services
- 1966 – Wolf Wolfensburger established the first Citizen Advocacy project in America
- 1979 – first Citizen Advocacy project in London
- 1983 and 1984 – developments in advocacy for mental health patients, people with learning difficulties, and children
- 1980s – to date – legislative and policy changes based on the rights of individuals to have a voice, choice and representation

# Advocacy definitions

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**Section 181(2) of the Act defines “advocacy services” as: “services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.”**

# Advocacy definitions



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- **“Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain the services they need.**
- **“Advocates and advocacy schemes work in partnership with the people they support and take their side.**
- **“Advocacy promotes social inclusion, equality and social justice.” Advocacy Charter, Action for Advocacy (2002)**

# Principles of advocacy



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**Independence**

**Accountability**

**Clarity of purpose**

**Accessibility**

**Person-centred approach**

**Supporting advocates**

**Empowerment**

**Confidentiality**

**Equal opportunity**

**Complaints**

**Safeguarding**

# Purpose of advocacy



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# What is advocacy?



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**Befriending**

**Counselling**

**Choices**

**Mediation**

**Legal support**

**Rights**

**Having a voice**

**Support**

**Advice**

**Dependency**

**Empowerment**

**Making  
decisions**

**Impartial**

**Representation**

# Advocacy isn't:

# Advocacy is:



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Befriending

Counselling

Mediation

Advice

Impartial

Dependency

Legal support

Support

Representation

Empowerment

Choices

Rights

Having a voice

Making decisions



# Advocacy is also about:



# Myth busting quiz

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## Exercise:

In pairs, decide whether the 20 statements on the handout are a myth or a fact

Review answers in the group to discuss any arising issues

# Advocacy relationship

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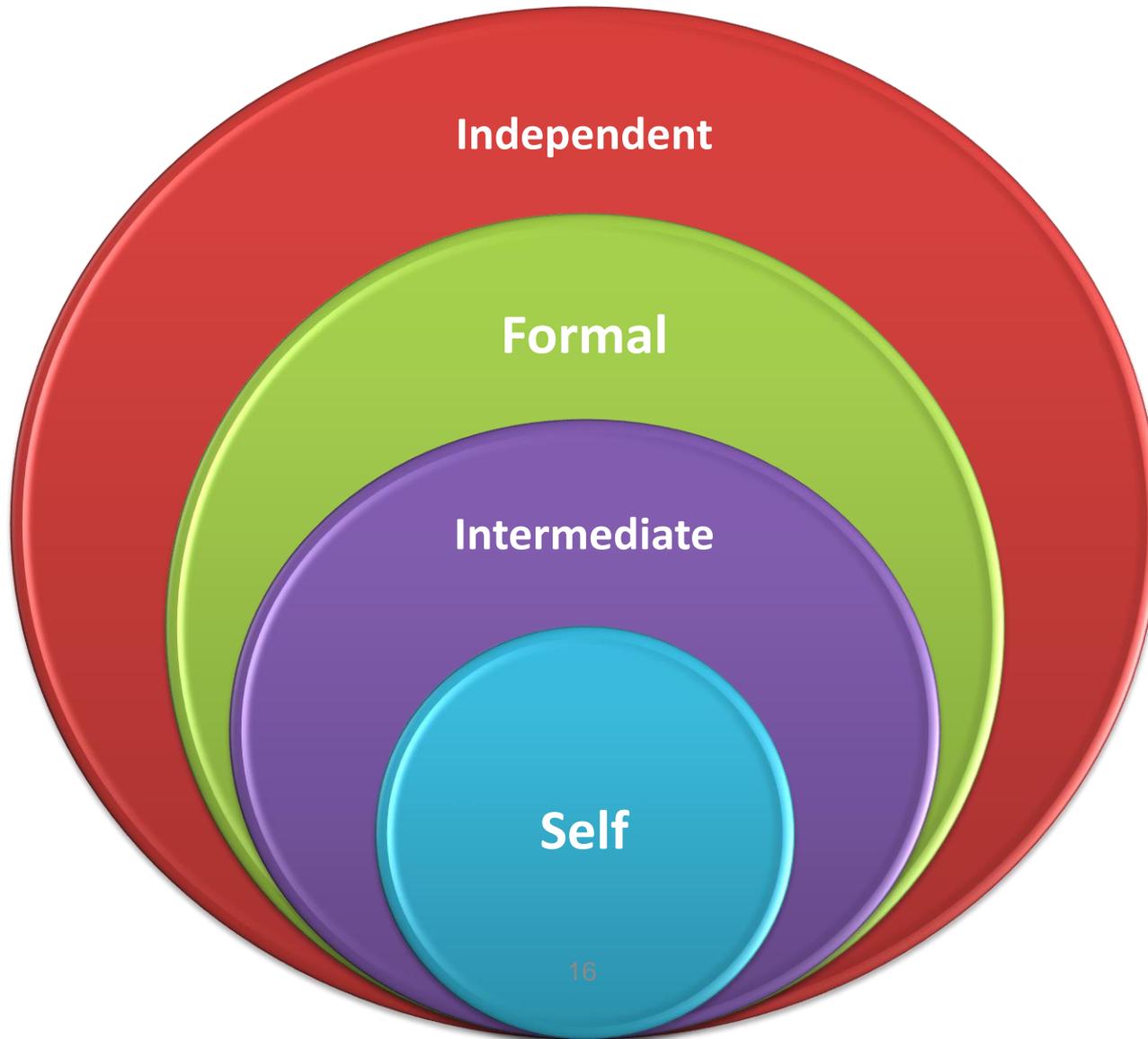
- A relationship based on trust and empowerment
- Not based on best interests, but on what the individual's wishes are
- Able to identify abuse
- No conflict of interest
- Individual is at the centre of making their own decisions and choices

# Types of advocacy

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# Benefits of advocacy: Exercise



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**In what circumstances have you had to advocate for someone in the past and in which style/model was it?**



