

**Advocacy and Access to
Information, Advice and
Assistance under the Social
Services and Well-being
(Wales) Act 2014**

**Mencap WISE Student Advice
Project**

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Advocacy and Access to Information, Advice and Assistance under the Social Services and Well-being (Wales) Act 2014

The Social Services and Well-being (Wales) Act 2014 places certain duties on local authorities to ensure that people are able to make informed choices and participate in decisions that affect them in relation to their care and support needs. This toolkit will explain when a local authority must provide information, advice and assistance about care and support services, and also advocacy services to support people in the decision-making process.

The key provisions of the Act are:

- Section 17 which requires local authorities to ensure that information, advice and assistance relating to care and support services is available.
- Section 181 which states that local authorities may be required to arrange for advocacy services to be made available to people who are in need of care and support.

In addition, the Welsh Government has issued a series of Codes of Practice, which set out the requirements that local authorities must follow in relation to key aspects of the Social Services and Well-being (Wales) Act 2014. The [Part 2 Code of Practice \(General Functions\)](#) sets out the duties on local authorities to provide people with information and advice relating to care and support, and assistance to access relevant services. The [Part 10 Code of Practice \(Advocacy\)](#) requires local authorities to:

- ensure that advocacy services are available to enable people to participate in decision-making by local authorities; and
- in certain circumstances, to provide an independent professional advocate.

This toolkit is divided into three Parts:

Part 1 – Information, Advice and Assistance

This Part explains the duties and obligations that local authorities have to provide an information, advice and assistance service to support people to achieve their personal well-being outcomes. It explains what constitutes information, advice and assistance, and explains how the service should be delivered. There is also information about the charges that can be made for services and how to pursue a complaint about the services provided.

Part 2 – Advocacy Services

This Part explains the duties and obligations that local authorities have to provide advocacy services for people who are in need of care and support. It explains what advocates do and the different types of advocacy that exist. It also explains who can act as an advocate, and how to complain about advocacy services if you do not agree with the local authority about the type of support required. There is also information about additional advocacy services that have to be provided both for children who are looked after by a local authority and under legislation other than the Social Services and Well-being (Wales) Act 2014.

Part 3 – Additional Resources

This Part contains links to external websites which have useful further information about the topics covered in this toolkit, including links to organisations providing advocacy services in Wales. There are also some **Example complaint letters** that you may find useful if you experience difficulty in accessing advocacy services.

(More information about care and support services generally is contained in the separate toolkit relating to [Accessing Social Care and Health Care Services](#).)

PART 1 – INFORMATION, ADVICE AND ASSISTANCE

Section 17 of the Social Services and Well-being (Wales) Act 2014 requires local authorities to ensure that services are available which provide people with:

- information and advice relating to care and support; and
- assistance in accessing care and support.

The duty means that services must be available for all people in the local authority area, not just those who have an immediate need for care and support.

The information in this Part of the toolkit covers:

- 1.1 What constitutes information, advice and assistance?
- 1.2 What services must the information, advice and assistance service provide?
- 1.3 How will information, advice and assistance be delivered?
- 1.4 Charging for information, advice and assistance
- 1.5 Complaints about information, advice and assistance

1.1 What constitutes information, advice and assistance?

The Part 2 Code of Practice (General Functions) (chapter 5) includes an explanation of what constitutes information advice and assistance:

- **Information:** is quality data that provides support to a person to help them make an informed choice about their well-being.
- **Advice:** means working with a person to explore the options available.
- **Assistance:** taking action to access care and/or support services.

1.2 What services must the information, advice and assistance service provide?

The Part 2 Code of Practice (General Functions) (paragraph 39) states that “*local authorities must put in place a system that provides people with the information, advice and assistance that they need to take control over their day to day lives and achieve what matters to them*”. Section 17 of the Social Services and Well-being (Wales) Act 2014

requires that, as a minimum, the information, advice and assistance service must include the publication of information and advice about:

- how the care and support system operates;
- the types of care and support available;
- how to access care and support services; and
- how to raise concerns about the well-being of another person who appears to have care and support needs.

