**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**HANDOUT**

**Advocacy**

# Introduction

The Social Services and Well-being (Wales) Act 2014 requires that local authorities support people – children and adults with care and support needs, and carers – to fully participate in the key care and support processes of assessment, planning and review, and any safeguarding processes.

Some people may experience barriers to their full participation and, if so, the local authority must enable them to participate as fully as possible. Firstly, it is important to establish if and how the person could be better supported by making changes to the arrangements. For example, by providing information in an accessible format and involving an appropriately trained and registered interpreter if the person needs one e.g. if they are a sign language user or don’t have enough English or Welsh to be involved without an interpreter. Note that local authorities have a duty under the Equality Act 2010 to make reasonable adjustments to meet the needs of people with particular accessibility requirements. Such adjustments should be made before the barriers to the person fully participating in the process are reviewed again.

However, some people won’t be able to fully participate, even if the process has been adapted to meet their communications needs, because of the barriers they experience. Local authorities must, in partnership with the person, reach a judgement about whether that individual can only overcome the barrier(s) and participate fully if there is someone available to support and represent their views, wishes and feelings.

A parent, carer, friend, neighbour or relative for instance may be an ‘**appropriate individual’** to advocate for the person. An appropriate individual must:

be able to adequately support the person’s participation

be someone the person wants to support them

not be someone implicated in a safeguarding enquiry

If there is no appropriate individual available to facilitate the person's participation, the local authority must arrange for an **independent professional advocate** to support and represent them.

# Barriers to Full Participation

The Act defines four ways in which people could experience barriers that impair them from fully participating in the key care and support or safeguarding processes:

understanding relevant information

retaining information

using or weighing up the information

communicating their views, wishes and feelings

Many people can be supported to understand relevant information, if it is presented appropriately and if time is taken to explain it. Some people will not be able to **understand relevant information**, for example if they have mid-stage or advanced dementia.

If a person is unable to **retain information** long enough to be able to weigh up options and make decisions, then they are likely to be experiencing barriers in fully participating in the key care and support or safeguarding processes.

A person must be able to **weigh up information** in order to participate fully and express preferences for or choose between options. For example, they need to be able to weigh up the advantages and disadvantages of moving into a residential home. If they are unable to do this they are likely to be experiencing barriers in fully participating in the key care and support or safeguarding processes.

A person must be able to **communicate their views, wishes and feelings** – whether by talking, writing signing or any other means – to aid the decision process and to make their priorities clear. If they are unable to do this, they are likely to be experiencing barriers in fully participating. For example, some people with mid-stage or advanced dementia, significant learning disabilities, a brain injury or mental ill health may experience barriers to their full participation in decisions made about their care and support. But equally a person with Asperger’s may do too, as may a frail older person who does not have a diagnosis but is confused as a result of an infection, or a person who is near the end of their life and appears disengaged from involvement and decision-making. Within this context, it is the person’s ability to communicate their views, wishes and feelings which is fundamental to their participation rather than the diagnosis or specific condition.