**What are the benefits of advocacy to**  
**a) individuals, and**  
**b) organisations?**

# Independent Professional Advocacy

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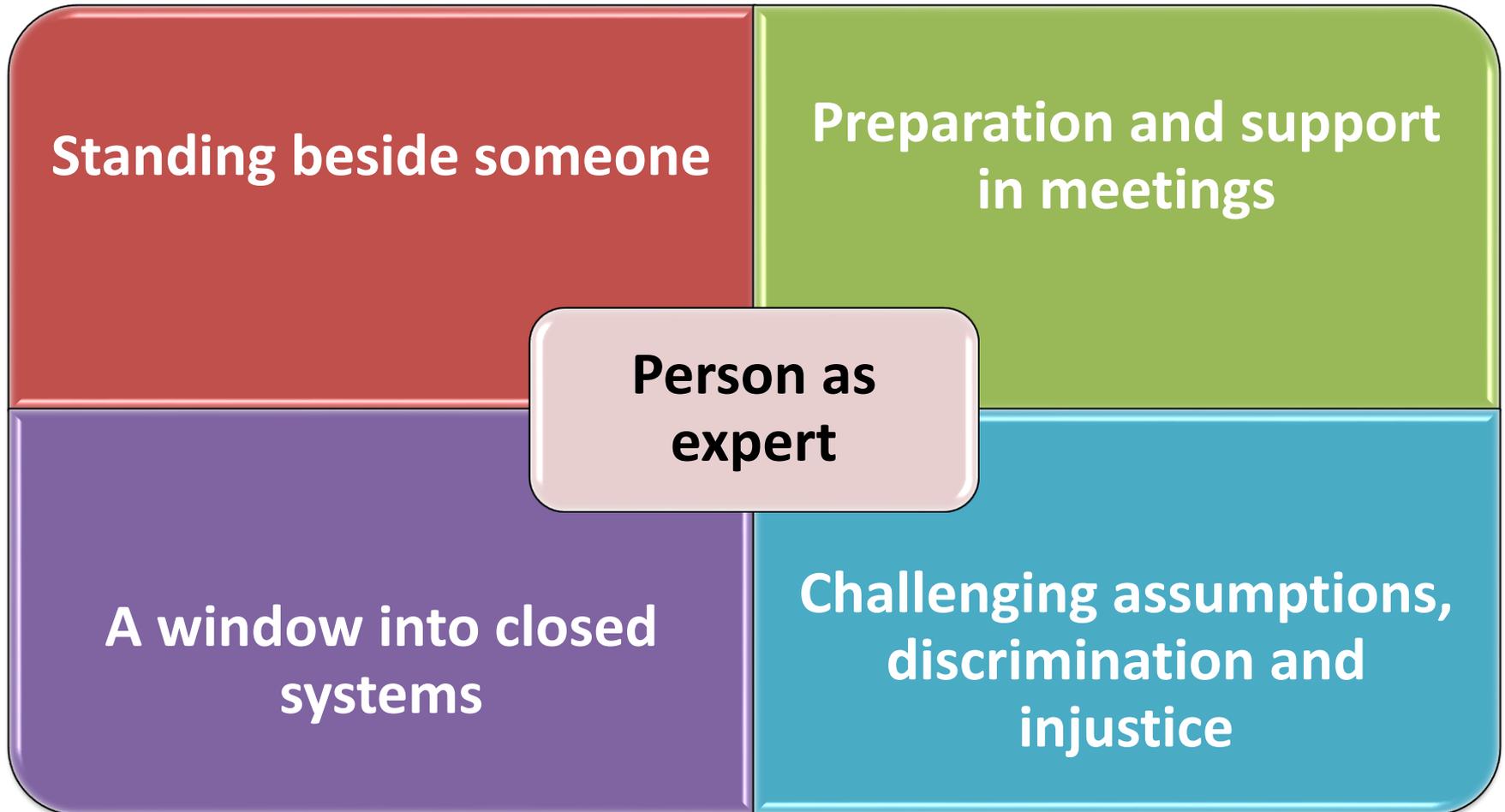
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- Independent Professional Advocacy is not meant to replace other forms
- It is important that professionals and carers keep speaking up for people's rights and care
- An Independent Professional Advocate has a specific role and function
- With no other role in a person's life, an Independent Professional Advocate is focused solely on maximising an individual's voice, involvement, control of their own life, and rights.

# Tools of advocacy – do they need independence?



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# To advocate or not to advocate: Exercise



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In groups discuss why an individual might require and wish to engage an Independent Professional Advocate rather than take the support of a professional, family member, friend or carer.

In what ways might you have a conflict of interest if someone asked you to speak up on their behalf?

Are there any conflicts that people might assume there are even if you don't think there are?

# Rights – UN and European Conventions



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**United Nations Convention on the Rights of Disabled People**

**United Nations Principles for Older Persons**

**United Nations Convention on the Rights of the Child**

**European Convention on Human Rights**

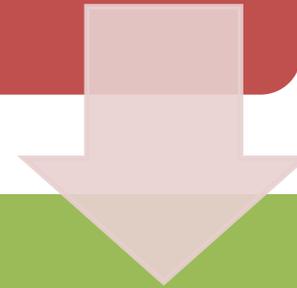
# Exercise on barriers to rights

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**What are the potential barriers to individuals being able to exercise their rights?**



**Why is the role of an Independent Professional Advocate important in ensuring rights are upheld?**

# Potential barriers to rights

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- Unable to participate
- Not knowing what their rights are
- Not understanding how they apply to the individual
- Not having the right information, not being able to access it
- Not having support to understand how rights apply to someone
- Not being able to challenge them or be frightened to challenge
- Unable to stand up for oneself
- Feeling alone and not having the confidence to speak up
- Living in fear of others
- Not wanting to make a fuss
- Lack of capacity
- Services not understanding what people's rights are

# Why is the role of an Independent Professional Advocate important in ensuring rights are upheld?

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- The individual doesn't want someone from health or the local authority supporting them
- An advocate has no conflict of interest
- Time to spend with someone exploring what rights need to be upheld/challenged, etc
- One-to-one relationship of trust and confidence
- Another person might not be equipped to stand up for an individual's rights
- An alternative person may be abusing the individual or have coercive control over them
- There may be no one else to help them
- Someone else may be acting in their best interests instead of putting the individual's views, wishes and feelings at the centre of the process
- Someone else might put their own feelings or interests ahead of those of the individual

# Reflective learning



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1

- Name two core principles of advocacy
- Give two examples of what advocacy is and isn't

2

3

- Name two different models of advocacy
- Why is the role of an Independent Professional Advocate important?

4

5

- What might a conflict of interest look like?
- In one minute, explain the role of an advocate

6

# Conclusion to Module 1

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- The Act sets out requirements for local authorities relating to advocacy under Part 10 (and related parts) Advocacy ensures that individuals have a voice, choice, and control over their lives
- Advocacy upholds rights and challenges injustice and discrimination
- Independent Professional Advocacy is free from conflict of interest and works with individuals less-able who would otherwise be unable to participate in decisions being made about them

# Module 2 – Well-being

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# Module 2 – Well-being

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Aims to promote real choice and control in line with the well-being principles and duties of the Act

## **Learning outcomes**

At the end of this module learners will:

1. Have explored the issues of choice and control for individuals requiring an Independent Professional Advocate
2. Understand how advocacy fits with the well-being principles of the Act
3. Have identified opportunities to overcome barriers to well-being

# Well-being principles and duties



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**Well-being** – I know and understand what care, support and opportunities are available to me, and I get the help I need, when I need it, in the way I want it

**Securing rights and entitlements** – My rights are respected, I have voice and control, I am involved in making decisions that affect my life, my individual circumstances are considered, I can speak for myself or have someone who can do it for me, and I get care through the Welsh language if I need it.

