



Advocacy under the Care Act 2014

The duty to involve

From the first point of contact with a person, the Local Authority must act to involve the person in the process they will carry out.

The duty to consider

They must also consider whether a person would have a 'substantial difficulty' being involved in this process either;

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

If they do, the Local Authority must decide whether the person has someone that is not paid to support them (e.g. a carer, relative or friend) who can act as an 'appropriate individual' to support their active involvement in the process and fulfill certain duties in this process.

When?

If it is determined that the person would have a substantial difficulty being involved and do not have an appropriate individual, under sections 67 and 68 of the Care Act 2014, the local authority must arrange an independent advocate to be available to support and represent them during the following processes:

- an adult's needs assessment (section 9 of the Care Act 2014)
- a carer's assessment (s.10)
- the preparation of an adult's care and support plan or support plan (s.25)
- a review of an adult's care and support plan or support plan (s. 27)
- a child's needs assessment as they transition towards adult care (s.59)
- a child's carer's (s.61) or a young carer's assessment (s.64)
- a safeguarding enquiry (s.42) or safeguarding adults review (s.44)

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 or,
- 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.