



Children in Wales  
Plant yng Nghymru



# Expert Classes: Being an advocate under the Act

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*Getting in on the Act*

EXPERT CLASS



# Welcome

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**Introductions**

**Housekeeping**

**Expectations and ground rules**

**Icebreaker**

# Contents

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- Purpose of the day
- The legal context of advocacy
- Part 10 Code of Practice (advocacy)
- Participation and barriers to participating in establishing well-being outcomes
- Establishing well-being outcomes
- Advocacy and the rest of the Act
- IPA practice exchange

## Purpose of the day

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- What is an expert class and why is it important for advocacy?
  - Social Services and Well-being (Wales) Act 2014
  - Care Council training plan
  - Learning hub <http://www.ccwales.org.uk/getting-in-on-the-act-hub/>
  - Other expert classes
  - Implications of the Act for Independent Professional Advocates



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# The legal context of advocacy in Wales

# Advocacy under the Act

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- The Social Services and Well-being (Wales) Act was implemented on 6 April 2016. Part 10 of the Act is about advocacy, representation 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**



# Types of statutory advocacy

## Statutory advocacy for adults

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

**Mental  
Capacity  
Act  
(2005)**

**Mental  
Health  
Act  
(1983)**

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

# More statutory advocacy

## Statutory advocacy for children and young people

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

**Children  
Act  
(1989)**

**Children  
(leaving  
care) Act  
(2000)**

**Equality  
Act  
(2010)**



## Exercise

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- Share knowledge of the various statutory advocacy services and what their roles are with colleagues around each table.
- Discuss any issues that may arise while ensuring that people who have a right to an advocate get the right support at the right time under the SSWW Act.
- What tools would be helpful to provide a clear distinction of which advocate to engage under the SSWW Act?

# Part 10 Code of Practice (Advocacy)

## Issued under the Social Services and Well- being (Wales) Act 2014

## Advocacy and part 10

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- 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

# Principles of the Act



1. Voice and Control



2. Prevention and early intervention



3. Well-being



4. Co-production



5. Multi agency

## Other related overarching duties

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**Ascertain and have regard to views, wishes and feelings**

**Have regard to the importance of promoting and respecting dignity**

**Have regard to the importance of providing appropriate support**

# Continued

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**Have regard to the characteristics, culture and beliefs of an individual**

**Begin with the presumption that the adult is best placed to judge their own well-being**

**Have regard to the importance of promoting the adults independence**

# Overarching duties specific to children

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Have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the well-being of the child

To ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is consistent with promoting the well-being of the child and reasonably practicable

# When a local authority must consider the need for advocacy

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Preventing,  
delaying or  
reducing need