Section 17 also requires that the service is “*sufficient to enable the person to make plans*” and is delivered “*in a manner which is accessible to that person*”. In addition, the Part 2 Code of Practice (paragraph 338) notes that the service is also “*a resource accessible to practitioners, whether they are working for the local authority or another organisation/agency*”.

1.3 How will information, advice and assistance be delivered?

The information, advice and assistance service will usually be the first contact that people have with the social care system. Whilst local authorities have discretion regarding the ways in which services are delivered, the Part 2 Code of Practice (General Functions) (chapter 5) sets out the Welsh Government’s core requirements, which include:

- People using the service must feel like they have reached someone who first and foremost listens to them (*paragraph 303*).
- The service must be advertised in such a way that those across the diverse communities will know what the service can offer and can understand how they can access it (*paragraph 321*).
- People must find it easy to access the service, and be treated with dignity and respect at all times by staff that are well trained to deliver the service (*paragraph 322*).
- People must have an opportunity to explain what matters to them, to explore what options are available, and to find the help that they feel is right for them to achieve their personal outcomes (*paragraph 303*).

- It is imperative all individuals, whatever their accessibility needs, understand what is available to them and they are actively involved in making decisions about what matters to them and how to achieve their personal outcomes (*paragraph 324*).
- The service must be easy to access for all people in a variety of ways so that people have a choice about how they use the service and what format is right for them (*paragraph 316*).
- The service must be available through the medium of English and Welsh (*paragraph 319*).
- The local authority must ensure that information and advice is accessible in a variety of formats including easy read and material especially for children and young people and others in need of additional support (*paragraph 320*).
- The service must be accessible by individuals in prison, youth detention or bail accommodation (*paragraph 370*).

The Part 2 Code also explains the different expectations that apply in relation to information, advice and assistance. Where *information* is sought, the service should either provide the information or signpost the enquirer to an alternative service that will be able to provide the information needed. A key objective of social care provision under the Social Services and Well-being (Wales) Act 2014 is to ensure that preventative services are available to stop people's care needs from escalating. Therefore, if it appears that the enquirer would benefit from preventative services, then information about the relevant services must be provided.

Where *advice* is required, the professional providing the advice will need to ascertain the personal outcomes that the enquirer wishes to achieve and provide advice regarding the options that exist to achieve those outcomes. The Code notes that advice should be provided co-productively, which means that the professional providing the advice must recognise that the enquirer (and their families/carers) has an equal contribution to make to the process of identifying their personal outcomes and how those outcomes can best be achieved.

Assistance usually follows the provision of information and advice, and involves another person taking action to assist the enquirer to access care and/or support.

The Part 2 Code notes that any individual who requires advice and/or assistance is likely to need an assessment of their care and support needs. Whilst paragraph 312 recognises that *“the assessment will vary from individual to individual in terms of what is required”*, any assessment must comply with the principles of assessment set out in the National Assessment and Eligibility Tool. (Information about the approach that should be taken when assessing care and support needs is contained in the separate toolkit relating to [Accessing Social Care and Health Care Services](#).)

The Part 2 Code (paragraph 310) also notes that if an enquirer accessing the information, advice and assistance service presents with any issues relating to safeguarding or protection, then the service must have a safeguarding protocol in place which staff must be fully trained to implement. Similarly, paragraph 381 notes that, whilst the service is not an emergency service, where an enquirer requires an emergency response the service should have protocols in place to ensure that the enquirer is transferred to the correct service.

1.4 Charging for information, advice and assistance

The Care and Support (Charging) Wales Regulations 2015 (regulation 16) allow local authorities to charge for assistance which is provided in accordance with section 17 of the Social Services and Well-being (Wales) Act 2014. However, any charge must be at a flat-rate, which means that it cannot exceed the cost of providing the service to which it relates. The Part 2 Code of Practice (General Functions) (paragraph 333) also notes that *“local authorities should avoid a situation where the flat rate charge they set discourages take up of assistance”*. In addition, the Part 2 Code of Practice (paragraph 334) confirms that local authorities cannot charge for assistance provided to children.

