

## Public Policy Statement

### Information, advice and advocacy

March 2015

#### Summary

Good quality information and advice is essential for older people. Relevant and appropriate information and advice helps us to make informed decisions, plan ahead, access services and entitlements and contribute to society. Delivered effectively, it can help to promote the independence of older people, empowering them to make choices, secure their rights and act in their own interests<sup>1</sup>. For example, older people may require information and advice with regard to benefit entitlements, housing or social care options.

Advocacy can be defined as:

“...taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy schemes work in partnership with people they support and take their side. Advocacy promotes social inclusion, equality and social justice.”<sup>2</sup>

Advocacy services are essential to ensure that every older person has a voice and receives the support they need. Advocacy services are also vital in protecting people and preventing abuse. Whilst not all older people are in need of an advocate, it is of vital importance to ensure that the provision of services is sufficient to enable people to access an independent advocate when and where they need one.

Advocacy can support and enable people who have difficulty representing their interests to exercise their rights, express their views and make informed choices. Whilst not all representation is independent, nor does it need to be, independent advocacy can be vital in ensuring that people's wishes are heard when key decisions are being made about them.

Information and advice are provided by a wide range of private, statutory and voluntary organisations at local, regional, national and UK levels. The provision of advocacy has been less systematic and advocacy is often poorly or incorrectly understood as relating only to complaints and/or dispute resolution.

The new Social Services and Well-being (Wales) Act 2014 (SSWA) places statutory duties upon local authorities with regard to the provision of information, advice and assistance (Part 2) and advocacy (Part 10) with regard to social services. The Act was passed in May 2014 and will come into force in April 2016. The details on both

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<sup>1</sup> A Dunning (2005): [Information, advice and advocacy for older people. Defining and developing service](#) (Joseph Rowntree Foundation)

<sup>2</sup> Action for Advocacy (undated): [The Advocacy Charter](#)

Part 2 and Part 10 will be set out in codes of practice or statutory guidance<sup>3</sup> and/or regulations that will be laid before the National Assembly for Wales over the course of 2015<sup>4</sup>.

The information, advice and assistance services provided by local authorities are intended to act as the portal for the delivery of the new preventative model of social services. It is anticipated that they will work on a multidisciplinary basis and, at a minimum, signpost to information and advice on other issues of concern for older people, for example housing. None of the current models operated by local authorities are considered to be capable of delivering all the requirements of the Act without adaptation<sup>5</sup>. It can therefore be expected that the landscape of provision of information and advice on social care and social services in Wales will undergo changes in the next two years.

These changes apply to local authorities, although they may choose to commission a provider of information, advice and assistance to deliver services on their behalf. Other organisations, both statutory and voluntary, will continue to provide their own information, advice and advocacy services as before across a wide range of issues relevant to older people.

## Summary of public policy proposals

- The Welsh Government, local authorities and the NHS should develop a strategic approach to the delivery of information and advice services. This strategy should cover the accessibility of the service, its independence, the involvement of older people in service development and the assurance of the service's quality.
- The Welsh Government, local authorities and the NHS should work together with voluntary service providers to develop a collaborative approach to service delivery that also covers signposting between organisations and a follow-up mechanism to ensure that the signposting has met the needs of the client.
- Staff involved in the delivery of information and advice services should receive training relevant to the development and delivery of age-appropriate services, including safeguarding and equality and diversity.
- The Welsh Government, local authorities and the NHS should work together with voluntary service providers to raise awareness of available services and develop opportunities to deliver information and advice in locations where older people live their daily lives.
- Those responsible for commissioning information and advice services need to ensure that quality standards and monitoring are incorporated in tendering to ensure acceptable, consistent and recognised standards are applied across Wales.

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<sup>3</sup> The codes of practice and statutory guidance both contain details of what local authorities must and must not do. Local authorities are not allowed to deviate from the contents of the code of practice; they can, however, deviate from the requirements of statutory guidance if they are able to provide justification for exceptional circumstances.

