

Use of Advocates in Safeguarding

Who are advocates and what is their role?

Advocates can be

- ✓ Required under the law (Mental Capacity Act, Care Act or Deprivation of Liberty Safeguards) or at the request of the adult
- ✓ Paid or unpaid

The role of an advocate is to

- ✓ Support the adult to advocate on their own behalf throughout the safeguarding journey (S42) including the face-to-face discussion, planning and outcome meetings
OR
- ✓ Represent the views and feelings of an adult who is not able to do this for themselves either because they lack capacity to agree to safeguarding and it has been agreed it is in their best interest to progress the S42
OR
- ✓ The adult has indicated they want someone else to advocate for them in discussions and meetings, instead of attending themselves.

When do I have to consider appointing an advocate?

- ✓ The adult lacks capacity to contribute to the safeguarding enquiry or cannot consent to the safeguarding enquiry taking place; in these circumstances an **IMCA** – Independent Mental Capacity Act Advocate should be appointed. Unless this appointment would not be in the best interests of the person or that use of an advocate will not bring any benefits over using a family member or friend (Association of Directors of Adult Social Services (ADASS) guidance)
- ✓ The adult will have substantial difficulty in contributing to the safeguarding enquiry and they have no family or friends who are willing or able to fulfil this role or they would not accurately represent their views a **Care Act advocate** should be appointed.

At what stage should I arrange an advocate?

- ✓ Ideally in advance of the face-to-face discussion with the adult, however this needs to be balanced with the need to take an account from the adult before they “forget what happened” or feel that we are not taking them seriously. If an adult needs support with an interview with the police as a potential crime has been committed an **Intermediary** (Youth Justice and Criminal Evidence Act 1999) should be considered by the Police, especially if the interview is being completed digitally and not recorded on a statement

What information should I give to the advocate?

- ✓ If the advocate is in a **paid** role, they should be treated the same as any other professional and have access to all the information obtained via the Safeguarding Enquiry and other assessments (if applicable)
- ✓ If the advocate is **unpaid**, they must be provided with sufficient information to help them to support the adult during the safeguarding journey. They may not be provided with details of either disciplinary or criminal enquiries to protect the rights of the **alleged source of harm**.

What records should the advocate keep?

Paid role

- ✓ Internal records
- ✓ Report, if required, as a result of the face-to-face discussion or a report for the outcome meeting

Unpaid role

None – all reports will be received verbally unless the person is willing to produce a record of the face to face conversation