The fact that no provision is made for local authorities to charge for either information or advice would seem to suggest that these services must always be provided free.

1.5 Complaints about information, advice and assistance

All local authorities must have a complaints procedure. Any person who is unhappy with the way in which the information, advice and assistance service operates is entitled to

make a complaint, and the service should provide information about how to access the complaints procedure.

(Information about how local authority complaints procedures should operate is contained in the separate toolkit relating to [Accessing Social Care and Health Care Services](#).)

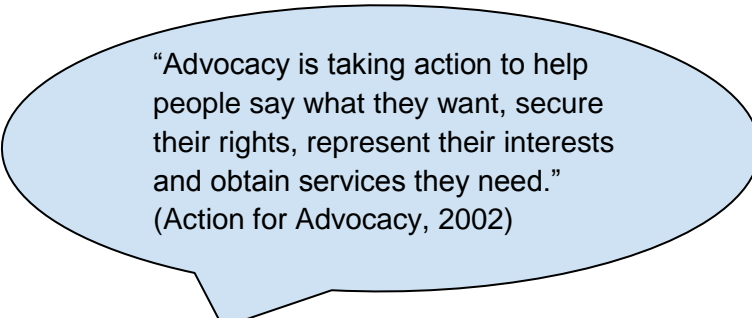
PART 2 – ADVOCACY SERVICES

The ethos of the Social Services and Well-being (Wales) Act 2014 is that individuals must be able to participate fully in the decisions that affect their lives, and should be equal partners in their relationships with professionals. Some people will require support to achieve this, and the Act places obligations on local authorities to ensure that a range of advocacy services is available.

The information in this Part of the toolkit covers:

- 2.1 What is advocacy and What do advocates do?**
- 2.2 Why is advocacy important?**
- 2.3 When might individuals require advocacy services?**
- 2.4 Choosing an advocacy service**
- 2.5 When will it be inappropriate for someone to be an advocate?**
- 2.6 Charging for advocacy services**
- 2.7 Making a complaint about advocacy services**
- 2.8 Additional advocacy services for entitled children**
- 2.9 Other statutory advocacy services**

2.1 What is advocacy and What do advocates do?



“Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need.”
(Action for Advocacy, 2002)

Advocacy supports people to express their views and to make informed choices.

Advocates work with people to ensure that their rights and responsibilities are promoted and defended. An advocate can help someone to access information and services, or might accompany someone to a meeting and provide support. An advocate might write a letter on a person’s behalf, or speak for someone in situations where the person does not

feel able to speak for themselves. In particular, an individual may benefit from support from an advocate if they:

- are unsure about their options and rights;
- find it difficult to access or to understand information;
- struggle to contact relevant people and make arrangements by themselves;
- find meetings and discussions confusing or overwhelming;
- struggle to express their views and opinions.

But an advocate will not:

- give their own personal opinion;
- make decisions for someone; or
- judge the person they are supporting.

2.2 Why is advocacy important?

Section 6 of the Social Services and Well-being (Wales) Act 2014 requires that, when working with someone who may have care and support needs, a local authority must ascertain and have regard to the person's views, wishes and feelings. This means that, where a person's ability to communicate is limited for any reason, the local authority must provide support to enable the person to participate in decision-making that affects them. Therefore, advocacy helps to ensure that people are active partners in the key care and support processes.

The Part 10 Code of Practice (Advocacy) (chapter 7) notes that advocacy is important because it:

- Safeguards individuals who are vulnerable and discriminated against, or individuals whom services find it difficult to serve.
- Speaks up on behalf of individuals who are unable to speak up for themselves.
- Empowers individuals by enabling them to express their own needs and make informed decisions.
- Enables individuals to access information and to understand their options, and to

express their views, wishes and feelings.