# Contents

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*Getting in on the Act*

- Reflection on Module 1
- Introduction
- Choice, control and consent
- Confidentiality
- Risk and the principles of advocacy
- Best interests
- Non-instructed advocacy
- Well-being, advocacy and possible barriers
- Other related overarching duties in the Act
- Reflective learning

# Reflection of Module 1

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*Getting in on the Act*

1

- Give three examples of what advocacy is and isn't

2

- Why is the role of an Independent Professional Advocate important?

3

- In one minute, explain the role of an advocate

# Introduction



*Getting in on the Act*

- A person exercising functions under this Act **must** seek to promote the well-being of people who need care and support, and carers who need support
- Well-being includes securing rights and entitlements

Well-being

Personal outcomes

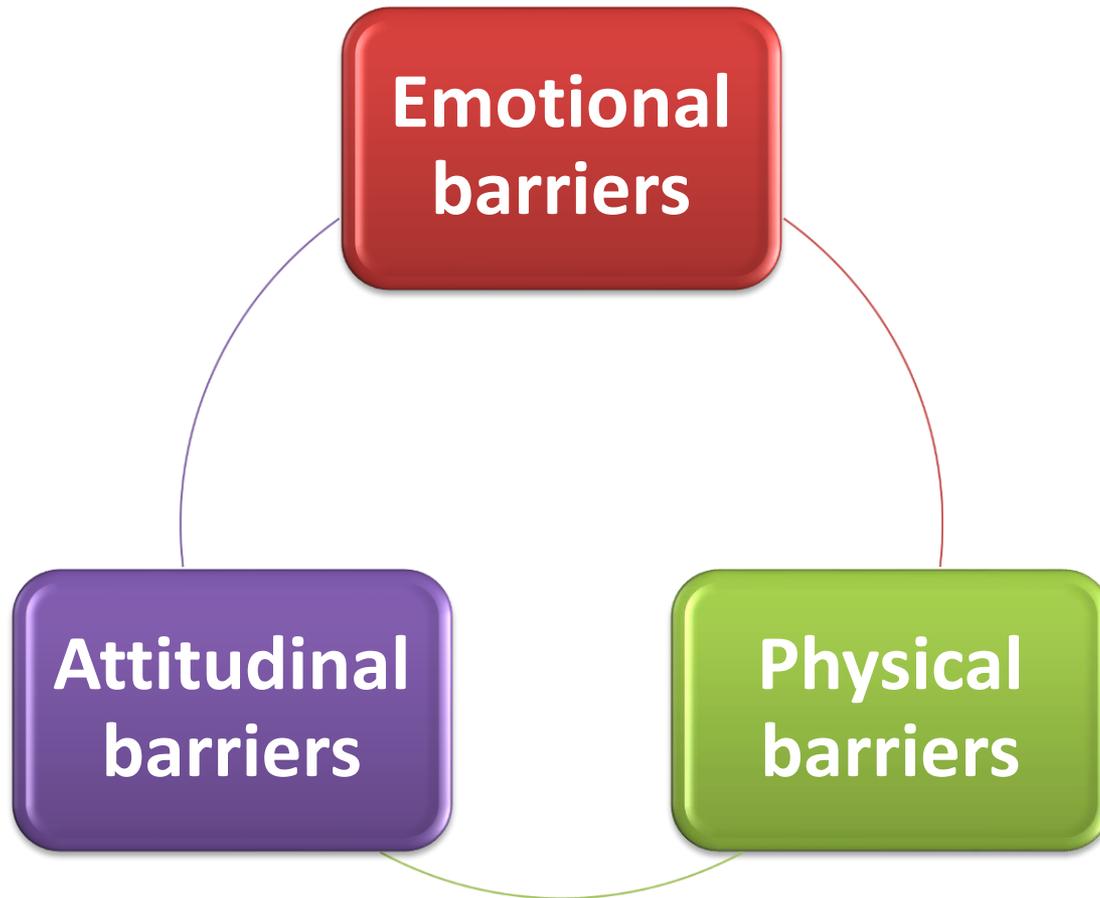
Rights

# Choice and control

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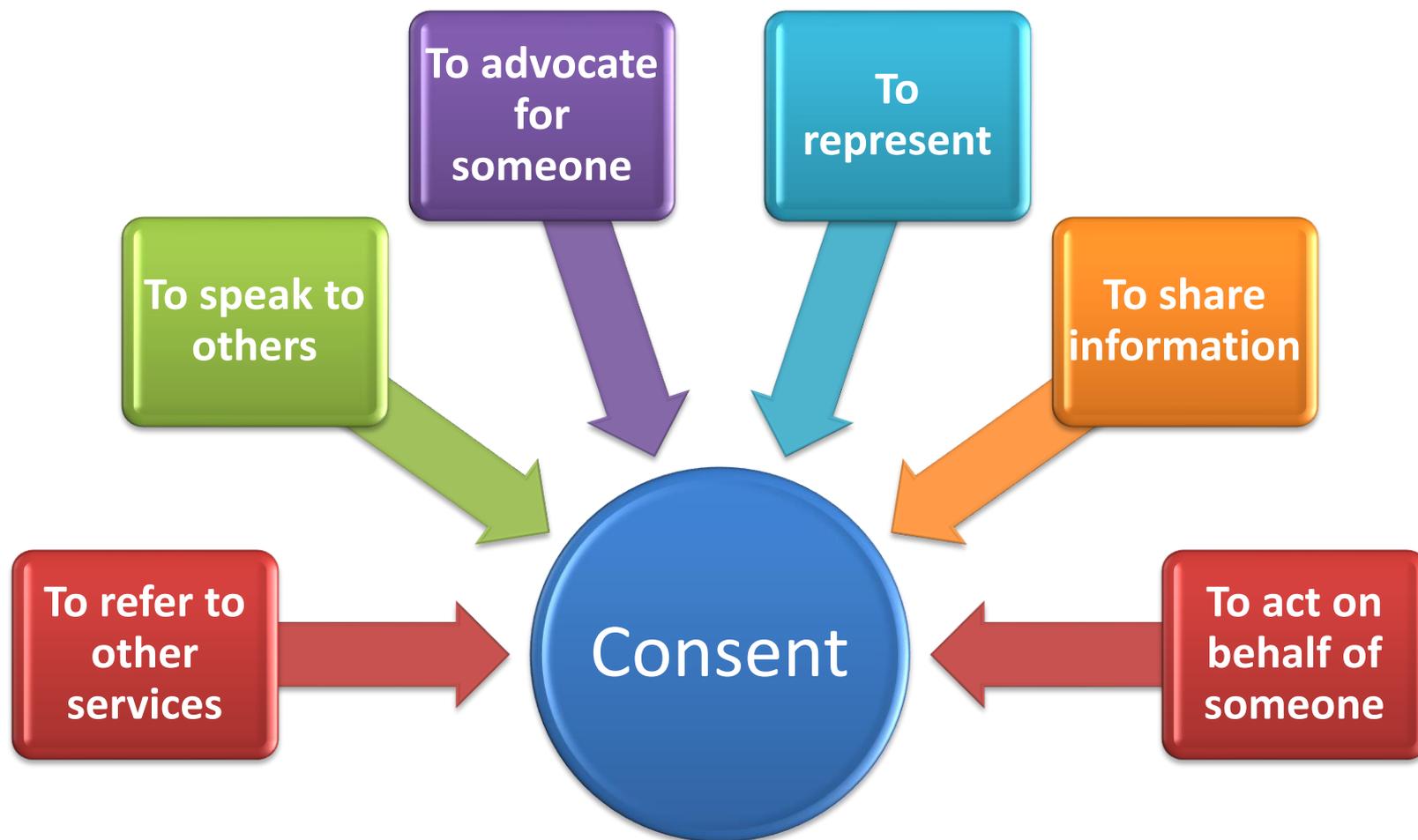
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# Advocacy and consent



