

# 7 Minute Briefing

## Safeguarding & Advocacy



# 1

### The Care Act 2014

The Care Act 2014 places a duty on local authorities to arrange an independent advocate for adults who are subject to a safeguarding enquiry or Safeguarding Adult Review (SAR)

# 2

### Use of an Advocate

An independent advocate must be arranged if two conditions are met –

1. If the person has substantial difficulty in being fully involved with the safeguarding process and.
2. If there is no appropriate individual available to support and represent the persons wishes

# 3

### The role of an Advocate

The Advocate has two roles -

- To provide support and assist the adult to understand the safeguarding process
- Representation to ensure the adults voice is heard and their views and wishes are taken into account.

# 4

### An appropriate individual cannot be –

- Someone the adult does not want to support them
- Someone who is unlikely to be able to, or available to, adequately support the persons involvement
- Someone implicated or involved in the enquiry into abuse of neglect

# 5

### Independent Mental Health Capacity Advocate (IMHA) –

The duty to provide an independent advocate is separate from the provision of an IMCA where someone lacks capacity to make specific important decisions.

# 6

### Substantial Difficulty

The Care Act 2014 defines four areas in any one of which a substantial difficulty might be found –

- Understanding relevant information
- Retaining information
- Using or weighing the information as part of the process of being involved
- Communicating their views, wishes and feelings

# 7

### Remember!

It is critical that the adult is supported in what they may feel is a daunting process which may well lead to some difficult decisions. An adult who is thought to have been abused or neglected may be so demoralized, frightened, embarrassed, or upset that independent advocacy provided to help them may be crucial.

To access advocacy services in North Lincolnshire

<https://www.pohwer.net/north-lincolnshire>