

It has always been good practice to support people who have difficulty speaking up or being listened to or access independent advocacy support to give them more choice in their lives, irrespective of whether or not they have friends or family. From 1st April 2015, under the **Care Act 2014** (and through some of the provisions of the Children and Families Act 2014), there is a statutory duty to ensure that people in certain situations can access independent advocacy support.

Who? Where people would have substantial difficulty in being involved in certain social care processes (listed below), the local authority needs to consider whether there is a carer, relative or friend (an 'appropriate individual') who can support their involvement. If not, the local authority must arrange an independent advocate to be available to support and represent them.

When? From the first point of contact with a person, the local authority must act to involve that person in these processes. The local authority must consider (under the new advocacy duty) whether a person would have 'substantial difficulty' in any one of the following areas:

- understanding relevant information
- retaining that information
- using or weighing that information as part of the process of being involved
- communicating the individual's views, wishes or feelings (whether by talking, using sign language or any other means)

The duty on local authorities to consider providing access to an independent advocate applies to a person's involvement in care and support processes including:

- an adult's needs assessment
- a carer's assessment
- the preparation of an adult's care and support plan or support plan
- a review of an adult's care and support plan or support plan
- a child's needs assessment as they transition towards adult care
- a child's carer's or a young carer's assessment
- a safeguarding enquiry or safeguarding adults review

The Care Act states that referrals can also be made in the following situations, even if there is someone appropriate to support the individual:

- An assessment or support planning process that might result in a change of accommodation and it is in the best interests of the individual to have advocacy support.
- There is disagreement in relation to the individual between the Local Authority and the appropriate person and it would be beneficial for the individual to access independent advocacy support.

People's rights to access IMCA (Independent Mental Capacity Advocate) and IMHA (Independent Mental Health Advocate) are not affected. Please note that DASL does not provide the IMCA and IMHA advocacy services for Lambeth.

How do I refer to DASL's Professional Advocacy Service?

The Independent Advocacy Service at DASL is part of the Independent Living and Carers' Partnership (ILCP). Contact the Advocacy Team directly on 020 7501 8966 or via advocacy@disabilitylambeth.org.uk. Referral forms can be downloaded from the DASL website at <http://www.disabilitylambeth.org.uk/dasl/advocacy/>.