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# Confidentiality in an advocacy partnership



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**Understanding when to breach confidentiality**

**Safeguarding – client and advocate**

**Duty of care**

**Levels and limits of confidentiality**

**Independence**

# Risk and the principles of advocacy

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# A person-centred approach

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**The advocacy provider will ensure that the wishes and interests of the people it advocates on behalf of direct its work. Advocates should be non-judgmental and respectful of people's needs, views, culture and experiences**

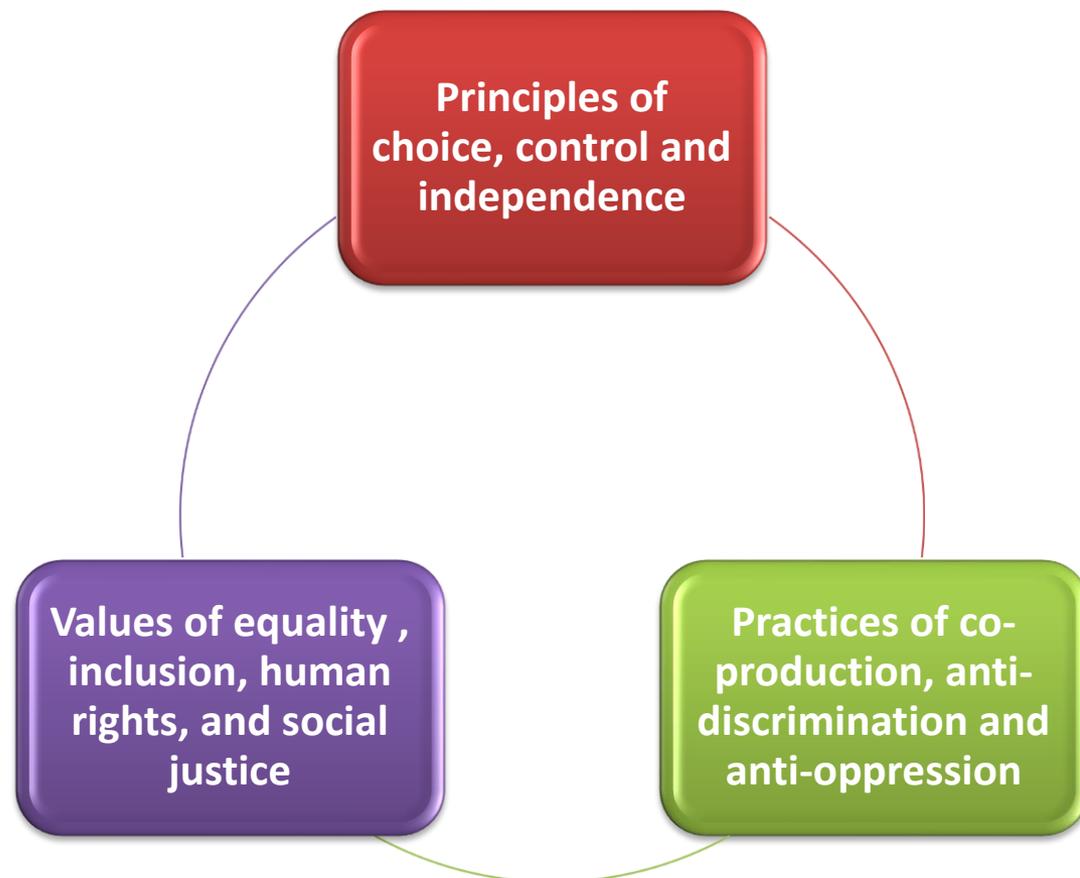
# Citizen Directed Support



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*“Citizen Directed Support is a set of ideas to help us build good relationships with people who support us to achieve our goals and live our lives as we choose.”*

These ideas are principles, values and practices. They describe what we should expect from people who support us.



# Empowerment

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**The advocacy provider should have empowerment at the heart of their service delivery and carry out actions to ensure clients are as active and present in decisions that are being made about them as they possibly can be**

