

Adult and Community Services Directorate

Advocacy Protocol

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ADVOCACY PROTOCOL

1. Advocacy Statement

The London Borough of Richmond upon Thames (LBRuT) Adult and Community Services Directorate is committed to supporting advocacy for vulnerable people, including carers, who are users, or potential users of services.

Advocacy benefits the service user by giving them a voice and the means to make appropriate and informed choices.

Advocacy benefits the organisation because of the contribution the service user can make to service delivery. It offers an opportunity to involve customers in the planning and provision of services and enables Social Services to gain an increased awareness of the issues that are important to service users and their carers.

The LBRuT provides financial support to some Independent Advocacy groups so service users can access advocacy.

‘Advocacy is 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 the people they support and take their side. Advocacy promotes social inclusion, equality and social justice.’

Advocates can:

- Attend meetings with or in place of a service user
- Advise about user rights
- Liaise with professionals
- Negotiate services and support
- Offer support in dealing with procedures
- Help formulate and make a complaint or raise a concern
- Participate in policy making and planning

2. When advocates should be considered?

Advocates should be considered when staff are dealing with a vulnerable adult who may be unable to represent their own views due to their disability and would be disadvantaged if an advocate was not appointed. Also if it is inappropriate for the member of staff to act as advocate due to a conflict of interest, an independent advocate should be appointed.

There are different types of advocacy:

Independent advocacy – This is advocacy provided by trained advocates for clients with complex or moderate needs. The independent advocate ensures there are no conflicts of interest

Professional staff providing advocacy – Professional staff are often strong advocates for their clients but where a conflict of interest may occur, an independent advocate should be appointed.

Citizen advocacy – These are volunteers, recruited, trained and supported by professional advocates, and who are able to support clients on a longer term basis. A variation of this is peer advocacy where support is provided by people who have had similar experiences or who use the same, or have used similar services.

Self advocacy – Clients speak for themselves but may need training and support to enable them to do so.

Group/collective advocacy – A group of people unite to campaign on issues affecting more than one person. Such groups should be enabled to participate in service development, strategic planning, and commissioning and policy development.

The scoping exercise looked at providers of independent advocacy and any type of advocacy listed above where training by independent advocates is needed.

3. What can Advocates do?

- Attend meetings with, or in place of the service user.
- Advise about user rights.
- Liaise with professionals.
- Negotiate services and support.
- Offer support in dealing with procedures.
- Help formulate and make a complaint.
- Participate in policy making/planning.

4. Code of Practice

In order to ensure the quality of the provision, there is a code of practice which all advocacy groups are expected to work to. The code of practice, accepted by most advocacy groups, is as follows:

- Advocates are accountable to those who use their services
- Advocates for service users should be independent of the authority providing the service.
- Advocates should not be recent (within five years) ex-employees of the agency.
- There will be no charge to the user for advocacy services.
- Conflicts of interest must be declared.
- Service users should have a choice about who acts as their advocate.
- Advocates should include people of different genders, ages and ethnic backgrounds.

- Service users are at liberty to dispense with their advocate, or choose another, at any time.
- Advocates should ensure that users are clear about when they are available and how to contact them.
- Premises should be accessible and convenient.
- There should be a clear constitution, a complaints process and information on charity status.
- There should be planned training and supervision of all advocates.
- Any paid advocates should be recruited using equal opportunity procedures.
- Employees should have the usual rights of employees such as health and safety policies, grievance procedures etc.
- Advocates will only speak on the user's behalf as the user wishes. The key aim is to help people regain their power and independence.
- Advocates must be careful not to make assumptions based on their own preconceptions about what is good for service users.
- Service users have a right to be present whenever the advocate is discussing them.
- The advocate should make no decisions or choices on behalf of the service user. The service user must be helped to understand the options and make considered choices.
- Advocates should not give advice or counselling nor influence the user in their choices.
- Advocates will disclose to service users all communications concerning them, but they will not disclose any information about them to others without their consent.
- Advocates will act ethically and behave towards service users with honesty, courtesy, discretion, respect for their dignity, confidentiality and privacy will be expected of all advocates.
- Service users using advocacy services have the right to expect advocates to uphold their human rights as citizens at all times.
- Advocates must not hold users' money or valuables, without giving a proper receipt and making a verified record. There must be clear accountability, and procedures adhered to in respect of money and property.
- Advocates must be careful about gifts. In general personal items and keepsakes should be refused or held in trust openly for person concerned.
- Advocates must not make promises or commitments they do not, or cannot, fulfil.
- Advocates must work within the law.

- Advocates must respect codes of practice and complaints and other mutually agreed procedures in the interests of the service user, justice and human rights.
- Advocates must reflect continually on their practice to ensure they work positively with service users, to listen to them and not to become judgmental.
- Advocates must maintain a policy of equal opportunities for all.

5. Choice of Advocate

Although service users can choose their own advocates who may not be attached to a recognised group or agency, it is important that the service user is aware of the directorate's expectations of their advocate, by referring to the code of practice above. This is in order to protect the interests of service users when sharing confidential and sensitive information.

It is therefore important that the role of staff is kept separate from advocacy arrangements. Also, due to possible conflicts of interest, it is not appropriate for ex-members of social services staff to act as advocate for a service user.

6. Authorisation

When an advocate is used there should be some form of authorisation provided by the individual prior to discussions, meetings or sharing information with the advocate.

For vulnerable people, it is important that the person with whom information is to be shared has been CRB checked and is part of an agency who routinely undertakes necessary checks.

