

Advocacy in the assessment and care planning process

Mencap have produced a separate factsheet on the role of an advocate and how to appoint one. This factsheet explains when, in the assessment and care planning process, an advocate should be used.

Local authorities must involve people in decisions being made about their care and support. At every stage of the care and support process, from first contact and assessment all the way through to the implementation of the care plan, and any subsequent reviews or investigations, your views and wishes should be sought from all the professionals involved. It is important that your feelings, wishes, decisions and preferences are listened to and taken into account.

If you have substantial difficulty being involved in any element of the assessment or care planning process, you should have an appropriate person appointed to support you. If there is no appropriate person involved, an Independent Advocate should be appointed. There is more information about what an advocate is in our separate Mencap Factsheet on Advocacy.

You should have support from an appointed appropriate person or Independent Advocate if you have substantial difficulty being involved in one or more of the following processes (substantial difficulty means that you would experience substantial difficulty in understanding, retaining or using information given, or in communicating your views, wishes or feelings):

- a needs assessment
- a carer's assessment
- the preparation of a care and support or support plan
- a review of a care and support or support plan
- a transition assessment
- a safeguarding enquiry
- a safeguarding adult review

The duties of a local authority to make sure that an independent advocate is appointed apply to adults, children about to transition to adulthood, and carers assessments (Statutory Guidance 7.5)

The need for an advocate may be raised by you, the person at the heart of the care and support planning, by a carer, family member or the local authority themselves.

Please contact the **Learning Disability Helpline** for advice or, if you are a member of the Legal Network, arrange to speak to a caseworker.

We hope that you have found this factsheet useful. Whilst you are here, we have a small favour to ask. More people are using our service than ever before. We can't keep up with demand. We don't want to turn people away, and we want to keep on developing more information resources like this factsheet, but we don't have enough money to expand. So you can see why we need to ask for your help. We know that our information and advice can make a real difference to the quality of life of the people we support. If people using our service could help to support us, our future would be much more secure. Click here to make a small donation: www.donate.mencap.org.uk/phone