

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE – 21 May 2001

REPORT ON: INDEPENDENT ADVOCACY SERVICES IN TAYSIDE – JOINT PROTOCOL

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 318-2001

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform the Social Work Committee of the review of independent advocacy services within Tayside, and seek agreement for the Director of Social Work to sign the joint protocol detailing the key principles underpinning the provision of independent advocacy services.

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee: -

2.1 Acknowledge the content of the report and the proposed joint protocol.

2.2 Instruct the Director of Social Work to sign the joint protocol on behalf of the Council.

3.0 FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the agreement to sign the joint protocol.

4.0 LOCAL AGENDA 21 IMPLICATIONS

Independent advocacy is a way of ensuring that local people who may be at risk of exclusion have a means of making their views heard.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

The review of Independent Advocacy services within Tayside takes account of all clients who are vulnerable as a result of illness, age or disability and who have a difficulty in expressing their views.

6.0 MAIN TEXT

6.1 Introduction

6.1.1 Advocacy is important to ensure that clients who have a difficulty in expressing their opinions are able to make informed decisions and maintain control of their care. Advocacy can, and often is, provided effectively by a relative or professional person involved with the client. Where there is a conflict of views between the client and their relative, or where an organisation may be unable to support the wishes of the client, this form of advocacy may not always represent the views of the client appropriately. Independent advocacy is provided by an independent person, who may work with the client, supporting them to speak on their own behalf, or speak for the client where they are unable to do this for themselves.

- 6.1.2 Good independent advocacy will provide a safeguard for vulnerable people, empower people who rely on services to maintain their quality of life, be constitutionally independent of local or national government and provide a range of approaches to meet the specific needs of the users involved.
- 6.1.3 Dundee currently has a number of advocacy services in place which involve both jointly commissioned services and those provided by volunteers. The range of services include the provision of citizen advocacy and self help groups and work is undertaken with older people, people with learning disabilities and people with severe and enduring mental illness. Services are provided for clients living within the community, in hospital or within residential or nursing care.

6.2 Review of Advocacy Service Provision in Tayside

- 6.2.1 The Scottish Office publication "Advocacy – A Guide to Good Practice" encouraged agencies to examine current practice and to further develop independent advocacy projects available to service users. As a response to this publication, Tayside Health Board, in partnership with the 3 local authorities and local independent advocacy services, undertook a review of the services currently in place within Tayside. The review identified the range and type of independent advocacy services available, the local need for advocacy services and made recommendations for key priority actions. The results of this review were circulated in August 2000 and the main recommendations accepted by the partner organisations.
- 6.2.2 The report highlighted that the quality of advocacy services within Dundee was high, with advocacy services provided through both commissioned services and volunteer groups. Despite this, the level of service was considered to be limited and unable to meet the needs of all the client groups requiring the service. Agencies were encouraged to continue to support and develop existing, jointly commissioned, independent advocacy services.
- 6.2.3 Dundee City Council Social Work Department will continue to review the level of need for advocacy services through the strategic planning groups. In addition, where a specific group is identified as requiring a targeted service, such as patients being resettled from hospital to the community, this will be considered as a priority for appropriate funding.
- 6.2.4 The importance of good advocacy is also highlighted in a number of national policy statements. The learning disability review 'The Same as You' recommended the development of independent advocacy services for people with learning disabilities. "Our National Plan" detailed within its priorities for the NHS, the requirement for "NHS Boards to work with Local Authorities to ensure that independent advocacy services are available to those who most need them".
- 6.2.5 There has been considerable work undertaken by the Learning Disabilities Strategic Planning Group to explore the needs of people with learning disabilities. Dundee Social Work Department currently fund Dundee Independent Advocacy Service and it is our intention to review the service led agreement to clearly establish the service to be provided.

6.3 Joint Protocol

- 6.3.1 As part of the work undertaken by the review group, a joint protocol with key principles underpinning the provision of independent advocacy in Tayside has been developed. The purpose of the protocol is to enhance partnership working between local agencies, independent advocacy services and users and carers. Each local independent advocacy scheme, and representatives from the NHS Trust, Tayside Health Board and the relevant council will sign the protocol.
- 6.3.2 The protocol identifies the different roles of the partner agencies and their responsibilities to ensure that service users are provided with an advocacy service to meet their needs. The role of the Local Authority incorporates staff have the required information to recognise the importance of independent advocacy and enable clients to access appropriate services. It gives guidance to ensure that once a service user has an advocate that, in agreement with a service user, the advocate receives the relevant information to enable him or her to provide advocacy when required. (See Appendix 1)

6.3.3 The protocol will be jointly reviewed on an annual basis to ensure that it remains in line with best practice.

6.4 Conclusion

6.4.1 The review of Independent Advocacy services within Tayside has identified and confirmed the main strengths of the current advocacy services within Dundee, while indicating a way forward to develop and improve the services offered to local people. The recommendations within the report have been accepted by the partner agencies and work continues to ensure that specific action points are implemented. Securing sufficient funding remains a high priority for local advocacy services Dundee City Council along with the Health Board will continue to identify need through local strategic planning and work towards the development of appropriate service led agreements.