<sup>4</sup> At the time of writing, a consultation has been completed upon the draft code of practice for Part 2, including information, advice and assistance. It is expected that this code of practice will be laid before the Assembly in May 2015. The draft code of practice and any accompanying regulations for Part 10 are expected to be published for consultation in May 2015 and laid before the Assembly in late autumn 2015.

<sup>5</sup> Social Services Improvement Agency (April, 2014): [The provision of Information, Advice and Assistance on Social Services and Well-being across Wales](#)

- The Welsh Government and local authorities must recognise that an ‘all-adult’ approach to tendering for services can be inappropriate and may fail to deliver for older people. Where an ‘all-adult’ generic information and advice service has been commissioned that cannot meet the specific needs of older people and refers them on to more specialised services, a fair funding formula is required to ensure that those services who receive a referral from the commissioned organisation are not losing out financially as a consequence of dealing with cases for which another organisation receives payment.
- The Welsh Government and local authorities should ensure that every older person throughout Wales has access to a free independent advocacy service should they wish to use it.
- The Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them
- The Welsh Government should produce an advocacy commissioning framework which sets out clearly how rights will be real for older people
- The Welsh Government and commissioners should work with service providers to overcome barriers that restrict access to independent advocacy for their clients, including the view that advocacy is linked to complaints or conflict resolution
- Those responsible for commissioning advocacy services need to ensure that quality standards and monitoring are incorporated in tendering to ensure acceptable, consistent and recognised standards are applied across Wales.
- Welsh Government and local authorities should work together with the voluntary sector to draw up a proposal that will ensure the existence of sustainable advocacy services and enable the planning and development of service provision. A fair funding mechanism is also required to ensure that organisations are appropriately funded for referrals they receive for which they have not been directly commissioned.

## Information, advice and advocacy

This policy statement covers:

- Information and advice services
- Advocacy services

## Public Policy Proposals

### Information and advice

Information, advice and advocacy are recognised as critical building blocks if older people are to achieve the outcomes they desire and which have prompted them to use the service<sup>6</sup>. Much of the information available is generic in nature, but it needs to be recognised that specialist information relating to the ageing process may also be required by older people with regard to, for example, retirement, changing or declining physical or mental health, sensory or cognitive impairment, bereavement, changes in housing or living arrangements and ageism.

Older people do not constitute a homogenous group. They are individuals, and have individual interests, concerns and problems that need to be addressed. As such, support should be person-centred. Information and advice services need to ensure that they do not additionally disadvantage older people in their use of formats or channels of delivery. In addition, they need to ensure that members of groups with other protected characteristics in addition to age can access information that is appropriate not only to their age, but also to their background, language, culture or impairment.

#### *Availability and accessibility*

Information must be widely accessible and available at the right time, at those moments in people's lives when they need help or need to make a particular decision<sup>7</sup>. When people access an information and advice service, they are almost always seeking the answer to a specific question. It is therefore essential that they are directed to the relevant information they require as quickly as possible, whether that is through an easily navigable website, a knowledgeable and competent call handler or adviser (in face to face meetings) or being passed directly to the most relevant person to assist with their enquiries.

Although easily navigable websites are beneficial in the provision of up-to-date, accessible information, service providers need to recognise that they are not always appropriate or suitable for older people who are seeking information and advice. Unless the provider is known and trusted, the accuracy and reliability of an Internet source may be suspect. In addition, many older people are unwilling or unable to use the Internet, whether that is because they have not learned how to do so, do not have the necessary technology or reliable Internet access or simply do not wish to do so. Service providers must not rely on websites as their only, or even their primary, means of providing information and advice.

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<sup>6</sup> Improvement & Development Agency (2009): [Transforming adult social care: access to information, advice and advocacy](#)

<sup>7</sup> Dunning, 2005

Where information and advice are provided by telephone, service providers need to ensure that their service delivery is age-friendly. Whilst many older people will have no difficulty holding a conversation and expressing their needs and requests, others may have trouble speaking and/or hearing on the telephone and this needs to be handled appropriately and respectfully. Staff should be well-trained, knowledgeable about the range of services their organisation provides and able to signpost effectively. They also need to treat each caller with respect and dignity and may benefit from receiving appropriate equality and diversity training.

