



Swindon Advocacy Movement (SAM)

Independent Advocacy Engagement Protocol

SAM's tag line is "Your Life, Your Choice, Your Voice" working toward this goal SAM has gained a reputation for being passionate about the treatment of vulnerable people; standing up for their Human Rights and enabling them to have choice and control over their own lives.

We believe that everyone should be able to influence their own lives and to be able to experience independence. Everyone should be treated with dignity and respect and have equal opportunities in life; to be treated as an individual and to be valued.

Definition of Advocacy

'Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy providers work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and social justice.'

Advocacy Code of Practice for Quality Performance Mark.

Purpose

This protocol details how SAM will engage with Local Authorities, partner organisations and all other statutory and voluntary organisations agencies we work with. All our advocacy services are included in this protocol.

Detailed contractual arrangements describing the expected and agreed level of service to be delivered by SAM are agreed with service Commissioners and partner organisations. SAM will ensure contractual targets and agreements do not conflict with our charity's stated aims and objectives.

All our advocacy work is in line with the Independent Advocacy Quality Performance Mark as awarded by the National Development Team for Inclusion (NDTi).

SAM will work within the principles of advocacy as defined by the Advocacy Charter: Clarity of Purpose, Independence, Person-led Empowerment, Equality, Diversity and Accessibility, Accountability, Safeguarding and Supporting Advocates.

Delivery of our Advocacy Services

All our Independent Advocates are fully trained and hold (or will be working towards), at a minimum, City & Guild level 3 qualifications in Independent Advocacy. We aim for all

advocates to be qualified in more than one specialist area of work e.g., IMCA (Independent Mental Capacity Advocacy) and Care Act Advocacy.

We strive to offer a flexible, accessible service according to individual need. Wherever possible, we will offer people the same advocate across different areas of work as their advocacy support needs change e.g., a person entitled to advocacy under The Care Act may also be entitled to advocacy under The Mental Capacity Act.

Our advocates will:

- Raise awareness of the need for and benefits of independent advocacy for vulnerable people.
- Only work with people who require and consent to advocacy involvement in their lives. Independent Advocates are obliged to obtain consent from someone who has capacity to do so around access to records, and consultation in order to ascertain their views wishes and beliefs. They will follow statutory Mental Capacity Act guidance and our Non-instructed Advocacy Policy when a person lacks capacity to give consent.
- Only act in respect of the person's wishes (unless the partnership is non-instructed and non-instructed approaches have been used).
- Help advocacy partners to obtain information about, and understand their rights, in line with the roles and responsibilities of an advocate.
- Take appropriate action to protect the rights of adults or children if perceived to be at risk following SBC's Multi-Agency safeguarding procedures and our Children and Adults Safeguarding Policy.
- Respect the advocacy partner's confidentiality at all times. Advocates will always ensure all information relevant to the advocacy partner, received by the advocate in whatever way (written or verbal), will be shared with the advocacy partner.
- Only share information about their advocacy partner with a third party with consent from the individual unless they believe them or another party is a risk.
- Take all appropriate steps to avoid conflicts of interest occurring in their work with advocacy partners. Where a conflict of interest does arise, it will be declared to a line manager who will act in line with our Conflict of Interest Policy.

Our expectations of other professional partners

Professional partners will need to understand, respect and engage with the role of an independent advocate. The role may include:

Instructed Advocacy:

- Gathering and presenting up to date and accurate information to help clients make informed choices but NOT giving advice.
- Listening to clients and discussing options but NOT imposing views or opinions.
- Channelling clients wishes, views and requested instruction, NOT filtering them e.g., due to personal views that the client will not achieve what they

wish.

- Talking to and corresponding with family members or other professionals with the client's permission but NOT making decisions or choices on behalf of clients.
- Representing the client's expressed views and wishes but NOT taking action independently of the client unless they have clearly instructed this.
- Agreeing a plan of action and identifying initial outcomes and timescales with clients but NOT being prescriptive or inflexible.
- Ensuring the person's fundamental human rights are respected and upheld at all times.
- Challenging health, social care or third sector service providers and decision makers in order to promote a person-centred approach.

Non-instructed advocacy:

- Where a client lacks the capacity to instruct, using the recognised models of non-instructed advocacy which include, a person centred approach, witness observer approach, rights based approach or watching brief.
- Questioning approach using the framework of relevant legislation to guide and underpin the advocacy role including the Mental Capacity Act 2005 (5 statutory principles and best interests checklist); Mental Health Act 1983; Human Rights Act 1998; Equality Act 2010; Data Protection Act 1998 and any other relevant legislation or guidance.
- Spending time with the person in order to get to know them and building a picture of their preferences, wishes, views, circumstances, lifestyle and their cultural or religious background.
- Seeking appropriate alternative forms of communication, which enable the client to express wishes, views and choices.
- Ensuring the person's fundamental human rights are respected and upheld at all times.
- Following the process of supported decision making to ensure the client is as involved in decisions about them as much as possible.
- Challenging health, social care or third sector service providers and decision makers in order to promote a person-centred approach.