6.4.2 Agreeing a joint protocol which underpins the key principles for the provision of independent advocacy is central to ensuring that local people receive quality services. Through formal acknowledgement of the partnership between independent advocates and service users, we will ensure that Local Authorities enable this relationship to remain productive and effective.

7.0 CONSULTATION

7.1 The Director of Neighbourhood Resources, The Director of Corporate Planning, the Director of Education and the Director of Finance have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

Joint Report on the Review of Independent Advocacy Services in Tayside – Tayside Health Board refers.

9.0 SIGNATURE

Director of Social Work

Date

11 May 2001

TAYSIDE PARTNERSHIP FRAMEWORK FOR EFFECTIVE ADVOCACY SCHEMES

Key Principles Underpinning Provision of Independent Advocacy in Tayside

1 Introduction

The following key principles have been developed by Tayside Health Board, Tayside Primary Care NHS Trust, Tayside University Hospitals NHS Trust, Tayside Health Council, Angus Council, Dundee City Council, Perth & Kinross Council, Advocacy 2000 and the Independent Advocacy Services in Tayside.

Staff and volunteers are constantly working to improve services for the population of Tayside. The purpose of this joint protocol is to clarify and support the working relationship between staff and the advocacy schemes, and acknowledge the importance of independent advocacy.

2 Consent

The person's consent, where possible, must be sought for all involvement and contact with the advocacy schemes or advocate. Where the person is unable to consent and staff are aware an advocate is involved or may be required, staff will contact the advocate or advocacy scheme direct. It is also possible that advocacy schemes will link with the service provider(s) through direct contact.

This joint protocol acknowledges that most people can give their consent. Where they cannot, we accept the need for the role of advocacy.

3 The Role of the Advocate

The role of the advocate incorporates the following:

- An advocate is an individual who has undergone the recruitment process and training to allow them to support the interests of a person who, for whatever reason, is not fully able to represent their own needs. The advocate will represent the person's views and support the person to express their wishes and, where needed, will represent the person's views as if they were their own.
- The advocate's primary responsibility is to the person using the service and not to the service provider(s) or to any other people in the person's lives, i.e. family, neighbours, etc.
- The advocate may require to be an enabler, supporter, representative, spokesperson and safeguarder.
- The advocate is entitled to raise with the relevant individuals, including service provider(s) or appropriate professionals, any issue that affects the person's needs, wishes and requirements.
- Advocates are entitled to be informed of, and attend, any formal/informal meetings where their partner's circumstances are being discussed. There should be agreement wherever possible between the partner and the advocate. If professionals feel that it is inappropriate for an advocate or the partner to be involved, this should be fully discussed with the advocate and their partner in advance and justified reasons given. The outcome of this discussion should be put in writing by all parties and be recorded, in the event of disagreement, as part of the meeting.
- Advocates will respect the rights and confidentiality of the person at all times, within agreed advocacy scheme boundaries.
- Advocates and staff should discuss the person's needs, if this is appropriate and is agreed to be a positive step forward for the person's well being, with the person or with their consent wherever possible.
- Where a person is deemed incapable of giving consent, it is important to involve an advocate as the person's independent voice.

4 The Role of NHS and Local Authority Staff

The role of the NHS and Local Authority staff incorporates:

- Staff being given information to recognise the importance of independent advocacy. This should include training and working with advocates.
- Staff being given the opportunity to discuss the role of the advocate with the relevant Advocacy Scheme.
- Staff identifying the person's potential need for advocacy and being able to discuss this with the person.
- Staff enabling the person to contact the advocate or an advocacy scheme if required. Where the person is unable to contact a scheme, staff will contact the advocacy scheme on the person's behalf.
- Staff including details of the person's advocate in relevant records.
- Staff, once informed that the person has an advocate, ensuring that the advocate is notified of any significant changes in service provision.
- Staff must be aware of the entitlement of advocates to be informed of, and attend, any formal/informal meetings where their partner's circumstances are being discussed. Where the advocate is excluded from decisions, staff should give clear and justified reasons to the partner and the advocate. These reasons should be recorded.

5 The Role of the Advocacy Scheme

The role of the advocacy scheme incorporates:

- Providing effective recruitment, training and orientation programmes.
- Supporting all their advocates offering induction, consultation, help, advice and ongoing training.
- Ensuring, where requested, that all staff are given the opportunity to discuss the role of an advocate and the advocacy scheme.
- Written information on advocacy schemes being made widely available.
- Informing those services they are in contact with about procedures they have in place, e.g. complaints, etc.

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Independent Advocacy Scheme

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Tayside Health Board

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NHS Trust

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Council

Please see overleaf

NB Caldicott Principles

The Caldicott principles encapsulate the essence of good practice as determined by the Caldicott Committee for the management of patient identifiable information and apply specifically to the Health Service. However, they also reflect good practice in dealing with any sensitive, person-identifiable information for any organisation. These principles are:

- Justify the purpose
- Don't use patient-identifiable information when it is not absolutely necessary
- Use the minimum necessary patient-identifiable information
- Restrict access on a need to know basis
- Everyone should be aware of their responsibilities
- Understand and comply with the law

With respect to the sixth principle, particular attention should be drawn to the Data Protection Act 1998, which applies strict conditions for the of collection, storage, analysis or transmission of all person-identifiable data, whether held as electronic or manual records