ADVOCACY HUB

dasl
disability advice service lambeth

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CONNECT LAMBETH

A guide to Independent Advocacy in Lambeth

"Advocacy is taking action to support people to say what they want, secure their rights, pursue their interests and obtain services they need. Advocacy providers and Advocates work in partnership with the people they support and take their side, promoting social inclusion, equality and social justice." (The Advocacy Charter, NDtI 2018)

There are different types of Independent Advocacy support, many of these are required by law for certain people in certain situations. This guide is designed to help you understand the different types of advocacy, who is eligible and when referrals should be made. Every attempt is made to ensure this guide is up to date however no responsibility is held by dasl for any incorrect information

Where you see words underlined in blue please click on it. This will take you straight to the page

Lambeth Advocacy Hub

The Lambeth Advocacy Hub brings together Community Support Network South London (CSNSL), Disability Advice Service Lambeth (dasl) and POhWER under the Connect Lambeth range of services to provide all statutory advocacy provision for peopled aged 16 and over in Lambeth. (Some exclusions apply)

ADVOCACY HUB

Services provided are:

- **Care Act advocacy** for people aged 16 and over assessed as eligible by Lambeth Council for advocacy support
- **Deprivation of Liberty Safeguards (DoLS) IMCA** or people aged 18 and over who are subject to a restriction to their liberty. Referred by specific Supervisory Bodies only
- **Independent Mental Capacity Advocacy (IMCA)** for people aged 16 and over in Lambeth and as eligible by the instructing decision maker only.
- **Independent Mental Health Advocacy (IMHA)** for qualifying patients under the Mental Health Act. Self referrals accepted.
- **NHS Complaints Advocacy** information and support available Lambeth residents wishing to complain about an NHS service.
- **Relevant Person's Paid Representation Service (RPPR)** for people aged 18 and over who are deprived of the liberty under DoLS. Referred by specific Supervisory Bodies only.

Care Act advocacy

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 is not paid to support the person) who can support their involvement. If not, the local authority must arrange an independent advocate to be available to support and represent them.

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 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 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.

Eligibility and who can refer

Decisions about eligibility for advocacy support are made by Lambeth Council who must offer and arrange advocacy support under the Care Act.

Referrals are made by **Lambeth Adult Social Care** who will be undertaking the process only

Independent Mental Capacity Advocate (IMCA)

Under the Mental Capacity Act 2005 an IMCA **must** be instructed by the Decision Maker if the following grounds are met:

- The person is aged 16 or over,
- A decision needs to be made about either a long-term change in accommodation or serious medical treatment,
- The person lacks capacity to make that decision, and
- There is no one independent of services, such as a family member or friend, who is "appropriate to consult".

An IMCA may also be provided to people for other decisions concerning Care Reviews or Adult Protection regardless of if they have someone that is "appropriate to consult".

Eligibility and who can refer

People who meet eligibility criteria above and are **in Lambeth** at the time the decision is to be made (regardless of their normal residence).
Referrals are made by the **Decision Maker** (or their nominated deputy)– either the Local Authority or a medical professional.

Deprivation of Liberty Safeguards (DoLS) IMCA

The Deprivation of Liberty Safeguards are an amendment to the Mental Capacity Act. They created specific IMCA roles to safeguard the rights of the person subject to a restriction of their liberty. The different types of DoLS IMCA are:

- **Section 39A IMCA** are instructed when there is an assessment in response to a request for a standard authorisation, or a concern about a potentially unauthorised deprivation of liberty.
- **Section 39C IMCA** cover the role of the relevant person's representative when there is a gap between appointments.
- **Section 39D IMCA** support the person, or their relevant person's representative, when a standard authorisation is in place.

Eligibility and who can refer

People aged 18 who are **in Lambeth** at the time the decision needs to be made, regardless of who their Supervisory Body is.

Relevant Person's Paid Representative (RPPR) Service

RPPRs are provided to people who have been lawfully deprived of their liberty in hospital or a care home (residential or nursing) and they do not have someone, such as a friend or family member who is willing and able to act as their representative during the authorised deprivation of liberty.

