

What is Care Act Advocacy?

FACTSHEET #8

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Care Act Advocacy is a statutory type of advocacy, which means it is set out in law, in this case the Care Act 2014. The Care Act says that local authorities should involve people in decisions about their care and support needs. Care Act Advocates help people to speak up and be listened to through certain social care processes – for example a needs assessment, care review or safeguarding investigation.

Who can have support from a Care Act Advocate?

There are 3 criteria which must all be met for someone to have support from a Care Act Advocate.

1. The person must be going through one of the social care processes described in the Care Act which includes;
 - a needs assessment,
 - a carer's assessment,
 - the preparation of a care and support or support plan,
 - a review of a care and support or support plan,
 - safeguarding
2. The person has what is called 'substantial difficulty' in being involved in the process. This means that they find it difficult to understand or retain information or weigh up options. They may also find it difficult to communicate their views and wishes.
3. The person has no-one else who is 'appropriate' to support them. This means they don't have a family member or friend who they want to support them and who can help them be properly involved in what is happening. Someone who is paid (for example a support worker or a social worker) cannot provide this support as they are not independent.

If criteria 1 and 2 are met, there are two exceptions where a Care Act advocate can be involved even if there is someone appropriate to support them:

- a) It is being considered that the person move to a hospital for more than 4 weeks, or to a care home for more than 8 weeks (this would not usually include decisions about respite care)
- b) There is a disagreement between the appropriate person and the local authority about what should happen, and both parties agree that a Care Act advocate should be involved.

Anyone who is living at home, in a care/residential/nursing setting, or in a prison can have support from a Care Act Advocate if they meet the criteria.

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What can a Care Act Advocate do?

A Care Act Advocate can support someone to:

- Get information about and understand the social care process
- Understand and exercise their rights
- Be as involved in what is happening
- Put forward their views, wishes
- Access their care and support records, or access them on their behalf.

Even when someone can't tell the Care Act Advocate what they want, our advocates will use different ways of working to establish their views and wishes as far as possible and ensure their rights are upheld. (This is called 'non-instructed advocacy')

Who can make a referral for a Care Act Advocate?

In most areas that we work, a social worker or someone from the Local Authority would need to make the referral.

If the person is able (has capacity) to consent to the referral, we would ask that their consent is gained before they are referred.

In East Riding, the person can refer themselves for a Care Act advocate.

If someone does not meet the criteria for a Care Act advocate, but still needs advocacy support it may be that another type of advocate can help. This might be provided by Cloverleaf, or another local service. Our Contact and Support Team will be able to provide more information about other services available, so please CONTACT US.



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