


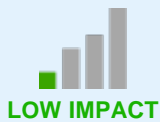




Review Sheet		
 Last Reviewed 10 Sep '20	 Last Amended 10 Sep '20	 Next Planned Review in 12 months, or sooner as required.
Business impact	 <p>Minimal action required circulate information amongst relevant parties.</p> <p>LOW IMPACT</p>	
Reason for this review	Scheduled review	
Were changes made?	Yes	
Summary:	This policy outlines advocacy and the steps to follow to support Service Users who may require this support. It has been reviewed with minor changes. The reference number of this policy has changed - previously it was CR02.	
Relevant legislation:	<ul style="list-style-type: none"> • The Care Act 2014 • The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 • Mental Capacity Act 2005 • Mental Capacity Act Code of Practice • Mental Health Act 2007 	
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: CQC, (2018), <i>Equally outstanding: Equality and human rights - good practice resource, November 2018</i>. [Online] Available from: http://www.cqc.org.uk/publications/equally-outstanding-equality-human-rights-good-practice-resource#economic [Accessed: 10/9/2020] • Author: NICE, (2018), <i>Decision-making and mental capacity</i>. [Online] Available from: https://www.nice.org.uk/guidance/ng108 [Accessed: 10/9/2020] • Author: SCIE, (2015), <i>Care Act 2014 - Types of advocacy</i>. [Online] Available from: https://www.scie.org.uk/care-act-2014/advocacy-services/commissioning-independent-advocacy/inclusion-empowerment-human-rights/types.asp [Accessed: 10/9/2020] 	
Suggested action:	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of the QCS App 	
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.	



1. Purpose

1.1 To protect the best interests of the Service User, and to support the philosophy of care at Inspiring Aspirations Plus Ltd T/A Inspiring Support.

1.2 To support Inspiring Aspirations Plus Ltd T/A Inspiring Support in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
CARING	C2: How does the service support people to express their views and be actively involved in making decisions about their care, support and treatment as far as possible?
EFFECTIVE	E2: How does the service make sure that staff have the skills, knowledge and experience to deliver effective care and support?
EFFECTIVE	E7: Is consent to care and treatment always sought in line with legislation and guidance?
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
WELL-LED	W4: How does the service continuously learn, improve, innovate and ensure sustainability?
WELL-LED	W5: How does the service work in partnership with other agencies?

1.3 To meet the legal requirements of the regulated activities that {Inspiring Aspirations Plus Ltd T/A Inspiring Support} is registered to provide:

- | The Care Act 2014
- | The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- | Mental Capacity Act 2005
- | Mental Capacity Act Code of Practice
- | Mental Health Act 2007



2. Scope

2.1 The following roles may be affected by this policy:

- | Registered Manager
- | Other management

2.2 The following Service Users may be affected by this policy:

- | Service Users

2.3 The following stakeholders may be affected by this policy:

- | Advocates
- | External health professionals
- | Local Authority
- | NHS



3. Objectives

3.1 Staff act at all times with the best interests of the Service User in mind.

3.2 Staff have access to advocacy services and a timely approach to referral.

3.3 Inspiring Aspirations Plus Ltd T/A Inspiring Support has a culture of inclusion and empowering Service Users to have a voice, choice and control.



4. Policy

4.1 Service Users who appear to have no support from persons outside of Inspiring Aspirations Plus Ltd T/A Inspiring Support, or who appear likely to benefit from advocacy support, will be referred to the local advocacy service or the local social services department.

4.2 Where appropriate, Service Users subject to the Mental Capacity Act 2005 or the Mental Health Act 1983 may be referred by the responsible NHS body or Local Authority for representation by a statutory independent advocate.

4.3 The Care Act 2014 places a duty that there is the provision of an independent advocate. Inspiring Aspirations Plus Ltd T/A Inspiring Support will ensure that there is contact information available for Service Users and staff to access their local service.



5. Procedure

5.1 If a Service User is found to have no apparent support outside of Inspiring Aspirations Plus Ltd T/A Inspiring Support, they will be asked if they would appreciate the services of the Advocacy Team. The advocacy service will be contacted if requested by the Service User and an advocate will be invited to meet the Service User.