- Actively supports individuals to make informed choices.

Chapter 10 of the Code notes that advocacy can have a preventative effect by ensuring early access to care and support, thus reducing the escalation of critical need.

2.3 When might individuals require advocacy services?

Under the Social Services and Well-being (Wales) Act 2014, the focus of advocacy services is to provide assistance in relation to obtaining care and support. The Part 10 Code of Practice (Advocacy) (chapter 12) states that local authorities **must** consider whether an individual is likely to experience difficulties participating in decision-making about the care and support that they need in order to promote their well-being. If a person does experience difficulties then they are likely to require advocacy support.



Do I need support from an advocate?

Think about the following statements:

- ❖ I know and understand what care, support and opportunities are available to me.
- ❖ I can get help I need, when I need it, in the way I want it.
- ❖ My rights are respected.
- ❖ I have a 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.
- ❖ I get care through the Welsh language if I need it.

If you disagree with any of these statements, then you are likely to benefit from advocacy services.

Whilst advocacy services could be required at any time, there are key stages in the process of accessing care and support when the need for an advocate may be heightened. The key stages noted in the Part 10 Code of Practice (Advocacy) are:

- A. Accessing information, advice and assistance:** Some people find it difficult to access information and advice. The Code states that local authorities must ensure that *“the information and advice service is accessible and that the appropriate assistance is available”*. Staff providing information and advice must be capable of identifying those individuals who need an advocate to help them to understand and/or retain relevant information, and must signpost individuals to advocacy services where appropriate. Chapter 16 of the Code notes that information about advocacy services must be available *“in accessible and appropriate formats and be able to reach out to the hardest to reach groups”*.
- B. Assessment of needs:** Every person being assessed for care and support services is entitled to participate fully in the process. The Code states that local authorities must ensure that any barriers to participation are overcome, and that individuals must be able to weigh up information, express preferences and choose between options.
- C. Planning and review meetings:** the right to participate fully in the process includes having an input into the content of care and support plans, and any review of those plans. Again, the Code states that local authorities must ensure that individuals are able to communicate their views and make their priorities clear.

In addition, Chapter 14 of the Code notes that support will be required from an advocate where there are **safeguarding issues** and an individual is at risk of harm or neglect. Where a safeguarding enquiry is commenced, in respect of either an adult or a child, an advocate *“must be appointed as soon as possible”*.

Chapter 16 of the Code emphasises that the need for advocacy support can also be heightened by an individual’s accommodation, with people living in care homes or other residential accommodation, sheltered housing and shared lives schemes likely to have

increased need. Chapter 18 notes that where there are mental health issues, and a deprivation of liberty authorisation may be required, advocacy services should be available “*from the earliest possible opportunity*”.

2.4 Choosing an advocacy service

The Social Services and Well-being (Wales) Act 2014 requires local authorities and local health boards to work in partnership to assess the needs of their population, and then to ensure that an appropriate range of advocacy services is available. The Act does not specify the types of advocacy services that have to be provided, but the Part 10 Code of Practice (Advocacy) (chapter 8) sets out a range of different forms of advocacy for local authorities to consider.



The different forms of advocacy.

- ❖ **Self-advocacy** - when individuals represent and speak up for themselves.
- ❖ **Informal advocacy** - when family, friends or neighbours support an individual in having their wishes and feelings heard, which may include speaking on their behalf.
- ❖ **Collective advocacy** - involves groups of individuals, with common experiences, being empowered to have a voice and influence change and promote social justice.
- ❖ **Peer advocacy** - one individual acting as an advocate for another who shares a common experience or background.
- ❖ **Citizen advocacy** - involves a one-to-one long-term partnership between a trained or supported volunteer citizen advocate and an individual.
- ❖ **Independent volunteer advocacy** - involves an independent and unpaid advocate who works on a short term, or issue-led basis, with one or more individuals.
- ❖ **Formal advocacy** - may refer to 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 that they are addressed properly.