# Mental Capacity Act – Five statutory principles



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**Assumption of capacity**

**Decision making**

**Unwise decisions**

**Best interests**

**Least restrictive**

# Best interests and the Mental Capacity Act



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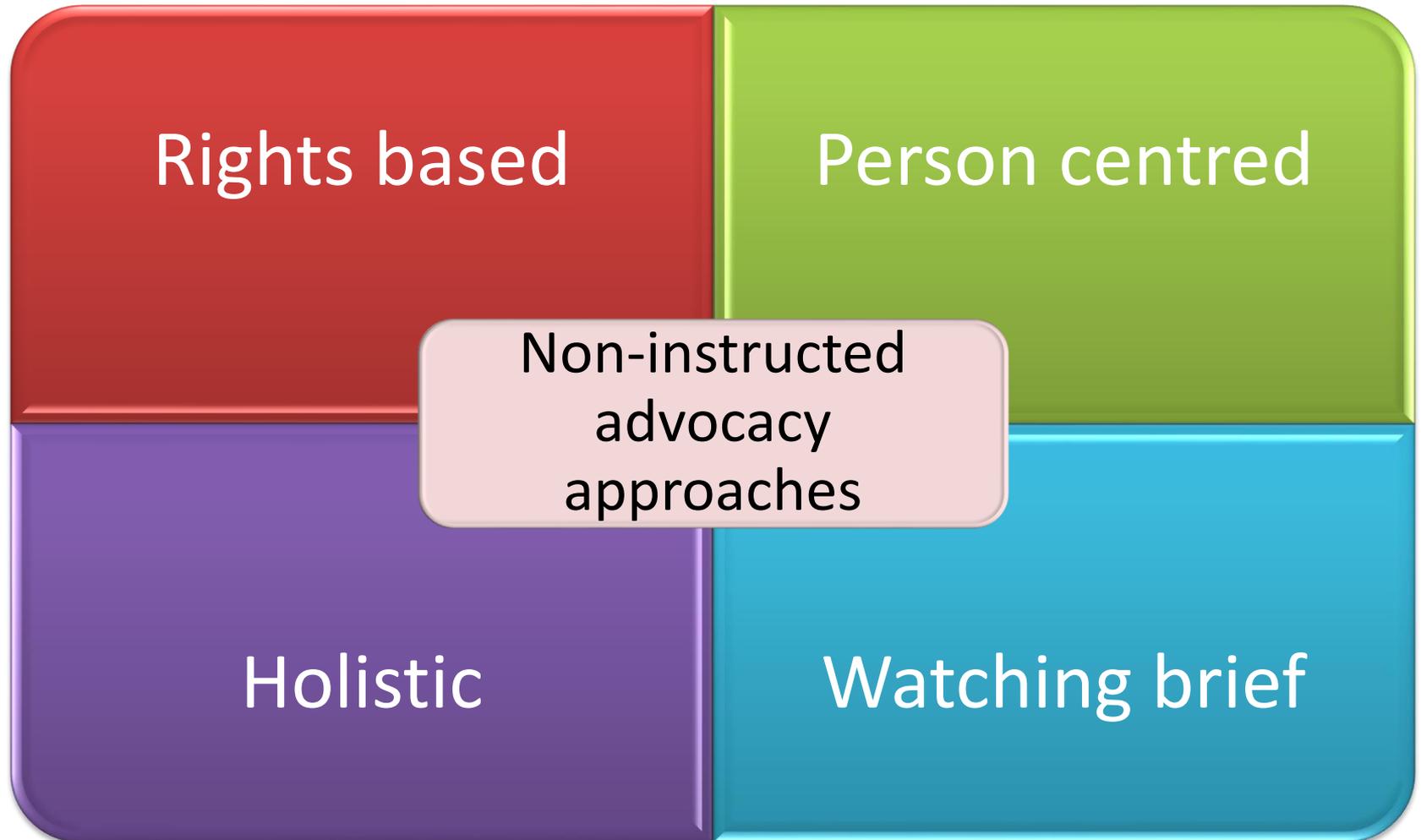
## **Principle 4: Best interests**

If a person has been assessed as lacking capacity then any action taken, or any decision made for, or on behalf of that person, must be made in his or her best interests

# Best interests and non-instructed advocacy



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# Watching Brief – Eight domains to ordinary living



Domain	Definition	Focus	Avoidance
1. Competence	To have a level of skill to be able to be as independent as possible	Learning and developing skills which lead to a greater independence or allow minimal support	Dependence and inactivity, having to rely on others, not taking risks or allowing people to do things for themselves
2. Community presence	Having a sense of belonging to a local area by means of access and use	Encourage a high frequency of use and involvement in local public facilities and amenities	Using segregated services or not using local facilities enough
3. Continuity	Having a past, present and future with key people and events in your life	Meaningful relationships which last over time, planning out your life's hopes and ambitions	Stagnation and loss, no past and no future, only the present
4. Choice and influence	Being able to determine the course of events , looking at situation from your perspective	Self determination, self advocacy, making your own decisions and choices because you want to	Domination over protection, no involvement in the way your life is directed

# Watching Brief – Eight domains to ordinary living



Domain	Definition	Focus	Avoidance
5. Individuality	A unique person in your own right	Individual needs and wishes, support that is responsive to individual demands	Grouping and labelling
6. Status and respect	Having value in the eyes of others	Raising others' expectations and the removal of social stigma and prejudice	Not placing value on a person by degrading them by age, culture or activity
7. Partnership and relationships	Having meaningful interaction with other people	Valuing interaction and friendship, promoting social networks	Having no one in your life who is important, only associating with other devalued people
8. Well-being	Having a state of physical, psychological and social health	To maintain a balance between all health needs to promote health	Accepting illness and disability, not securing appropriate health support and treatment

# Exercise



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**In small groups complete the exercise, then feed back to the main group.**

**What do you see are the main challenges to developing personal well-being outcomes for individuals?**

**How can an Independent Professional Advocate assist in developing personal outcomes for an individual?**

# Challenges to achieving personal well-being outcomes



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Juggling competing demands

Personal outcomes vs mandatory criteria for services

More outcome-focused planning and commissioning needed

Individual unable or unwilling to participate

Changing from service-led to outcome-led focus

Time limitations on services

Understanding and implementing different types of outcomes

# Benefits of advocacy



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Support the individual in being the expert in their own life

Ability to respond to the barriers of participation

Independent with no conflict of interest

Time and support to explore options

Support to explore options in decision making

Support to be heard

Empowerment to express their own needs

Support to fully engage and participate

# Well-being and advocacy



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- ✓ I know and understand what care, support and opportunities are available and use these to help me achieve my well-being
- ✓ I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being
- ✓ I am treated with dignity and respect and treat others the same
- ✓ My voice is heard and listened to
- ✓ My individual circumstances are considered
- ✓ I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me

Empowering

Supporting

Speaking up

Enabling

Safeguarding

# Exercise



*Getting in on the Act*

Well-being outcome	Possible barriers	Reason for advocacy
I know and understand what care, support and opportunities are available and use these to help me achieve my well-being		
I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being		
I am treated with dignity and respect and treat others the same		
My voice is heard and listened to		
My individual circumstances are considered		
I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me		

# Other related overarching duties



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## Views



## Wishes



## Feelings



## Participation

# Reflective learning



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1

- What barriers are there to choice and control?
- Discriminatory attitudes are a barrier to choice and control. True or false?

2

3

- Name three things consent is needed for in an advocacy partnership

4

- An Independent Professional Advocate works in the best interests of an individual. True or false?

5

- Which aspect of well-being relates to advocacy?
- Why might an individual need an Independent Professional Advocate to develop their own well-being outcomes?