The advocate for the Service User will be welcomed and their details will be entered on the Service User's Care Plan as a key point of contact.

5.2 With the permission of the Service User, the advocate may be invited to review meetings. The advocacy service can be invited to support the Service User in the upholding of their human rights. Inspiring Aspirations Plus Ltd T/A Inspiring Support will contact the advocacy service if there is any change in the assessment of the Service User.

5.3 Staff must be aware of the following:

- 1 Where someone lacks capacity as defined by the Mental Capacity Act 2005, and they have no one else to support them other than paid staff, and there are proposals to provide serious medical treatment or there are proposals to arrange accommodation in a care home (or change of accommodation), an Independent Mental Capacity Advocate must be appointed by the NHS or Local Authority making the proposal
- 1 Where someone lacks capacity as defined by the Mental Capacity Act 2005, and there is to be a review of their care, or they are subject to an adult protection investigation, then an Independent Mental Capacity Advocate may be appointed by the NHS or Local Authority undertaking the review or investigation

5.4 Staff must be aware that where someone is detained under the Mental Health Act 1983, or subject to guardianship, or subject to a Community Treatment Order, they are eligible to receive the support of an Independent Mental Health Advocate. The duty to inform the person about their entitlement to the services of an Independent Mental Health Advocate lies with the service manager or the responsible Local Authority in the case of guardianship.

5.5 Advocates do not have legal protection for the information they receive from a Service User (in contrast with lawyers). They are under an obligation to report any illegal activity they discover through their advocacy.

They may be held as a party to/an accessory to an illegal act if they do not report relevant information.

5.6 Inspiring Aspirations Plus Ltd T/A Inspiring Support will ensure that staff and Service Users have both contact details and access to their local advocacy service and its referral process, the details of which can be appended to this policy.

5.7 Inspiring Aspirations Plus Ltd T/A Inspiring Support will ensure that [NICE Guidelines NG18](#) are followed in relation to Mental Capacity and decision making.



6. Definitions

6.1 Advocacy

- | Advocacy, in all its forms, seeks to ensure that people, particularly those who are most vulnerable in society, are able to:
 - | Have their voices heard on issues that are important to them
 - | Defend and safeguard their rights
 - | Have their views and wishes genuinely considered when decisions are being made about their lives



Key Facts - Professionals

Professionals providing this service should be aware of the following:

- | Local Authorities must involve people in decisions made about them and their care and support
- | Local Authorities are required to help people express their wishes and feelings, support them in weighing up their options, and assist them in making their own decisions
- | An independent advocate must be appointed to support and represent an individual for the purpose of assisting their involvement if they have significant difficulties and no one available to support them



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- | You have every right to make your own decisions in relation to your care and support
- | Advocacy is a service that supports people who have difficulties with being involved and who have no one to support them to express views, feelings and wishes
- | You will be offered the use of advocacy by staff at Inspiring Aspirations Plus Ltd T/A Inspiring Support



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Resource for Service Users:

<https://www.nhs.uk/conditions/social-care-and-support/advocacy-services/>

SCIE - Care Act 2014: Commissioning independent advocacy - easy read summary:

<https://www.scie.org.uk/advocacy/commissioning/easy-read>

SEAP - Advocacy for adults with learning disabilities:

<https://www.theadvocacypeople.org.uk/seap>

Mencap - Advocacy:

<https://www.mencap.org.uk/advice-and-support/services-you-can-count/advocacy>

Mind - Advocacy in mental health:

<https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/what-is-advocacy/>

NHS - Some to speak up for you (advocate):

<https://www.nhs.uk/conditions/social-care-and-support-guide/help-from-social-services-and-charities/someone-to-speak-up-for-you-advocate/>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- | Inspiring Aspirations Plus Ltd T/A Inspiring Support promotes and focuses attention on the equality and human rights of all Service Users
- | The wide understanding of the policy is enabled by proactive use of the QCS App
- | There is a strong focus on person-centred care and inclusivity
- | Staff understand what advocacy is and how to access it



Forms

Currently there is no form attached to this policy.