❖ **Independent professional advocacy** - involves a one-to-one partnership between an independent professional advocate, who is trained and paid to undertake the role of advocate. This might be for a single issue or multiple issues. Independent professional advocates must ensure that the individual's views are accurately conveyed irrespective of the view of the advocate, or others, as to what is in the best interests of the individual.

Although neither the Social Services and Well-being (Wales) Act 2014 nor the Part 10 Code of Practice (Advocacy) specifies what advocacy services must be provided, chapter 15 of the Code notes that consideration must be given to services “*for individuals of all ages*”. Chapter 15 also notes that advocacy services should “*be funded and managed in a way that ensures independence from the commissioning organisation*”.

Where an individual requires advocacy services, the local authority must work in partnership with the individual to ascertain whether an appropriate person exists who can provide the required services. Chapter 13 of the Code notes that an appropriate person is expected to “*support, represent and to facilitate the individual's involvement in securing their well-being outcomes*”.

In many cases it will be appropriate for a family member, friend or someone in the individual's wider support network to act as the advocate. However, if there is no suitable person available, Chapter 10 of the Code states that the local authority must arrange for the provision of an independent professional advocate.

2.5 When will it be inappropriate for someone to be an advocate?

If an individual wishes to choose their own advocate, for example, a relative, teacher, carer or friend, they should be helped to understand the choices open to them and made aware of the different kinds of advocacy services available. However, the Part 10 Code of Practice (Advocacy) (chapter 13) states that an advocate **cannot** be someone who is:

- not wanted by the individual themselves;
- unlikely to be able to adequately support the individual; or
- implicated in an abuse or neglect enquiry in respect of the individual.

If an individual indicates that they do not wish a particular person to act as their advocate then, provided the individual has capacity, their wish must be followed.

Where an individual indicates that they would like a particular person to be their advocate, consideration must be given to whether it is appropriate for that person to act as advocate. For example, a person who is a family member, but who does not see the individual requiring advocacy services often, as they live in a different part of the country, may not be a good choice as they may be unable to attend meetings regularly.

Obviously, if there are safeguarding concerns about the proposed advocate they will not be an appropriate choice.

Where formal advocacy from a professional working with the individual is an option, consideration must be given to whether the professional would have any conflict of interests in relation to the decision being taken. If any potential conflict exists, it will not be appropriate for the professional to act as advocate as they are likely to find it difficult to promote the individual's views, wishes and feelings.

2.6 Charging for advocacy services

The Part 10 Code of Practice (Advocacy) (chapter 10) states that if an individual is only able to participate fully in the care and support or safeguarding processes with assistance from an appropriate individual, then the local authority **must** arrange for an independent professional advocate free of charge, if no other appropriate individual is available. Therefore, if a person requires an independent advocate the local authority must provide that service without charge.

What is less clear is whether a person who requires another form of advocacy service in order to be able to participate is also entitled to receive that service free of charge. The [Part 4 and 5 Code of Practice \(Charging and Financial Assessment\)](#) (paragraph 5.12) reiterates that a local authority cannot charge for independent professional advocacy, but does not refer to charging for any other advocacy services. However, the [Care and Support \(Charging\) Wales Regulations 2015](#) (regulation 4(d)) state that a local authority

may not charge for “*advocacy services provided in fulfilment of its functions under Part 4 of the Act*”. As Part 4 of the Social Services and Well-being (Wales) Act 2014 deals with care and support planning, this suggests that any advocacy service provided in respect of this aspect of care and support must be provided free of charge. As the position is not clear, if you need to access another form of advocacy service, and there is a charge for the service, you might wish to ask the local authority to explain the legal basis for any charge.

2.7 Making a complaint about advocacy services

The Social Services and Well-being (Wales) Act 2014 does not specify the types of advocacy services that have to be provided. However, where the difficulties that an individual has in participating in the care and support process can only be overcome by provision of an independent professional advocate, the local authority has to make that service available.

