

# **Advocacy Lunch and Learn Session**

## **Hosted by Voiceability**

**Please keep your microphone and camera off**

**Use the chat function if you have any questions**

**After the session you will be sent a feedback form – which if you complete you will get a certificate of attendance**

**A link to the slides from today will be shared with you in the future**

# Advocacy Lunch and Learn

Hosted by VoiceAbility



17<sup>th</sup> October 2023

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## Agenda

- Overview of advocacy
- How we work with our clients
- Statutory duties of advocacy
- Eligibility for Hampshire and how to refer
- Stories from our advocates in Hampshire
- Q&A

## **Who are VoiceAbility?**

**We've been supporting people to be heard in decisions about their health, care and wellbeing for over 40 years.**

**We believe that everyone, regardless of situation, illness or disability, has a right:**

To be heard and respected.

To have choice, control and freedom.

To be safe from violence, discrimination, harm or abuse.

**We work with over 26,000 people in local communities every year, and influence policy-making nationally to make sure people's voices are heard.**

# Voice Ability

what we do and why we do it



## What is advocacy and how does it help?



“

Advocacy promotes social inclusion, equality and social justice. It takes action to help people say what they want, secure their rights, represent their interests and obtain the services they need.

*Advocacy Charter 2002, Action for Advocacy*

”

## Everything we do as advocates is guided by

- **The Advocacy Charter**
- **The Advocacy Code of Practice**
- **Government Legislation eg Care Act 2014, MHA 1983(revised 2005)**



Recognising quality  
in independent advocacy

**Code of Practice**

*Revised Edition 2014*

The Advocacy Outcomes Framework helps us fulfil these.  
It builds existing principles into our systems and processes.



## **The people we can support**

**We support a wide range of people**

**Those who are most vulnerable including**

- **Adults with Learning difficulties**
- **Older people**
- **People struggling with their mental health, including those detained under the mental health act**
- **Looked after children**
- **People who have substantial difficulty in communicating or who lack capacity**

## What does an advocate do?

Supports the person to have their say

Support the person to find out information to help them know what the choices are

Discusses the situation with the person and what they want to do about it

Talks to other professionals on their behalf if they want us to

Works independently with the person (not part of Social Services or NHS) – to protect and uphold their rights

## The role of advocacy is to support and enable people to;

### Express

Express their views and wishes, especially when decisions are being made about their lives – including assessments, planning and reviews

### Explore

Explore options available to them and support people to make their own decisions

### Understand and secure

Understand and secure their own rights

### Enable

Enable them to self advocate and represent themselves

## **What advocacy is not**

- **A replacement for appropriate services.**
- **Counselling or Befriending.**
- **Offering advice.**
- **Making decisions about people's care and treatment.**
- **Support to complete forms or help with finances.**
- **A mediation service.**

## How we work with our clients

### Instructed

Advocacy is user led. The Advocate works on the instruction of the client. They will always gain their consent before doing anything on the client's behalf

### Non-instructed

This takes place when a person lacks the capacity to instruct an advocate. The non-instructed advocate seeks to:

- Uphold the person's rights.
- Ensure fair and equal treatment and access to services
- Make certain that decisions are taken with due consideration to all relevant factors including the person's unique preferences and perspectives.

## **Advocacy is a legal right**

**Eligible people have the right to statutory advocacy**

**The Mental Capacity Act and Care Act state that you must refer eligible people for advocacy.**

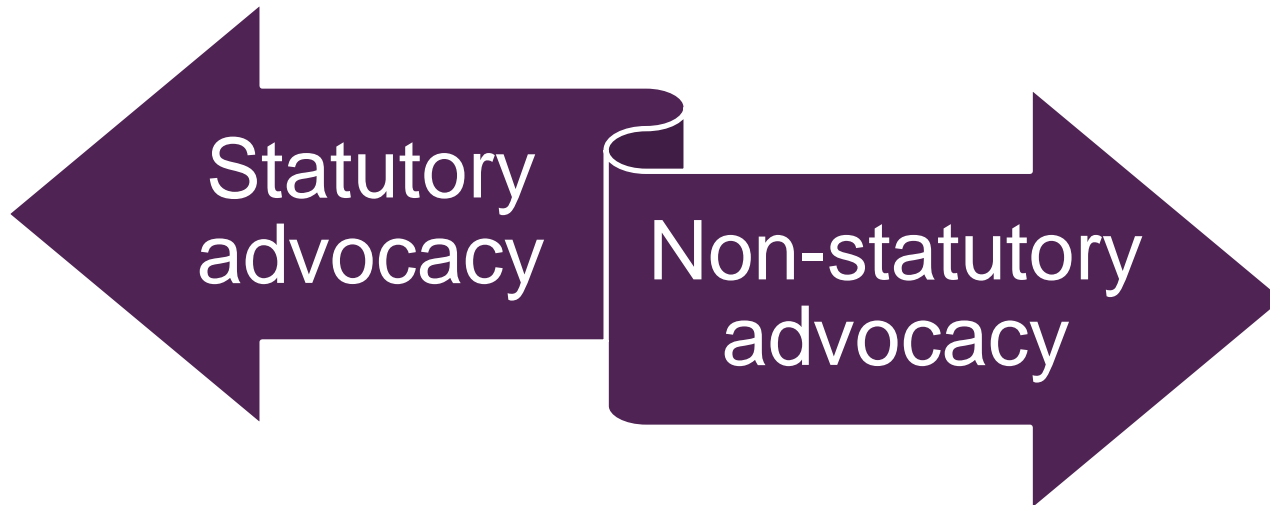
**The Mental Health Act states that you must make eligible people aware of how to access advocacy.**