Some older people, especially if they have other protected characteristics, may be anxious about the way in which they might be treated if they approach a service and building a good reputation for courteous, respectful, confidential treatment can go some way to addressing this problem.

Staff providing information and advice need to be aware that some older people may lack the confidence or be reluctant to articulate their needs. There are also individuals who are unwilling to ask for help because they are too proud, because they are worried about the possible consequences of asking for a little bit of help in terms of its impact upon their independence and chosen lifestyle or because they are unwilling to admit that they need a little bit of help. Members of staff who provide information and advice to older people need to be trained in facilitating engagement with these individuals and overcoming resistance. Such individuals may also be helped by appropriate signposting from professionals with whom they have built up a relationship of trust.

Information needs to be provided in a range of formats and through a range of channels. It must cater for those from a range of diverse backgrounds, and those with sensory and cognitive impairments, as well as those with limited levels of literacy or who do not have English or Welsh as a first language.

The information provided should seek to be as brief as possible and written in a simple and accessible manner. It should be tailored appropriately for its target audience where specialist, rather than generalist, information is being provided and meet the needs of the individual. It should also take into account the needs of marginalised groups of older people wherever appropriate. Jargon and acronyms should be avoided. Whilst it is recognised that many service delivery systems are now complicated, this should be an issue for professionals to handle, not the person wishing to find out more about a service, or even to access it.

### *Awareness-raising*

Steps need to be taken to raise awareness of the resources that are available. To this end, it is important that services reach out to those locations where older people are likely to be found, rather than expecting the older people to go to them. Information needs to be made available from readily identifiable contact points, preferably in locations where older people live their lives on a daily basis<sup>8</sup>. This would serve to raise awareness of the provision that is available, whilst empowering older people by making it easier for them to access the information and advice that they need. This may be particularly important in those parts of Wales

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<sup>8</sup> Improvement & Development Agency, 2009

where communities that are already relatively isolated are feeling the effects of cuts to local services, such as public transport routes. In light of current financial circumstances, service configuration is changing and this has implications for a number of current sources of information, such as libraries. Consideration therefore needs to be given as to how older people access sources of information.

Older people need access to the information, services and activities which enable them to maintain a healthy and independent lifestyle to the greatest extent possible. They require information on a broad range of issues, not just social care, but health, finances and housing. Information on leisure and social activities could also serve to keep people active and tackle isolation, which can have a detrimental impact on both physical and mental health. It would be beneficial to include older people in service design to the greatest extent possible, not just as a paper consultation exercise.

### *Independence, standards and resources*

There is an expectation that information should be available free of charge, even where there may be a cost for the service it promotes. Measures should be taken to ensure that the information and advice is of good quality and is accurate, current and consistent. Incorrect or inconsistent information undermines trust in the service and the service provider.

Information and advice services need to be independent or provided by a trusted and reliable source. Greater cooperation and communication between organisations and agencies from the statutory and voluntary sectors who provide information and advice needs to be promoted to ensure that both fragmentation and duplication are avoided. In addition, for example with regard to the implementation of the SSWA, local authorities need to promote the range of services available in their local area, not just the ones that the local authority itself provides (or funds).

The information needs of a local community need to be thoroughly assessed and evaluated<sup>9</sup> before a service is provided or commissioned. With regard to social services, this should be addressed through the population assessment provisions of the SSWA. There is a need to enhance cooperation between a range of service providers to ensure that provision is neither duplicated nor fragmented<sup>10</sup>. Also, where signposting takes place between organisations or even between different departments of the same organisation, a follow-up enquiry should be made to determine whether the desired outcome was achieved, rather than allowing people to “fall through the net”.

Information and advice needs to be of good quality. Whilst there is no need for an identical service model to be used, certain basic standards of information and advice provision should be established across Wales. People are more likely to look for information if they believe it will be available and accessible, can access it without too much effort, trust the source and assume that it will help them in some way<sup>11</sup>.