6

# Conclusion

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- Voice, choice and control are essential to achieving well-being and an Independent Professional Advocate can help an individual to overcome the barriers an individual may face
- An Independent Professional Advocate never works in the 'Best Interests' of the individual
- Consent is an ongoing process and not a one-off decision
- Independent Professional Advocacy safeguards people's rights, speaks up for them and gives them a voice when required, and empowers individuals to establish their own personal outcomes

# Module 3 – Golden Thread

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# Module 3 – Golden Thread

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Aims to promote understanding of advocacy as the ‘Golden Thread’ that runs throughout the Act and the duties on professionals

## **Learning outcomes**

At the end of this module learners will:

1. Understand how advocacy fits within the whole context of the Act
2. Know when to refer to an Independent Professional Advocate
3. Be clear on professional duties, and how and when to implement them

# Content

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*Getting in on the Act*

- Reflection on Module 2
- Introduction to Module 3
- The Golden Thread and functions relating to advocacy
- Barriers to participation and when to refer to an IPA
- Early referral and early intervention
- Advocacy and safeguarding
- Professional focus
- Working with an Independent Professional Advocate
- Statutory advocacy
- Reflective learning

# Reflection of Module 2



*Getting in on the Act*

1

- What is the well-being outcome relating to advocacy?

2

- Why is consent important in advocacy?

3

- Describe advocacy and how it can help an individual develop their personal well-being outcomes (in one minute)

# Introduction



*Getting in on the Act*

- Advocacy is central to the Act to focus social support around people and their well-being
- Advocacy enables people to be active partners
- Advocacy gives people a voice, choice and control
- People must be involved in expressing their views, wishes, feelings and options