If a dispute arises about whether an independent professional advocate is required, the Part 10 Code of Practice (Advocacy) (chapter 11) specifies that the local authority must make the individual aware of their right to complain about the refusal to provide an independent advocate, and must provide support to assist the individual to pursue their complaint.



Writing a letter of complaint.

It is usually best to put any complaint in writing, so that there can be no confusion about what is being said. If you need to write a letter of complaint, you might find the following suggestions helpful:

- ❖ Your address should be placed on the top right of the letter.
- ❖ The name and address of the person/organisation you are writing to should be placed opposite and beneath your details.
- ❖ If you know the name of the person you are writing to you should use “Dear Mr/Mrs/Ms/Miss [Surname]”. If you are unsure of the recipient, you should address your letter “Dear Sir/Madam”.
- ❖ Set out the points that you want to make clearly and concisely, and explain how you would like the complaint to be resolved.
- ❖ If you have documentary evidence that supports your complaint, it is often useful to provide copies with your letter.
- ❖ If you think that the organisation has failed to comply with a legal obligation, or has breached its own policies and procedures, you should explain the failure in your letter.
- ❖ Always use full sentences, and avoid abbreviating words (e.g. use “do not” rather than “don’t”).
- ❖ Always double check what you write and correct any errors. It may be helpful to ask somebody to read your letter to ensure that it is clear.
- ❖ If you address your letter “Dear Mr/Mrs/Ms/Miss [Surname]”, you should conclude with “Yours sincerely”. If you have used “Dear Sir/Madam”, then you should finish your letter with “Yours faithfully”.
- ❖ Always end by signing your name.

There are some example letters of complaint in relation to advocacy services in **Example complaint letters**.

If you make a complaint, and are unhappy with the outcome, then it may be possible to ask for the issue to be reviewed by the [Public Services Ombudsman for Wales](#). The Ombudsman has power to look into complaints about public services and independent

care providers in Wales, and can also investigate complaints that local authorities have broken their code of conduct. The Ombudsman's Service is impartial and free of charge.

2.8 Additional advocacy services for entitled children

The general requirement, under section 181 of the Social Services and Well-being (Wales) Act 2014 Act, to arrange for advocacy services to be available to people who are in need of care and support applies to both adults and children. Therefore, where care and support is being sought in respect of a child, and the child has sufficient understanding to be capable of making a decision, they should be provided with information about the advocacy services available and supported to make an informed choice about their advocate.

Section 178 of the Act notes that some children, primarily those who are looked after or accommodated by a local authority, have additional entitlements to advocacy services. The Part 10 Code of Practice (Advocacy) (chapter 20) refers to children able to access these additional entitlements as 'entitled children'. Chapter 21 notes that local authorities must provide entitled children "*with information and advice about advocacy services routinely, together with assistance to access an advocate*".

Chapter 21 also notes that "*entitled children must, wherever possible, be given an opportunity to meet an advocate and agree the arrangement before that advocate's appointment is confirmed and any information shared with them*". Where a child opts to have a lay advocate, the local authority should ensure that the advocate is supported to fulfil their role. However, if the local authority has good reason to believe that the proposed advocate poses a risk of significant harm to the child, the authority must take steps to protect the child and find an appropriate advocate, who is also acceptable to the child.

Entitled children who are placed out of area, or those with communication difficulties, can be especially vulnerable. Chapter 21 notes that the local authority must ensure that these children are aware of and understand the complaints and representation procedures and their right to advocacy services. In particular, the local authority must agree arrangements with those providing day-to-day care for the child to ensure that the child

can access an advocate.

Professionals working with the child (such as social workers and foster parents) should ensure that the child is supported to access advocacy services if the child wishes to make a complaint or other representation about their care. If the child is subject to a care plan, it should be reviewed regularly by an independent reviewing officer (IRO). The IRO must check that the child is aware of the right to advocacy and provide information on advocacy services.

