



social care
institute for excellence

At a glance summary: Commissioning independent advocacy

Published: October 2014

Updated: October 2020



At a glance summary

This At a glance summary is aimed at commissioners charged with meeting the duties to provide advocacy under the Care Act 2014. It will help commissioning officers in local authorities think through their duties and understand what they are required to do to comply with the requirements of the Act.

Key considerations

- It is important that you clearly understand your legal duties under the Care Act 2014.
- Keep in mind the driving principles of the Care Act: the promotion of wellbeing and the prevention, delay and reduction of the need for care and support.
- Clearly identify and analyse how your local authority meets its existing statutory advocacy duties and ensure maximum cooperation between all commissioned advocacy services to meet the range of duties required.
- Inform commissioning by good practice in order to secure best value and outcomes.
- **Co-production** maximises the effectiveness of independent advocacy commissioning.
- Work in partnership with providers and other stakeholders, and encourage collaboration to secure the best use of local capacity and best value for money.
- An **'equality and diversity'** thread should run through your commissioning activities, ensuring compliance with human rights and equality law.
- Always work closely with other services (health, housing, benefits), and consider joint commissioning arrangements to minimise advocacy 'silos'.
- Set clear expectations for providers and practitioners in line with advocacy duties set out in the Care Act.
- Because demand and funding will fluctuate, you should be flexible about procurement and contractual arrangements.

How the Care Act ensures involvement

The local authority must:

- listen to people's views, wishes, feelings and beliefs
- assume people are the best judge of their own wellbeing
- ensure the individual can participate as fully as possible in decisions about their care
- avoid making unjustified assumptions based on a person's age, appearance and behaviour.

Local authorities must involve people in decisions made about them and their care and support. Involvement requires a local authority to help people understand how they can be

involved, how they can contribute and take part and, in some cases, how they can lead or direct the process.

People should be active partners in the key care and support processes of assessment, care and support planning, and review (or safeguarding). The duty to involve applies in all settings, including in the community and in care homes or prisons (apart from safeguarding enquiries and reviews).

However, some people may:

- have substantial difficulty in being involved in the process; **and**
- not have an appropriate individual to support them in this.

If a person meets both these criteria then the local authority must arrange for an independent advocate to assist them and their involvement.

What is an advocate under the Care Act?

Independent advocacy is concerned with maximising people's involvement in decisions about their lives. It acts to help people understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need. Advocates work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and social justice.

The Act strengthened the voice of people and their carers going through assessment, care and/or support planning and care review processes, as well as those people who are part of a safeguarding enquiry or safeguarding adult review (SAR). The duty to provide independent advocacy also applies if an individual makes an appeal against a local authority decision.

'An advocate is truly independent. They're impartial, they're available, they're reliable, they're person-centred and they're knowledgeable about the sector.'

Co-production workshop participant

Even though the Care Act has been legislation since 2015, the information here should feed into a thorough continual commissioning process, informing the analysis of demand, planning and strategy, the establishment of new contracts and the review of advocacy arrangements in every local area.