Information,  
advice and  
assistance

Assessment

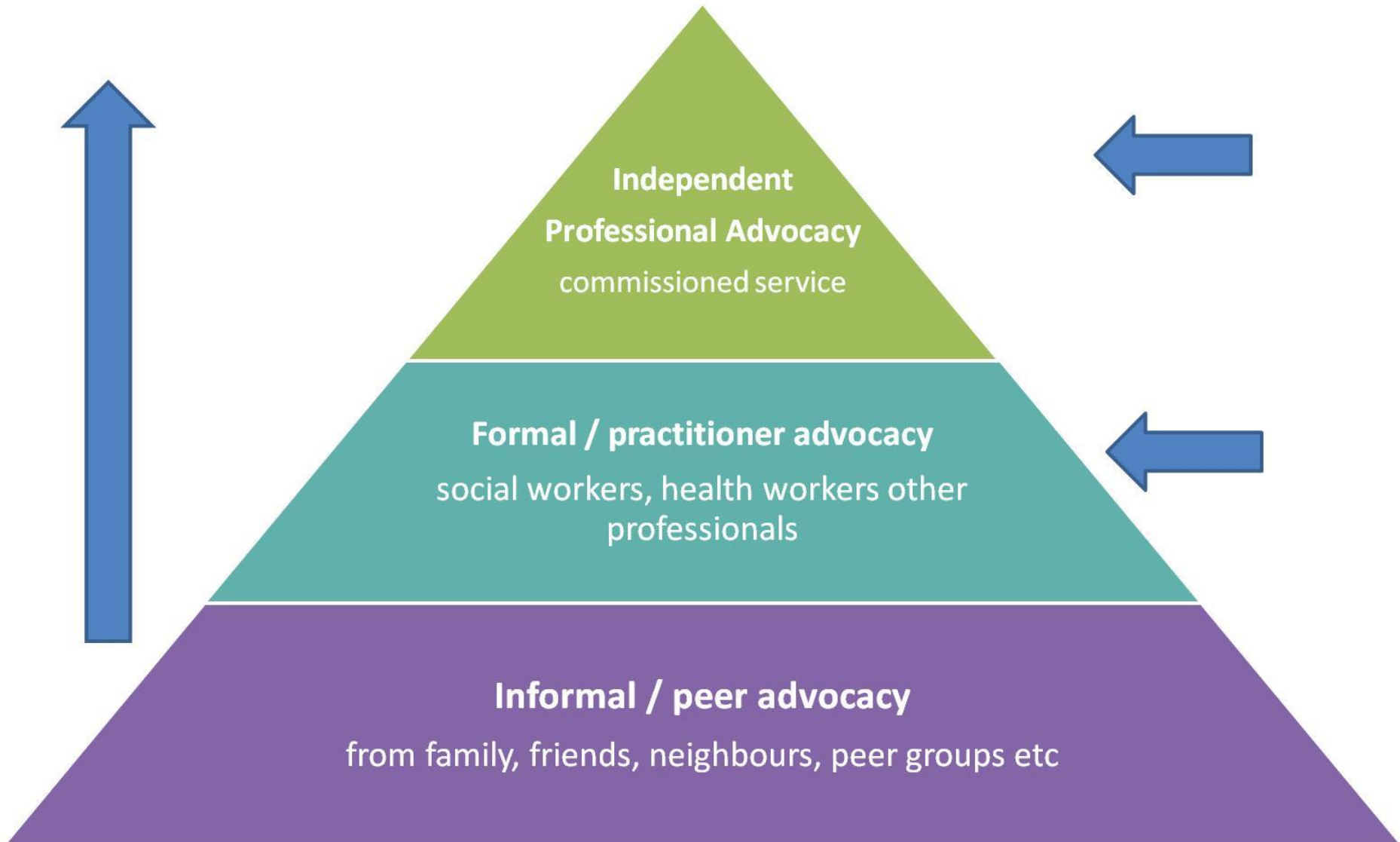
Care and  
support  
planning

Review

Safeguarding



# Types of advocacy under the Act



# When to engage an Independent Professional Advocate



# 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**

# National Standards for Provision of Children's Advocacy (WAG 2003)

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'Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes are heard at all times. Advocacy is about representing their views, wishes and needs of children and young people to decision makers, and helping them to navigate the system'.

Advocacy is about children's rights and safeguarding

# Advocacy in relation to children and young people

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## Advocacy for children and young people

- Is rights based and is led by the views and wishes of children and young people
- Champions the rights of children and young people
- Works exclusively for children and young people
- Works to empower children and young people
- Offers choice of an advocate
- Is child centred
- Operates to a high level of confidentiality

# What is Independent Professional Advocacy?



“[IPA] involves a one-to-one partnership between an [individual and an] independent professional advocate who is trained and paid to undertake their professional role as an advocate. This might be for a single issue or multiple issues. Independent professional advocates must ensure individuals’ views are accurately conveyed irrespective of the view of the advocate or others as to what is in the best interests of the individuals.”

# An IPA will support someone to:



Understand the relevant processes



Communicate their views wishes and feelings



Understand how their needs can be met by the local authority



Make decisions about their care and support arrangements



Understand their rights under the Act



Challenge a decision or process

# Independent Professional Advocacy

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- Independent Professional Advocacy is not meant to replace other forms of advocacy
- 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.



# Exercise

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## **Case Studies**





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**KEEP**

**CALM**

IT'S ONLY A

**COMFORT**

**BREAK**

# Participation and barriers to participating in establishing well-being outcomes

# Well-being

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- 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