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<sup>9</sup> Information and Development Agency, 2009: p14

<sup>10</sup> *Ibid*: p46

<sup>11</sup> *Ibid*

To keep information 'banks' up to date can require significant resources and local knowledge, even when dealing with relatively specialist information. This has resource implications for both local authorities and also for voluntary organisations who can struggle to maintain on-going stable funding, often only being funded on an annual basis or having to seek financing from a replacement funder when an initial grant expires. Face-to-face interaction, which is often the preferred method of interaction for many people, is also the most costly to operate. Even where face-to-face services are maintained, it can be difficult to ensure that they are available to isolated communities, those who are housebound, and those who have chosen to isolate themselves.

Some commissioning procedures, responding to the definition of 'adults' in the Social Services and Well-being (Wales) Act 2014 are moving in the direction of putting out tenders for 'all-adults' services. Providing an 'all-adults' service which is unable to meet the needs of older people may amount to indirect discrimination under the Equality Act 2010. It is also not appropriate for organisations who are commissioned to provide the information and advice service to refer people on to specialist organisations who may have lost funding as a consequence of tendering arrangements or who generally do not receive funding to provide that service. Many groups, including Local Age Cymru Partners, provide valuable services and expertise for specific groups and this delivery needs to be maintained and properly supported.

## **Public policy proposals**

- The Welsh Government, local authorities and the NHS should develop a strategic approach to the delivery of information and advice services. This strategy should cover the accessibility of the service, its independence, the involvement of older people in service development and the assurance of the service's quality.
- The Welsh Government, local authorities and the NHS should work together with voluntary service providers to develop a collaborative approach to service delivery that also covers signposting between organisations and a follow-up mechanism to ensure that the signposting has met the needs of the client.
- Staff involved in the delivery of information and advice services should receive training relevant to the development and delivery of age-appropriate services, including safeguarding and equality and diversity.
- The Welsh Government, local authorities and the NHS should work together with voluntary service providers to raise awareness of available services and develop opportunities to deliver information and advice in locations where older people live their daily lives.
- Those responsible for commissioning information and advice services need to ensure that quality standards and monitoring are incorporated in tendering to ensure acceptable, consistent and recognised standards are applied across Wales.

The Welsh Government and local authorities must recognise that an 'all-adult' approach to tendering for services can be inappropriate and may fail to deliver for older people. Where an 'all-adult' generic information and advice service has been commissioned that cannot meet the specific needs of older people and refers them on to more specialised services, a fair funding formula is required to

ensure that those services who receive a referral from the commissioned organisation are not losing out financially as a consequence of dealing with cases for which another organisation receives payment.

## Advocacy

Information and advice have a relationship with advocacy. Although in Wales the acronym IAA is now taken to refer to Information, Advice and Assistance, as established in the SSWA, in the literature more broadly it refers to information, advice and advocacy, which are often seen as part of a continuum with advocacy as the last resort after other channels have already been tried. Instead they should be viewed as having an intersecting relationship in which advocacy can be employed at any point<sup>12</sup>.

Not all older people will need the support of an advocate. It is often the case that receiving appropriate, relevant and timely information and advice will enable people to make an informed choice and express their wishes. However, some people may require the support of an advocate in order to access information and advice or to take action/make decisions based upon the information and advice which they receive.

Examples of issues dealt with by advocates in Wales can include: arranging care and paying for care; dealing with finances or financial issues; neglect/abuse/scams/financial abuse; change of accommodation; and dealing with utility companies<sup>13</sup>. Advocates can provide support at times of major decision-making, empowering people to make the decisions they feel are in their own best interests. It can also assist people to express their views effectively when decisions are being taken that affect their lives, either by providing support or by representing the individual, something people can find particularly useful when navigating complex formal processes.