Values

Principles

Duties

# The 'Golden Thread'



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**Voice and  
control**



**Consistency  
and clarity**



**Equality**



**Quality of  
services**



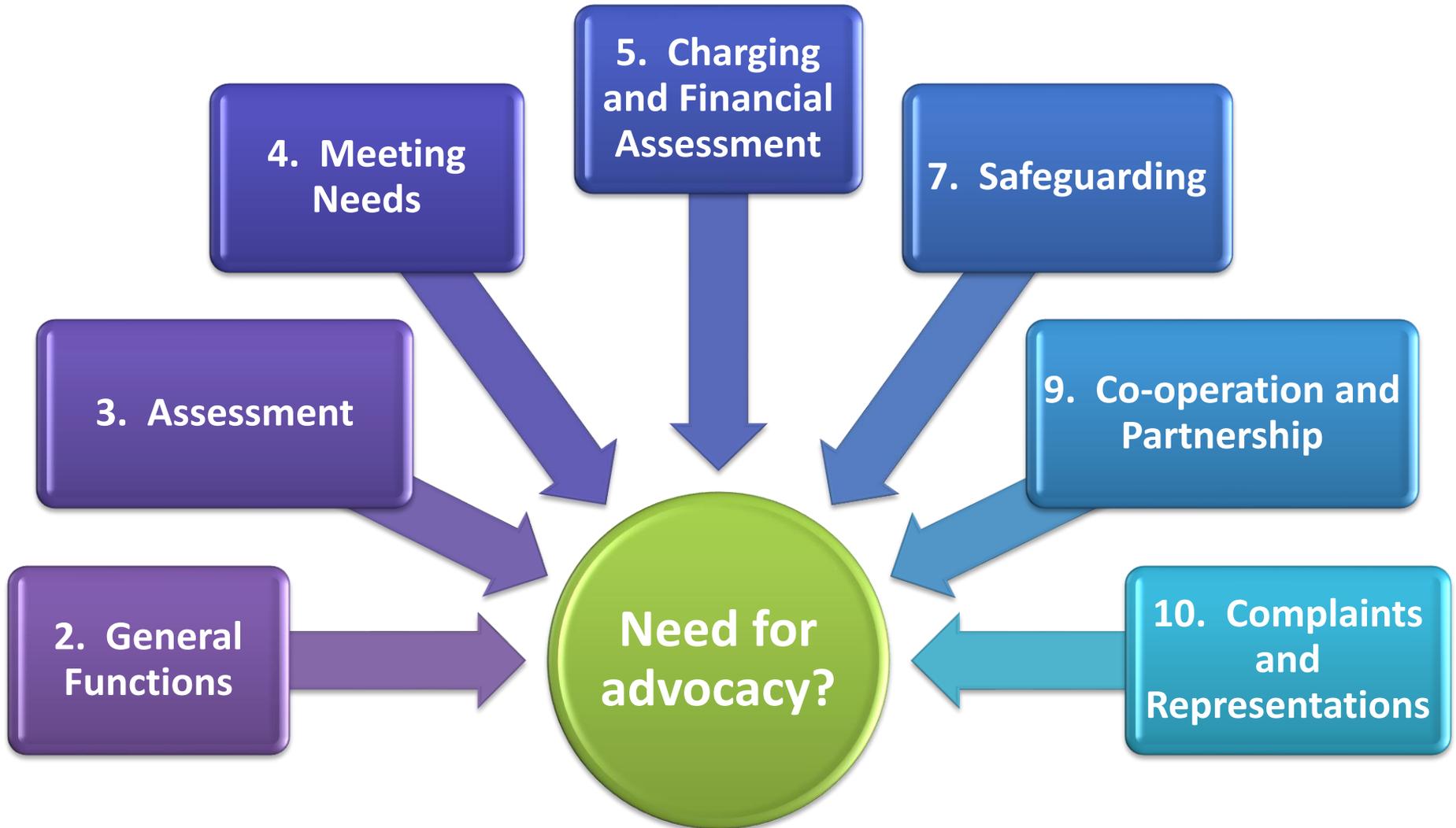
**Prevention**



# Functions relevant to advocacy



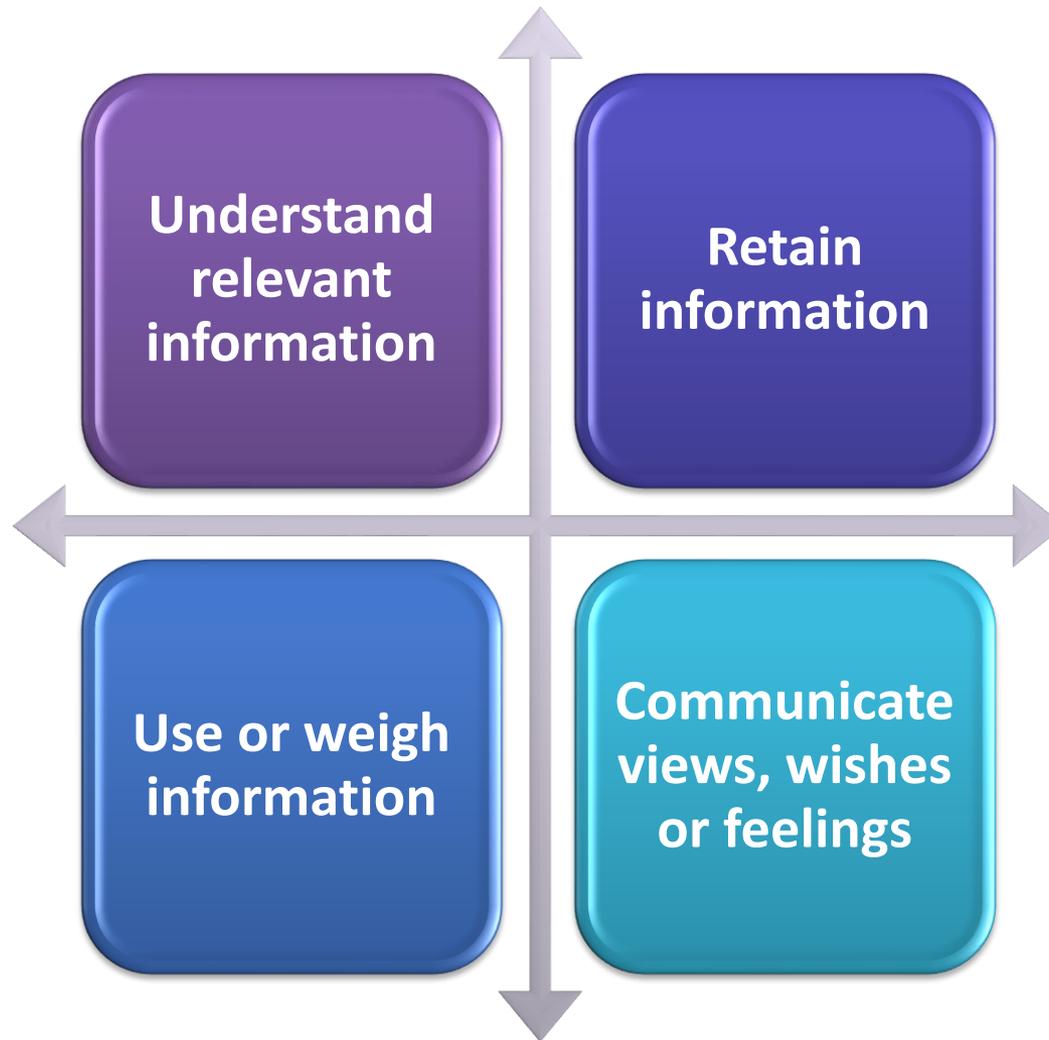
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# Barriers to participation



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# When to engage an Independent Professional Advocate



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# Circumstances requiring an advocate



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**Making decisions impacting significantly on day-to-day life**

**Impact of external factors of care and support**

**When suspected of being at risk of harm or neglect**

**When preparing to leave hospital and return to the community**

# Early referral and early intervention



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To ensure rights are upheld

To develop well-being outcomes

To prevent 'knock-on' delays to other services

To prevent further abuse or neglect

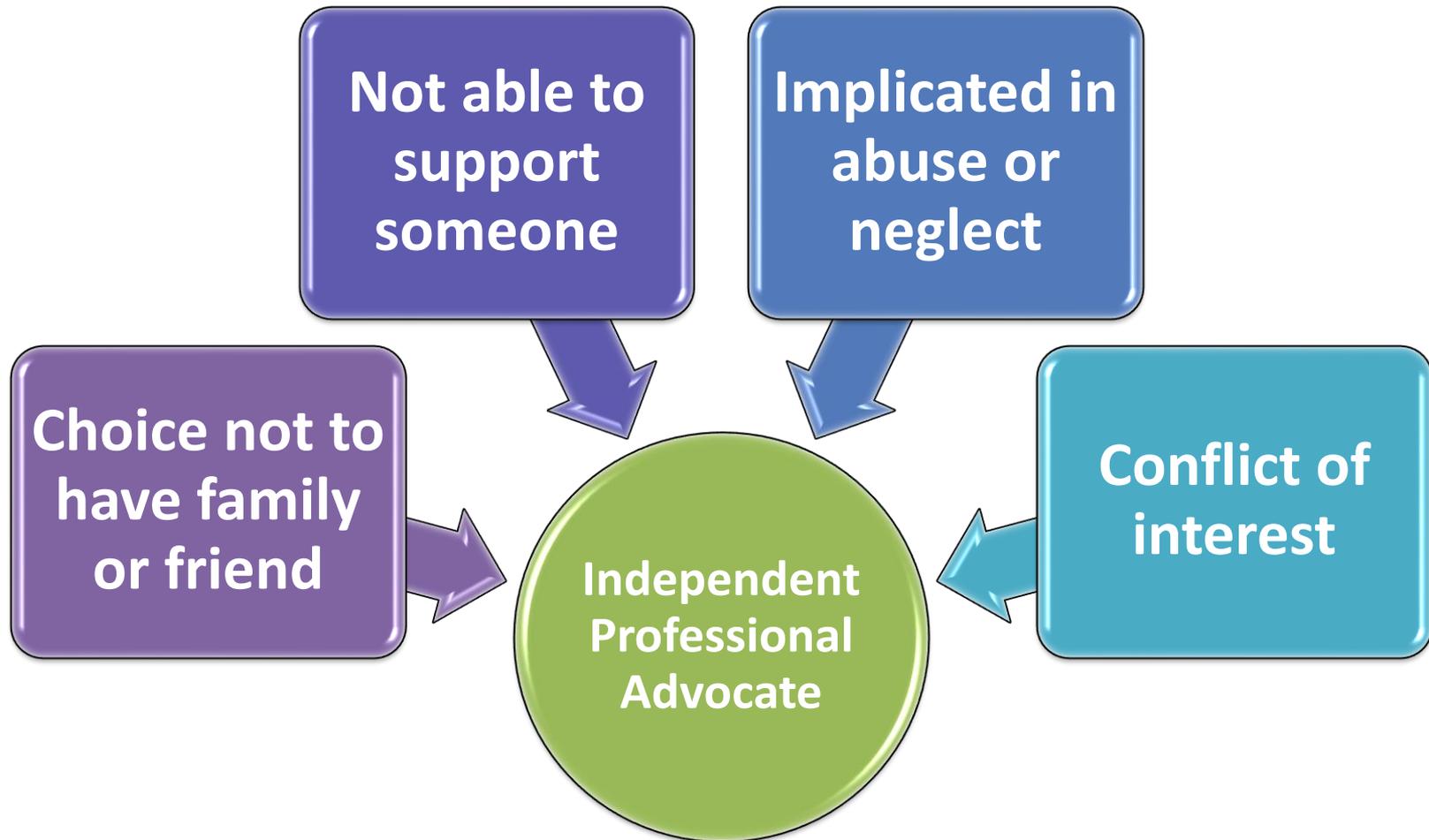
To overcome barriers to participation and enable choice and control