The authorisation should be seen by Social Services staff prior to any involvement with the advocate and, where possible, checked out with the service user. A copy of the authorisation should be kept on file.

7. Relationship between Social Services and advocacy agencies

It is important that advocates are seen as independent of the services which are being provided or commented on. Procedures for information sharing between the two agencies needs to be made clear at the point of any contact, and the service user should be made aware of the information which will be shared. The agencies must be aware of the LBRuT information sharing protocol and have their own internal protocol.

7.1 Advocacy – expectations of the relationship between the advocate and Social Services staff

- There needs to be clarity of roles between staff and the advocate. Whilst staff may speak out for people, they cannot be independent advocates. Whilst advocates may make people feel better they are not therapists.
- Staff should recognise the person's right to an advocate and have a duty to encourage advocacy. Staff must acknowledge self-advocacy as a positive action and not label it as a symptom of distress.

- Staff should acknowledge the independence of the advocate and the value of advocates as a resource for service users. Advocates may be people with whom they can form an alliance and improve their own professional practice. Advocates may be able to raise issues that staff cannot.
- Advocates should be introduced to staff so that they can share information.
- Staff should have training in the role of an advocate and explore boundary issues.
- Staff has a vital role to play in the provision of good quality, user-friendly information. Advocates may be able to help them with information strategies.
- Staff has an obligation to respond courteously and to act, both on issues raised concerning the individual service user and on wider issues raised by people using the service. The advocate's should provide feedback to Social Services staff.
- Managers and staff should be able to evidence action taken as a result of the advocate raising issues. Regular meetings with advocacy agencies will aid this process.
- Managers should regularly monitor the relationships between staff and advocates, in order to deal with any developing problems and to agree roles and codes of practice.
- It needs to be recognised that a healthy dialogue is likely on most issues. Tensions and differences of perspective are inevitable on occasions. Decisions not follow the recommendations of an advocate must be recorded and reasons explained. Managers need to approve these decisions.

8. Publicity

It is important that Social Services are aware of the opportunity for service users to have advocates and to promote those services. Appendix 1 contains a draft leaflet, which could be used for service users.

9. Contracts/Performance Indicators

It is important for Social Services to feel confident about the services they promote to service users and to have a system of review regarding the services they financially support. Any agency used should be able to provide the following performance data:

9.1 General performance information:

- Has the service set aims and objectives that have been agreed by senior managers and elected members?
- Does the advocacy agency have an annual work plan?
- What has the service achieved in the last year?
- What areas of work have been particularly difficult over the past year?

- How can these difficulties be addressed in the forthcoming year?
- What relationship has the service established with Social Services?
- What contacts have been made with other organisations providing services for vulnerable people?

9.2 Recording and Information sharing

- Has the service a satisfactory and confidential system for recording referrals and enquiries?
- Has the agency an information sharing protocol and complies with data protection legislation?

9.3 Accessibility

- Is the service physically accessible?
- Is the service accessible 24 hours a day?
- Can the manager of the service be contacted when out of the office?
- Is there an agreed response rate from the time of contacting the agency to the time of personal contact?
- How has the service performed against these response times?
- Is the office open at suitable times for the service users for example evenings?

9.4 Confidentiality and Safeguarding Vulnerable Adults

- Has the service an agreed policy on confidentiality
- Has the service an agreed policy on Safeguarding Vulnerable Adults from abuse?

9.5 Delivery of Service

- Has the agency a method of recording all requests for advocacy?
- Has the agency a method of evaluating services to individuals on an ongoing basis - questionnaires or personal contact?
- Does the agency have a way of recording outcomes from individual advocacy?
- Have service users contributed to the development of the service?
- How has the advocacy service performed over the last year?
- Is there a system for feeding back issues to Social Services and service providers?

9.6 Information for Service Users

- Has the agency provided accessible information for the service users explaining how they can access the service and what types of support are available?

- Is this information available for all service users e.g. people with visual impairment, learning difficulties etc.?
- Have service users been involved in the production of this information?
- Is the information up-to-date?
- How do people receive this information and is it available in a variety of mediums?

9.7 Annual Report

- Has the agency produced an annual report?
- Does the agency involve service users in the production of the report?
- Has a summary been produced for service users?

Appendix 2: Policies and documents required to meet the standards

There are a number of written policies, procedures and other materials which your scheme will need in order to meet some of the Charter in Action standards. Use the following checklist for those you already have and those which need to be developed.

WRITTEN EVIDENCE	YES/NO	BY WHEN
GOVERNING DOCUMENTS		
Constitution or Memorandum and Articles of Association		
Mission statement or statement of values		
Aims and objectives document		
Business plan		
Fundraising strategy		
OPERATIONAL PROCEDURES		
Referral procedure		
List of agencies to refer on to		
Code of Practice for advocates		
Risk assessment procedures		
Organisational structure chart and decision making procedures		
Induction training programme for new advocates		
Annual training plan with identified resources		
POLICIES		
Equal opportunities policy		
Complaints and confidentiality policies		
Health and safety and risk assessment policies		
Disciplinary and grievance procedures		
Supervision policy		
Whistle-blowing policy		
Data Protection policy		
PUBLICITY		
Publicity materials in a range of formats (e.g. large print, Braille, tape, community languages, pictures and symbols, video)		
Advocacy Charter or similar summary of values/principles		
ACCOUNTABILITY		
Reports of complaints investigations and action taken		
Summary reports of all complaints received and lessons learned		
Annual report and accounts		
Monitoring and evaluations reports		
User feedback reports		