A RPPR is in place to ensure the person's rights under the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards (DoLS) are upheld and that the deprivation is lawful, proportionate and in their best interests.

Eligibility and who can refer

People aged 18 where the **Supervisory Body is Lambeth Council**

Independent Mental Health Advocate (IMHA)

An IMHA is an advocate which some patients have a right to access under the Mental Health Act 1983 (Amended 2007). Those eligible are:

- people detained under the Mental Health Act 1983 amended in 2007 (even if on leave of absence from the hospital), but excluding people who are detained under certain short term sections (4, 5, 135, and 136)
- conditionally discharged restricted patients
- people subject to guardianship
- people subject to supervised community treatment orders (CTOs).

Other patients, who are informal, are eligible for IMHA services if they are being considered for section 57 or section 58A treatment (i.e. treatments requiring consent and a second opinion). This includes people under the age of 18 who are being considered for electroconvulsive therapy (ECT).

Eligibility and who can refer

Eligible people can **refer themselves** or be referred by a ward staff, clinician or an health or social care professional.

NHS Complaints Advocacy Service

This service is available to people wanting support to complain against the NHS. About care and treatment provided or commissioned by the NHS Support can include self help material and support during the complaint process. The level of support offered will depend on your level of need.

Eligibility and who can refer

Residents of Lambeth. Complaints can be made on someone else's behalf (if there is a lawful basis for doing so), including if someone has died. Complaints should be made within 12 months of the event or the issue being established

Advocacy Hub

Referral forms: CONNECT LAMBETH
www.connectlambeth.org.uk/advocacy

More information: advocacy@connectlambeth.org
0330 360 2800

Proud partners of connect Lambeth

CSNSL Community Support Network South London

dasl disability advice service lambeth

POhWER Voices Heard • Lives Empowered

Professional/ Community / Issue based Advocacy

Typically this type of advocacy support is for people who have a difficulty promoting their rights, speaking up for themselves or being listened to. An advocate can support someone with a particular issue and work to help people empower themselves to develop self advocacy skills.

Where to refer

dasl
disability advice service lambeth

Lambeth residents who have a difficulty speaking up or understanding information and are:

- a Disabled person
- living with a long term condition or illness,
- an older person
- an unpaid carer

advocacy@disabilitylambeth.org.uk 020 7501 8966

More information is available on our website

CSNSL
Community Support Network
South London

Lambeth residents whose primary need is in relation to their mental health and need support to speak up about issues to do with their care and treatment.

info@csnsl.org.uk 020 7274 4490

More information is available at CSNSL's website

Forensic Advocacy

Advocacy support people living with mental illness who have also committed a criminal offence, which may or may not have been connected to their mental health

Where to refer

CSNSL
Community Support Network
South London

www.csnsl.org.uk
info@csnsl.org.uk
020 7274 4490

Children's Advocacy

The Children Act 1989 gives 'looked after children" (children in care by agreement or under a court order) the right make representations and complaints to the Local Authority regarding their care arrangements. The Adoption and Children Act 2002 places a duty on Local Authorities to assist looked after children who want to make a complaint.

Relevant guidance from the Government strongly recommends that independent advocacy support should be offered to looked after children for purposes other than complaints, for example to attend meetings with a Social Worker and Looked After Child (LAC) reviews.

Where to refer

London Children's Rights service provided by Barnardo's

advocacy2@barnardos@org.uk 0800 085 8287

More information can be found on Barnardo's website

Independent Gender-Based Violence Advocate (IGVA's)

Independent Sexual Violence Advocate (ISVA's)

Independent Domestic Violence Advocates (IDVA's)

Independent advocates support people experiencing all forms of domestic and gender-based violence, including those at highest risk of serious harm or homicide. ISVAs are specially trained to support women, children and men who have experienced sexual violence and abuse. IGVAs are advocates who specialise in supporting women and children who have experienced all forms of gender-based violence, such as forced marriage, 'honour'-based violence, female genital mutilation, human trafficking and modern slavery

Where to refer

lambethvawg@refuge.org.uk Gaia Centre 0207 733 8724

More information can be found on Refuge's website