To develop a relationship with the advocate

# Independent Professional Advocacy versus 'I am their advocate'



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# Advocacy and safeguarding

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## **Protection from abuse and neglect:**

**I am safe and protected from abuse and neglect**

**I am supported to protect the people that matter to me from abuse and neglect**

**I am informed about how to make my concerns known**

# Advocacy and safeguarding



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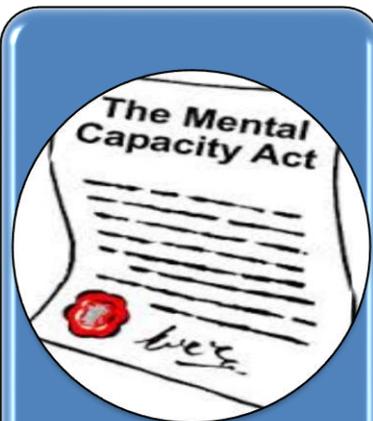
Safeguarding enquiry for adults



Safeguarding enquiry for children



Adult Protection and Support Order



Consider if using Mental Capacity Act is more appropriate



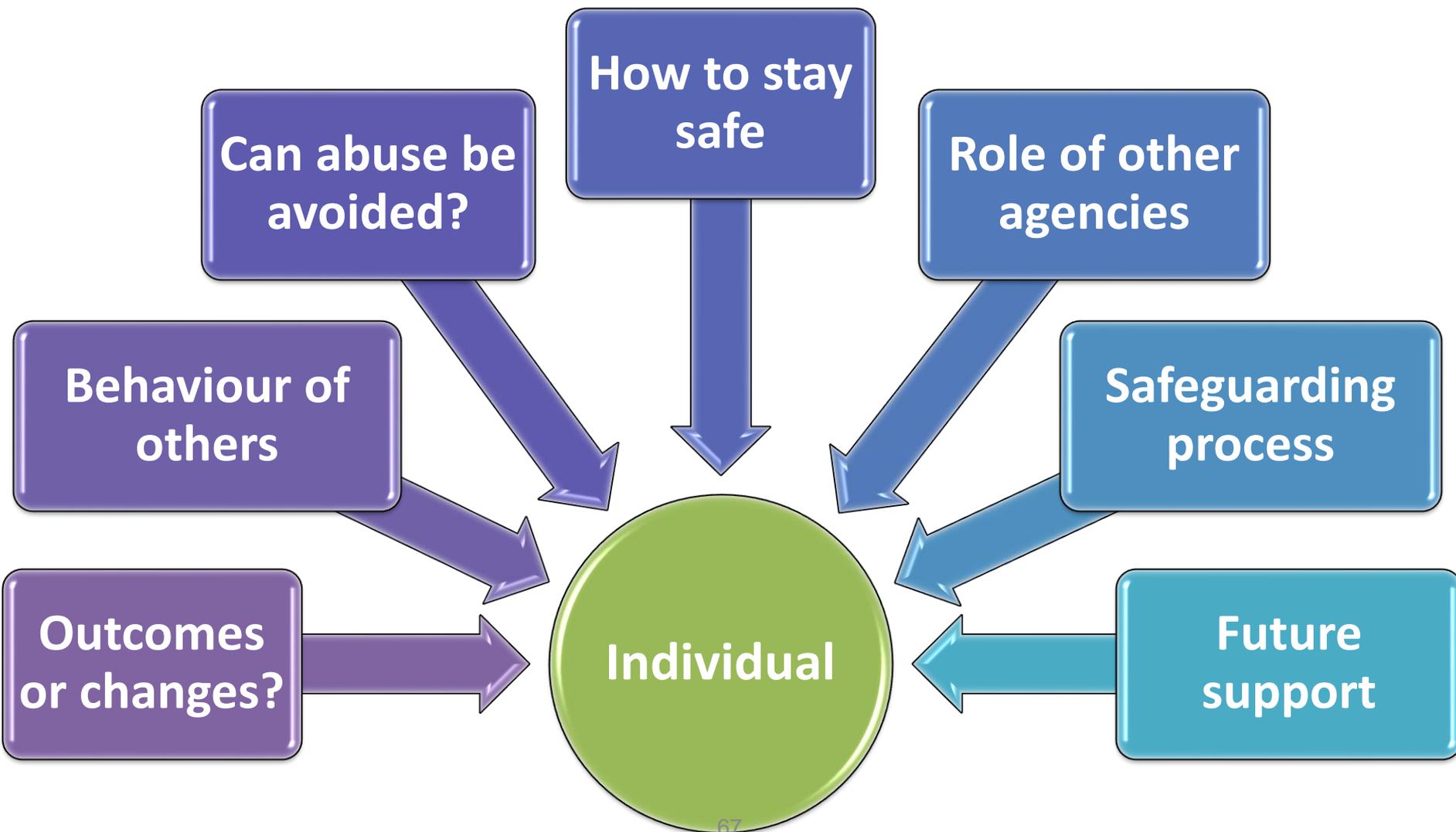
Entitlement to advocacy for children to make representation



# Safeguarding, advocacy and the individual



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# Professional focus and practice of: social care, education and health professionals

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**Legal duty of care**

**Professional judgement**

**Act in person's best interests**

**Act according to policy and procedure of employer**

**Working to policy and financial constraints**

# Working with an advocate

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- Does involving an advocate mean I have failed?
- How do I work when an advocate is there as well?
- What can I expect an advocate to tell me about the client?
- Why does advocacy have to challenge?
- Is the advocacy service I refer to regulated?
- Are advocates paid professionals?
- What do I do if there is a problem with the advocate?
- What if there aren't any advocates available?

# Referring to an Independent Professional Advocacy Service



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## Statutory advocacy

**Social  
Services  
and Well-  
being  
Wales Act  
(2014)**

**Mental  
Capacity  
Act  
(2005)**

**Mental  
Health  
Act**

**National  
Health  
Services  
(Wales)  
Act  
(2006)**

**Education  
Act**

**Equality  
Act  
(2010)**

# Reflective learning



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1

- Why is advocacy considered to be the Golden Thread through the Act?

2

- Name three other functions of the Act where advocacy is relevant

3

- What are the four barriers to participation?
- When should you engage an IPA?

4

5

- What makes the role of the professional different to that of an IPA?

6

- In one minute, explain why advocacy is important in relation to the Act

# Conclusion

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*Getting in on the Act*

- Advocacy is central to ensuring people are empowered to express their needs
- Advocacy is the ‘Golden Thread’ throughout the Act that enables services to focus on people and their well-being outcomes
- The Act gives people a voice in, and control over, achieving their well-being outcomes
- What do you need to do to ensure that people are able to participate fully?
- What further learning do you need to enable you to fulfil your duties?