However, there is a lack of awareness of the existence and purpose of advocacy. Advocacy can often be equated with complaints and there can therefore be reluctance on the part of professionals to involve an advocate. This represents a misunderstanding of the benefits that an advocate can offer in terms of conflict resolution, but also in terms of improving the standards of the service and ensuring compliance with legal duties<sup>14</sup>.

There is also a lack of awareness and understanding of advocacy among older people that needs to be addressed. Promoting awareness of advocacy needs to be supported by the establishment and application of appropriate quality standards to which advocacy service providers sign up and which commissioners use as a criterion in their commissioning processes. The use of such standards will serve to improve the reputation and quality of advocacy service provision.

Establishing charges for advocacy is inappropriate, especially where safeguarding is a key issue. Having to pay for the services of an advocate, or having to go through the process of a financial assessment before an advocate can be accessed,

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<sup>12</sup> Dunning, 2005: pp13-14

<sup>13</sup> Age Cymru (March 2011): *Advocacy Counts 3*: p20

<sup>14</sup> The Older People's Commissioner for Wales (2012): [Voice, Choice and Control](#)

potentially acts as a deterrent for those who are most vulnerable and in need of support. It is therefore also essential that a sustainable model of funding for the provision of advocacy services is established to ensure that services are consistently maintained and to allay fears over future provision. This requires convincing commissioners of the benefits derived from the provision of advocacy.

In the current economic climate, there is a risk that the statutory obligation created on local authorities by the SSWA will lead to a restrictive interpretation of who can have access to advocacy and in what circumstances. However, advocacy represents a mechanism for ensuring that service providers do not find themselves failing in their duties – failure to comply with the relevant legislation and regulations can result in both legal processes and damage to an organisation’s reputation<sup>15</sup> from which it can be very difficult to recover.

As highlighted above, independent advocacy is only one form of advocacy and many people are able to either advocate for themselves or do so with the support of family, carers, friends or professionals with whom they have built up a relationship. All too often, independent advocacy appears to be equated only with safeguarding<sup>16</sup>, or with complaints and dispute resolution<sup>17</sup>, but used appropriately, advocacy can help to avoid the need to use formal complaint procedures or dispute resolution mechanisms, thereby actually reducing costs overall. However, independent advocacy has an important role to play and it is important that there is access to an independent advocacy service throughout Wales.

The principal issue here revolves around conflict of interests. Relatives are not always best placed to express the wishes of the individual. They may struggle with complex formal processes, as may carers, or, in some cases, family members may actually be part of the problem. Relatives and carers may find it difficult to disentangle their own concerns and interests from those of the person that they are seeking to represent. For professionals, they may face restrictions on their ability to express the wishes of the individual as a result of their role, their legal responsibilities or the role of their employer<sup>18</sup>. This is a particular problem when the interests and concerns of the individual run counter to those of the service provider who employs the professional in question. It is therefore essential that all older people in Wales have access to an independent advocacy service in their area.

### **Public policy proposals:**

- The Welsh Government and local authorities should ensure that every older person throughout Wales has access to a free independent advocacy service should they wish to use it.
- The Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them

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<sup>15</sup> The Advocacy Project (2013): p40

<sup>16</sup> For further details on safeguarding, please see the Age Cymru Public Policy Statement on Safeguarding.

<sup>17</sup> The Older People’s Commissioner for Wales, 2012: p27

<sup>18</sup> The Advocacy Project, p14

- The Welsh Government should produce an advocacy commissioning framework which sets out clearly how rights will be real for older people
- The Welsh Government and commissioners should work with service providers to overcome barriers that restrict access to independent advocacy for their clients, including the view that advocacy is linked to complaints or conflict resolution
- Those responsible for commissioning advocacy services need to ensure that quality standards and monitoring are incorporated in tendering to ensure acceptable, consistent and recognised standards are applied across Wales.
- Welsh Government and local authorities should work together with the voluntary sector to draw up a proposal that will ensure the existence of sustainable advocacy services and enable the planning and development of service provision. A fair funding mechanism is also required to ensure that organisations are appropriately funded for referrals they receive for which they have not been directly commissioned.