
ADVOCACY SERVICES

Purpose of the Report

1. The purpose of this briefing is to provide Members with details of advocacy arrangements within adult social care services.

Summary

2. The Council is under a statutory duty to provide independent advocacy services for people with adult social care needs who need care and support. The relevant statutes are the Care Act (2014), the Mental Health Act (2007) and Mental Capacity Act (2005).
3. A new contract for the provision of statutory independent advocacy services within Darlington was awarded to Darlington Association on Disability (DAD) on 1 April 2018.

Recommendation

4. It is recommended that:-
 - (a) Scrutiny Committee note the advocacy services commissioned by the Council to support individuals with adult social care needs.
 - (b) Members note the monitoring information provided by DAD in respect of advocacy services during the period 1 April 2018 to June 2018.

**Suzanne Joyner
Director of Children and Adults**

Background papers

Advocacy QPM – Recognising Quality in Independent Advocacy
A Code of Practice Revised Edition 2014.

S17 Crime and Disorder	n/a
Health and Well Being	Adult Social Care services are central to the Council's Health and Wellbeing responsibilities.
Carbon Impact	None
Diversity	Advocacy Services are provided to all eligible people in accordance with the Equality Act (2010).
Wards Affected	Advocacy Services affects all wards.
Groups Affected	Advocacy Services affects people receiving adult social services.

Budget and Policy Framework	The provision of efficient and effective commissioned services has a direct impact.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	This report is aligned.
Efficiency	The scrutiny services is integral to the delivery of efficient and effective commissioned services.

Author: Sukhdev Dosanjh

Background

5. Advocacy Services provide support for people who find it hard to make decisions about care and support that they need. Some people may feel that they are not being actively involved in a decision or who experience considerable difficulty in understanding situations facing them. An independent advocate is a person who works with people to ensure that their views are heard and that people receive the right care and support which most effectively meets their needs. They are independent from the Council and ensure that a person's voice is heard. In effect that no decision is made "about them, without them".
6. The Council has a legal duty to involve people in decisions concerning their care arrangements. This will include how their care and support needs will be met and the health and wellbeing outcomes that they wish to achieve. Advocates are also essential where safeguarding enquiries are made to protect people from abuse and neglect.
7. The Council must provide advocacy services under a range of social care legislation. This primarily consists of the Care Act (2014) (otherwise known as general advocacy), Mental Health Act (2007) where there is a duty to provide Independent Mental Health Act (IMHA) and the Mental Capacity Act (2005) where there is a duty to provide an Independent Mental Capacity Act (IMCA). In addition, under the Mental Capacity Act (2005), the Council is also under a duty to provide a relevant person's representative (RPR) who is appointed to provide support where a person is deprived of their liberty under the Mental Capacity Act (2005)'s Deprivation of Liberty Safeguards. This means that where a person is assessed that it is in his/her best interest to be deprived of their liberty, a RPR must be appointed to protect that person's interest during the period of the deprivation. All matters that relate to the Mental Capacity Act (2005) and Deprivation of Liberties (2009) are overseen by the Court of Protection.
8. Under the Care Act (2014), the Council has a duty to provide an independent advocate in general advocacy applies to:
 - (a) Adults who need care and support
 - (b) Carers of adults (including young carers)
 - (c) Carers of children in transition
 - (d) Children who are approaching the transition to adult care and support.

9. The Council has a duty to arrange an independent advocate to support and represent a person when two criteria are met. The first is that the person has a “substantial difficulty” in being fully involved in the key care and support processes of assessment, care and support planning and review, or safeguarding. In addition, that there is no one appropriate available to support and represent their wishes. The Council is under a duty to consider and make a determination on a person’s need for an advocacy in circumstances where both these criteria are met.

Arrangements of Advocacy Services

10. The Council awarded the advocacy contract to DAD which came into effect on 1 April 2018, following a recommissioning exercise. DAD is a charitable, local user led organisation which adheres to the nationally recognised Advocacy Charter, Appendix 1. The Charter and its associated Code of Practice (2014), Appendix 2 sets out to “provide advocacy schemes and others with a vehicle for both explaining what advocacy is and outlining a common vision of what constitutes effective advocacy.”
11. The new arrangements strengthened the Council’s oversight of activity levels with a clearer pricing schedule, value for money framework and outcomes requirements. This has ensured that individual advocacy episodes can be better tracked by numbers and type of referrals. Regular business and contractual meetings are held with DAD to monitor outcome based performance.

Contract Monitoring Information

12. The table below sets monitoring information provided by DAD in respect of advocacy activities in the contract (April to June 2018):

Advocacy Element	Number of Referrals	Current Caseload	No. of cases closed	% of DAD Advocacy hours
Care Act (2014) – general	33	92	23	30%
IMCA	10	108	7	9%
RPR	54	143	20	41%
Section 3A MCA (2005)*	1	14	5	1%
IMHA	51	96	48	19%
Not actioned- due to change in circumstances	4	n/a	n/a	n/a
Total	153	453	103	100%

13. *Section 3 A are the equivalent of RPRs or those individuals living in the community e.g. supported living, their own homes with support or with a family member, any “deprivation of liberty” needs to be agreed through the Court of Protection.
14. In this last quarter, DAD responded to 89% of all cases within 3 days of a request for a service under the contract.
15. It is recognised by both the Council and DAD that this is a new contractual arrangements and that further improvements to advocacy arrangements will be explored.