**The Children's Act says you must refer eligible children for advocacy.**



# Advocacy referrals

When and how to refer  
a guide for professionals  
in the community



**Statutory advocacy means...**  
a person is legally entitled to an advocate because of their circumstances.

This might be because they're being treated under the Mental Health Act or because they lack the mental capacity to make their own decisions.

**Non-statutory advocacy means...**  
there is no legal framework that governs the role (unlike IMCA and IMHA for example) It is equally important but more likely to lose funding during times of reduced public sector budgets



## Statutory Advocacy

| Type   | Description  |
|--|--|
| <b>Independent Mental Capacity Advocacy (IMCA)</b> | Support when there is an accommodation or serious medical treatment decision. Eligibility is based on decision-making capacity and whether the person has friends or family.   |
| <b>Independent Mental Health Advocacy (IMHA)</b>   | Support with issues relating to mental health care, and treatment and rights under the Mental Health Act. Almost anyone detained under the Mental Health Act is eligible, plus people subject to CTOs or Guardianship, and others. |
| <b>Care Act advocacy</b>                           | Support if there are decisions to make about care or support, it will be difficult for the person to be involved in the process, and friends or family aren't able to help.  |
| <b>NHS Complaints advocacy</b>                     | Everyone is eligible for NHS complaints advocacy when they have a complaint about an NHS service.  |
| <b>RPRs / Rule 1.2A Representatives</b>            | For people who are or may be deprived of their liberty.  |

## **Children's & Young Persons' Advocacy**

**We provide advocacy support to**

- **Looked after Children**
- **Children in Care and on the edge of Care.**
- **Care leavers in transition.**
- **Children and young people going through the statutory processes such as CIN, CPO, interim care order, Section 20 order and safeguarding - if they are the alleged victim or perpetrator.**
- **Send.**

**From age 16 children may also be eligible for support from a Care Act Advocate .**

## **Non-Statutory Advocacy Eligibility\***

- **Adults who struggle with Mental Health - when advocacy support would prevent their mental health needs from becoming more serious or delay the impact of their needs and who do not have someone suitable to support them.**
- Adults with a learning disability or autism, physical or sensory disability or older people who are known to Hampshire County Council or those where advocacy support would prevent their care needs becoming more serious or delay the impact of their needs and who do not have a suitable other person to support them.

## Safeguarding

- A central principle of advocacy is to work non judgementally and to take people seriously.
- Because advocates work independently and on the side of the person, they are often in a position to hear about, or observe, safeguarding concerns 1st hand.



## Safeguarding...

- **Advocates are trained to respond to all safeguarding concerns appropriately by reporting these to the local authority.**
- **Advocates must always keep clear records of interactions, in safeguarding this is especially the case.**
- **Advocates are trained to follow up on Safeguarding concerns and escalate matters where they remained concerned that the person is still at risk.**

## **Personal stories**

### **Dave's Story**

**- Shared by Advocate Nick Jeffery.**

### **Ann's Story**

**- Shared by Advocate Adele Brand.**

## How clients can access our support

1. **Phone and email support from our helpline / referral coordinators on 0300 303 1666.**  
**[helpline@voiceability.org](mailto:helpline@voiceability.org)**
2. **[VoiceAbility | Hampshire](#) downloadable information and guides from our internet**
3. **Support from a trained independent advocate.**
4. **Volunteer Support for less complex cases, a complementary service provided by trained volunteers**

Note: A client may be open to more than one type of advocacy at the same time.

Thankyou for attending  
our advocacy awareness  
session today

[VoiceAbility | Hampshire  
helpline@voiceability.org](mailto:helpline@voiceability.org)

**0300 303 1666**