Referrals

We aim to respond to all referrals within two working days. All referrals received will be prioritised in line with our Prioritisation Policy central to this will be the needs of the clients and our contractual agreements.

Referrals should include all relevant information as needed for us to engage with individuals e.g., risk assessment and Mental Capacity assessments (as appropriate to service).

Referrals need to be sent in a timely manner in order for us to process and allocate an advocate.

Where referrals are assessed as being inappropriate, we will inform the referrer and signpost on to partners within Sanford House or other agencies wherever possible.

Equalities Statement

Swindon Advocacy Movement is committed to encouraging equality, diversity and inclusion among our workforce, volunteers and clients eliminating unlawful discrimination.

The aim is for our employees and volunteers to be truly representative of all sections of society and our clients, and for each employee, volunteer or client to feel respected and able to give their best.

Equality and Diversity is central to all daily work at Swindon Advocacy Movement. We aim to prevent and remove unfair and unlawful discrimination, harassment and exclusion wherever we encounter it in our work, to promote equality of opportunity in all that we do, and to value and respect differences.

Swindon Advocacy Movement will ensure that the services they provide are as accessible as possible to everyone and endeavour to positively encourage and benefit people from disadvantaged groups. Please see our Equal Opportunities and Diversity Policy.

Confidentiality

SAM staff are bound by our Confidentiality Policy, which is communicated to advocacy partners in an accessible way upon first contact with the service.

The people we work with as Data Subjects must give explicit consent for information about them to be shared, however in exceptional circumstances confidentiality will be breached, these are:

- Intent to harm self or others, including danger to life.
- Intent to commit a crime, or revelation of a serious unreported crime.
- Child or Adult Safeguarding.

All data kept by SAM is in compliance with the Data Protection Act 1998 and General Data Protection Regulations May 2018. Please see our Data Protection Policy.

Information sharing

Staff and volunteers will work in accordance with SAMs Confidentiality Policy. When taking decisions about what information to share we will consider how much information we need to release and the impact of disclosing information on the information subject and any third parties. Only information that is relevant to the purposes shall be shared with those who need it.

Any information shared will be:

- proportionate to the need and level of risk.
- adequate for its purpose and of the right quality to ensure that it can be understood and relied upon.

- accurate and up to date and will clearly distinguish between fact and opinion. If the information is historical then this will be explained.
- shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a client or others.
- shared in an appropriate, secure way in line with our Data Protection Policy.

Challenges and dispute resolution

It is the role of an Independent Advocate to make a challenge where a person's wishes, values and beliefs are not being properly considered in pursuit of a satisfactory outcome for the person. Whenever possible, we will always seek to challenge at an informal level with professional colleagues in the first instance. Any escalation of concerns will follow our Escalation Procedure.

The needs of the person will be the central consideration in any professional disagreement and any unresolved areas will be addressed with the well-being of the person central to the process.

We will:

- Avoid professional disputes that take the focus away from the person and their well-being.
- Strive to resolve any difficulties between SAM and other agencies quickly and openly.
- Identify problem areas in working together where there is a lack of clarity and will, when needed, promote resolution via amendments to protocols and procedures.

Escalation Procedure and Dispute Resolution

Stage One

Any advocate who has concerns about the work of another agency that impacts a client will initially consult their line manager. They will aim to resolve any issues at an informal level. For example, the advocate to discuss will relevant professional.

At this stage we will also consider if there are any systemic concerns about the agency involved that needs to be raised at Stage two or Stage three.

Stage two

If the problem is not resolved at stage one, the concerned advocate will formally report to their line manager at SAM who will raise the concerns with the equivalent supervisor/manager in the other agency.

Stage three

If the problem is not resolved at stage two then The Advocacy Director or CEO of SAM will take the concerns to lead management of the agency concerned and will aim to resolve any professional differences through discussion.

Stage four

Where resolution is not possible at stage three then we will file a formal complaint through the agency's complaint's procedure.

Any identified systemic concerns will be discussed in the Senior management meeting and a report produced to share with the relevant stake holders.

If at any stage of the proceedings we are concerned about systemic issues within an agency, we will share with appropriate statutory bodies e.g., Swindon Borough Council commissioners, The Care Quality Commission.

At any stage in the escalation process it may be necessary for us to raise a formal challenge to the local authority under The Care Act.

Concerns, Comments or Complaints about SAM

We welcome any comments or complaints about our service and strive for continuous development and excellence in our advocacy provision. At the point of closure where appropriate, feedback is requested from the individuals we have worked with and the referrer.

Individuals needing support to complain about SAM will be provided with independent support to do so.

Please see Swindon Advocacy Movement Complaints Policy and Procedure, as available on our website.