If an entitled child does make a complaint or other representation about their care, the local authority complaints officer must ensure that the child understands the advocacy support available to the child. In particular, Chapter 21 notes that the complaints officer should:

- consult with the child when they indicate that they wish to make a complaint to help them understand the options available and how the complaints procedure works using age appropriate materials;
- provide information and advice about advocacy services and support the child in accessing those services;
- work with the child and their advocate in dealing with the complaint, and provide information and advice about options for resolution both within the complaints procedure, or alternative routes of remedy and redress where appropriate; and
- keep a written record of complaints made, the procedure followed and the outcome.

2.9 Other statutory advocacy services

As well as the requirements under the Social Services and Well-being (Wales) Act 2014, advocacy services also have to be provided under a number of other pieces of legislation. This means that an individual's right to advocacy services in relation to the care and support process may overlap with other entitlements, including:

- Local authorities must ensure that independent advocacy services are available to support children (or their case friends) who are pursuing dispute resolution or

appeals to the Special Educational Needs Tribunal for Wales (section 332BB Education Act 1996 and paragraph 6D Schedule 17 Equality Act 2010).

- Welsh Ministers must ensure that independent advocacy services are available to support individuals wishing to make a complaint about health service provision (section 187 National Health Services (Wales) Act 2006).
- Welsh Ministers must make arrangements for independent mental health advocates to help compulsory and informal patients (section 130E Mental Health Act 1983). Advocates should be independent of any person professionally concerned with the patient's medical treatment.
- Welsh Ministers must make arrangements for independent mental capacity advocates to represent and support individuals who lack capacity to consent to medical treatment or who are subject to an application for deprivation of liberty authorisation (section 35 Mental Capacity Act 2005). Advocates should be independent of any person responsible for making the relevant decision.

These sections are all similarly worded as they explain the obligations which the Welsh Ministers and local authorities in Wales have to provide independent advocates. Where a person is entitled to support from more than one advocacy service, it is likely to be preferable to try and agree a single advocate to deal with all issues, as this will avoid having to go over the same information with different people.

PART 3 – ADDITIONAL RESOURCES

The following websites contain useful information (*Ctrl + click to follow each link*):

Organisation	Website
Law Society (will help you find a solicitor in your area)	www.lawsociety.org.uk
Public Services Ombudsman (investigates complaints about public bodies in Wales)	www.ombudsman-wales.org.uk/en.aspx
Social Care Wales (information about the Social Services and Well-being (Wales) Act 2014 and the Codes of Practice)	https://socialcare.wales/hub/hub-resource-sub-categories/advocacy

The following organisations provide advocacy services in Wales, although you will need to check with each organisation whether they charge for the services provided (*Ctrl + click to follow each link*):

Organisation	Website
Advocacy Matters Wales (charity providing independent advocacy for adults with a learning disability or autism in Cardiff and the Vale of Glamorgan)	www.advocacymatterswales.co.uk/
Advocacy Services North East Wales (independent advocacy to the residents of Flintshire and Wrexham)	www.flintshireadvocacy.co.uk/
Advocacy Support Cymru (independent specialist and community advocacy services in South and Mid Wales)	www.ascymru.org.uk/english/

Age Cymru (independent advocacy services for older people across Wales)	www.ageuk.org.uk/cymru/professional-resources/elder-abuse-resources/advocacy/
IMCA Wales (independent mental capacity advocacy services in West Wales)	http://www.imcawales.org/
Meic (helpline service for children and young people up to the age of 25 in Wales, which includes information about advocacy services throughout Wales)	www.meiccymru.org/in-your-area/
Tros Gynnal Plant (independent and confidential support to children and young people and their families, including advocacy)	www.trosgynnal.org.uk/page.php?Plv=1&P1=2&P2=&P3=&id=

Example complaint letters



Example 1:

Complaint about refusal to appoint an independent professional advocate

Mrs James' daughter, Lucy (aged 23), is being assessed for care and support. Mrs James believes that Lucy needs to have an independent professional advocate, but Lucy's social worker thinks that informal advocacy is sufficient to support Lucy. In these circumstances, the following letter of complaint could be used.