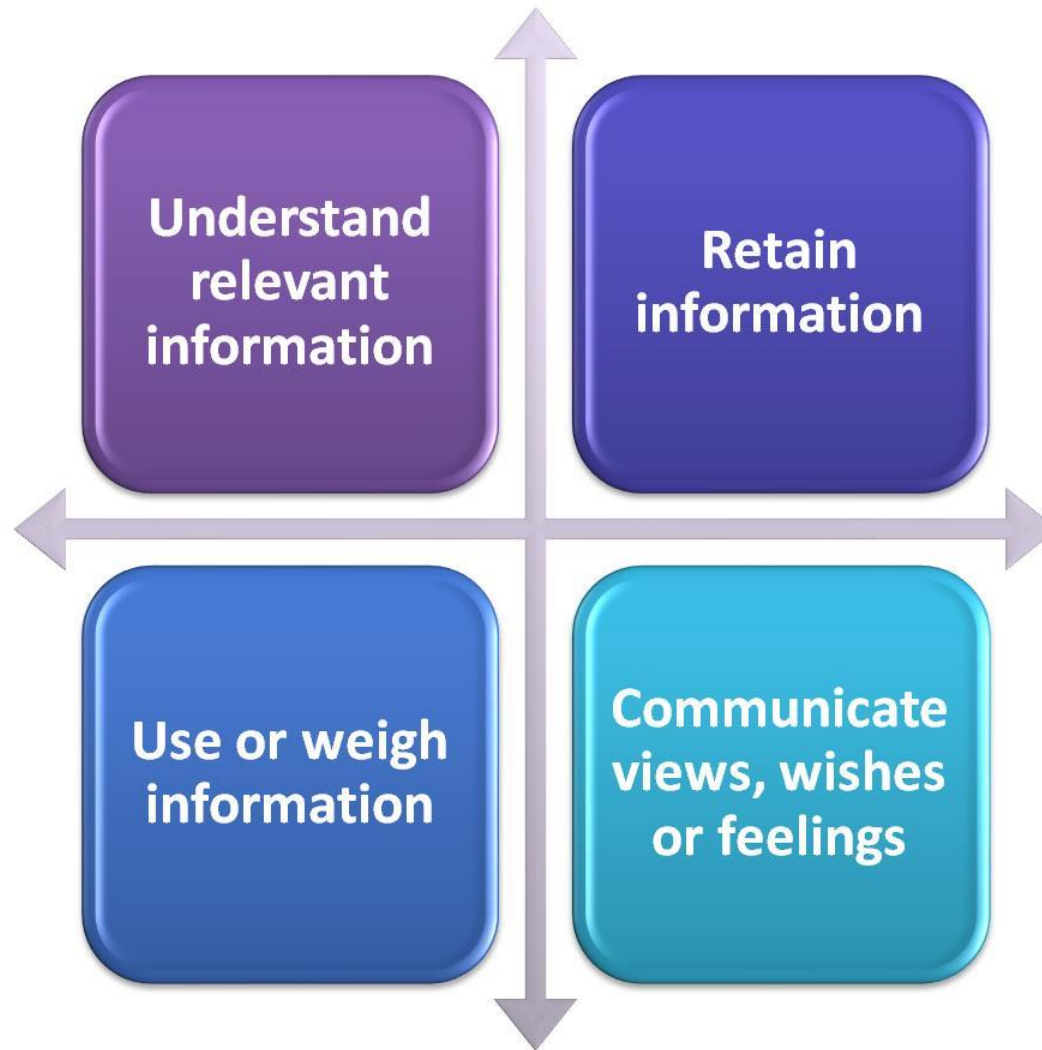
Well-being

Personal outcomes

Rights

# Barriers to participation

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# Establishing well-being outcomes

# 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.

# Well-being and the Act

- **Well-being, in relation to a person, means well-being in relation to any of the following:**
  - a. physical and mental health, and emotional well-being**
  - b. protection from abuse and neglect**
  - c. education, training and recreation**
  - d. domestic, family and personal relationships**
  - e. contributions made to society**
  - f. securing rights and entitlements**
  - g. social and economic well-being**
  - h. suitability of living accommodation**



# Well-being and 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

Empowering

Supporting

Speaking up

Enabling

Safeguarding

# 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 to achieve personal well-being outcomes

Support to explore options in decision making

Support to be heard

Empowerment to express their own needs

Support to fully engage and participate



# Other parts of the Act where advocacy is applicable



# Functions relevant to advocacy



# 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**

# Safeguarding, advocacy and the individual



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# Advocacy and safeguarding



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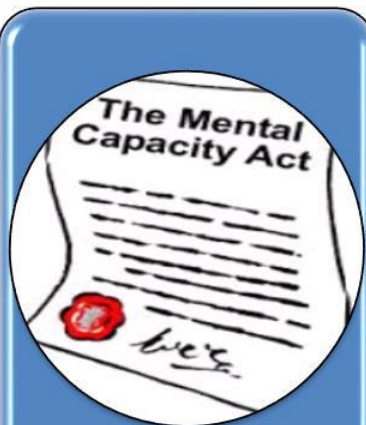
Safeguarding enquiry for adults



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



# Exercise

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**Case  
Studies**

# Independent Professional Advocacy practice exchange

# Learning exchange – some things to consider ....

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- What, if any, referrals/cases have you been receiving as a result of the Act?
- What has your experience been like in advocating for people when working with health and social services? What does good look like?
- Have you been involved in delivering advocacy to support people in a range of functions of the Act or only specific ones?
- Is there any learning so far that could be disseminated?
- What more information or learning do you require to help you to advocate under the Act?
- What good practice in advocating under the Act is there?



# Evaluation and roundup

# Evaluation

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- Please complete evaluation forms before you leave. We need to know what went well and what can be improved on and we value your feedback
- What 2 things have you learnt today that you didn't know before?
- What 2 actions will you take back from this expert class that will help you in your day to day practice?
- Write your responses to the questions above on post it notes and place on flip chart paper