Your house/flat number and street name

Town

County

Postcode

Your telephone number

Name of the person you are writing to

Building number and street name

Town

County

Postcode

Today's date

Dear Mr/Mrs/Ms/Miss [Surname]

(or Dear/Sir Madam)

I would like to make a formal complaint about the local authority's decision to refuse to provide an independent professional advocate for my daughter – Lucy James (age 23).

Lucy's care and support needs are currently being assessed. Lucy has a learning disability, which means that she finds it very difficult to process information, and she also finds participating in meetings with large numbers of people very intimidating.

Jayne Williams, the allocated social worker, has provided us with information about the advocacy services available. I have asked that an independent professional advocate be appointed for Lucy, as I am concerned that she is not able to explain the care and support that she would like. Miss Williams has said that she believes that the best option for Lucy is for

me to provide informal advocacy, as Lucy is most comfortable when I am present. I disagree with this decision, as I think that Lucy needs to have an independent person to speak for her.

I am aware that the Part 10 Code of Practice (Advocacy) (chapter 10) states that if a person cannot participate fully in an assessment then the local authority must provide an independent professional advocate if there is no other appropriate person available act as advocate. I do not believe that I have enough knowledge of the care and support process to act as Lucy's advocate, and so I would like to challenge the decision not to appoint an independent professional advocate for Lucy.

Please can you acknowledge receipt of this letter. If you need to contact me to discuss my complaint, then my address and contact telephone number are at the top of the letter.

I look forward to hearing from you.

Yours sincerely/faithfully,

Karen James



Example 2:

Complaint about refusal to allow a family member to act as a person's advocate

Mr Khan's son, Amir (aged 30), is due to have his care and support plan reviewed. Amir has a new social worker, who believes that the level of support that Amir receives should be reduced to encourage Amir to become more independent. Mr Khan has always acted as Amir's advocate and has indicated that he does not believe that the support provided to Amir should be reduced. The social worker has referred Amir to a local volunteer advocacy service. Mr Khan wishes to continue to act as Amir's advocate. In these circumstances, the following letter of complaint could be used.

Your house/flat number and street name

Town

County

Postcode

Your telephone number

Name of the person you are writing to

Building number and street name

Town

County

Postcode

Today's date

Dear Mr/Mrs/Ms/Miss [Surname]
(or Dear/Sir Madam)

I would like to make a formal complaint about the local authority's decision to refuse to allow me to act as advocate for my son, Amir Khan (age 30).

Amir's care and support plan is currently being reviewed, and his social worker (Karl Morgan) has told me that he believes that it would be better for Amir to have an advocate from outside of the family and so Mr Morgan has made a referral to the local volunteer advocacy service. I disagree with this decision.

The Part 10 Code of Practice (Advocacy) (chapter 13) states that the advocate's role is to "support the individual's full engagement and participation in determining their well-being

outcomes”, and that the advocate will often be a family member or friend. Under Chapter 13, a person will only be prevented from acting as an advocate if:

- The individual being supported does not want the person to act as their advocate.
- The person is unlikely to be able to, or available to, adequately undertake the role of advocate.
- The person is implicated in an enquiry into abuse or neglect relating to either an adult or a child.

None of these exclusions apply to me, and I believe that it is in Amir’s best interests for me to act as his advocate as I fully understand his needs, and Amir finds it difficult to talk to someone that he does not know. Therefore, I wish to complain about Mr Morgan’s decision to refer Amir to the local volunteer advocacy service.

Please can you acknowledge receipt of this letter. If you need to contact me to discuss my complaint, then my address and contact telephone number are at the top of the letter.

I look forward to hearing from you.

Yours sincerely/faithfully,

Javed Khan

For More Information you can contact:

Mencap WISE on 0808 8000 300 (Monday to Friday, 9am – 5 pm)

Or e-mail information.wales@mencap.org.uk



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