



Gateshead

**Independent
Advocacy**

**Code of
Practice**

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Gateshead Advocacy Information Network

This code has been produced by the Gateshead Advocacy Information Network (GAIN) in partnership with local advocacy organisations, Gateshead Council and Gateshead Primary Care Trust.

What is GAIN?

GAIN is a project of the Gateshead Voluntary Organisations Council (GVOC) which supports local advocacy services promoting the development of independent advocacy in the borough. GAIN offers information and advice regarding good practice. It has a strategic and developmental role in planning new services and promoting better awareness of advocacy services to users, professionals and carers.

Joint Commitment

Gateshead advocacy services, Gateshead Council and Gateshead Primary Care Trust have accepted and endorsed this Code of Practice. They will also ensure that advocacy services are supported and promoted throughout their organisations and that service users are encouraged to make use of these services.

Why have a Code of Practice for advocacy?

The Code of Practice was developed because the Gateshead advocacy movement wanted a document that explained in detail what advocacy is and what advocates do.

The aim of this document is to show advocacy in action. It can be used to help train new advocates, help refresh and re-motivate established advocates and help a project measure itself and check how well it is doing.

It can also help advocates and advocacy projects think through problems and dilemmas and hopefully find solutions.

It will help remove the mystery that sometimes surrounds advocacy and help people who come into contact with advocacy, including funders, to understand it better.

The Code of Practice is designed to make

sure that people who use advocacy are getting good quality advocacy.

Some of the indicators may be difficult for all advocacy projects to achieve. This may be for a number of reasons; it could be that the indicator does not apply to that particular project or that it is not relevant or appropriate to what the project does.

Does the Code of Practice for Independent Advocacy apply to all types of advocacy?

The Code of Practice has been written to apply to all types of advocacy. Throughout Gateshead advocacy organisations share the same core principles. However, this document shows they might do things in a slightly different way.

How to use the Code of Practice

This code is divided into four main sections covering the four Principles of independent advocacy.

Principles are the core beliefs about independent advocacy. These are the ideas that guide everything that advocates and advocacy projects do.

The four Principles are colour coded. The page margins have this colour code and name the Principle.

Principle 1: Independent advocacy puts the people who use it first

Principle 2: Independent advocacy is accountable

Principle 3: Independent advocacy is as free as it can be from conflicts of interest

Principle 4: Independent advocacy is accessible

Each Principle is divided into sections covering the related Standards.

Standards outline what should happen in order to meet the Principles.

For all these Standards there are sets of indicators for advocates and projects.

Indicators are the evidence of how advocates and advocacy projects meet each standard.

Through the indicators, the Code of Practice identifies the different responsibilities for the advocate and the advocacy project.

The different sets of indicators are identified by the following symbols:



Advocates



Projects

Different types of advocacy

Citizen advocacy

Citizen advocacy is when citizens are encouraged to become involved with a person who might need support in their communities.

The relationship between the citizen advocate and their advocacy partner is on a one-to-one, long term basis. It is based on trust between the partner and the advocate and is supported but not influenced by the advocacy project.

Group Advocacy

Collective advocacy is where a group of people who are all facing a common problem get together on a formal basis to support each other over specific issues. Individual members of the group may also support each other over specific issues. The group as a whole may campaign on an issue that affects them all.

A collective voice can be stronger than that of an individual, as groups are more difficult to ignore. Being part of a collective advocacy group can help to reduce an individual's sense of isolation when raising a difficult issue.

IMHA

Independent Mental Health Advocates (introduced by the Mental Health Act 2007) mainly work with patients compulsorily detained under the Mental Health Act 1983, together with any carers and close relatives. IMHAs help patients understand what is happening to them, help them obtain information about their rights and how to exercise those rights. They are called 'independent' advocates because they are generally not involved in any professional capacity with the patient's medical treatment.

IMCA

Independent Mental Capacity Advocates represent a person's wishes, feelings and beliefs if they lack 'capacity' to make decisions about serious medical treatment or a change of accommodation. This is a new type of

statutory advocacy brought in by the Mental Capacity Act 2005.

Peer advocacy

Peer advocacy is when individuals share significant life experiences. The peer advocate and their advocacy partner may share age, gender, ethnicity, diagnosis or issues. Peer advocates use their own experiences to understand and empathise with their advocacy partner.

Peer advocacy works to increase self awareness, confidence and assertiveness so that the individual can speak out for themselves, lessening the imbalance of power between the advocate and their advocacy partner.

Professional advocacy

Professional advocacy is also known as one to one, individual or issue based advocacy. It is provided by both paid and unpaid advocates.

An advocate supports an individual to represent their own interests or represents the views of an individual if the person is unable to do this themselves. They provide support on specific issues and provide information but not advice. This support can be short or long term.

Advocacy in Practice

George is 78 years old and has dementia.

George lived alone and was finding things a little bit difficult. His family thought it would be better if he were in residential care and so arrangements were made and George moved into a care home.

Whilst George agreed to this he did not realize, until after a few weeks in care, that

Advocacy is, advocacy is not

Advocacy is...



- about standing alongside people who are in danger of being pushed to the margins of society.
- about standing up for and sticking with a person or group and taking their side.
- a process of working towards natural justice.
- listening to someone and trying to understand their point of view.
- finding out what makes them feel good and valued.
- understanding their situation and what may be stopping them from getting what they want.
- offering the person support to tell other people what they want or introducing them to others who may be able to help.
- helping someone to know what choices they have and what the consequences of these choices might be.
- empowering a person to have control over their life but taking up issues on their behalf if they wish.

Advocacy is not...



- making decisions for someone.
- mediation.
- counselling.
- befriending.
- care and support work.
- consultation.
- telling or advising someone what you think they should do.
- solving all someone's problems for them.
- speaking for people when they are able to express a view.
- filling all the gaps in someone's life.
- acting in a way which benefits other people more than the person you are advocating for.
- agreeing with everything a person says and doing anything a person asks you to do.

his family intended for him to stay there permanently. George expressed a wish to return home but his family were adamant he was better off in care.

An advocate was called in and quickly established George's views and opinions, which were to return home with a care package to support him. The advocate ensured that professionals involved were aware of his wishes and also made contact with George's family.

The advocate kept in contact with the social worker to ensure arrangements were made to

explore George's wish to return home and advocated that George should be assessed for capacity under the Mental Capacity Act. The advocate visited George regularly to update him as to the situation and also liaised with professionals involved, ensuring George was on their 'list of priorities'.

The outcome was that George was deemed to have capacity to decide where he should live and returned home with a care package. His family also had a clearer understanding of George's rights and were consulted to ensure that the support George received at home was appropriate to meet his needs.

Principle 1

Independent advocacy is accountable

Standard 1.1

Independent advocacy is effectively managed

INDICATORS



Advocates must:

a Act within the Gateshead Advocacy Code of Practice and the policies and procedures of their project.

b Be aware of who the project is funded to provide advocacy for.

c Be clear on what their role and responsibilities are and the role and responsibilities of their manager or co-ordinator.



Projects must:

d Seek funding from a variety of sources.

e Have clear guidelines on what happens if a member of the project breaches the project's policies and procedures, or endangers the health and safety of another.

f Have a grievance and disciplinary policy and procedures in place and ensure that advocates are aware of these.

g Have a referral policy which reflects the community they are funded to provide advocacy for.

h Ensure that all members of the project receive training and information about the Service Level Agreement, Funding Contract or grant and who the community of interest is.

i Be able to show that the project's finances and other resources have been used for what they were intended, by producing annual reports and regular financial statements.

j Have a policy and procedures for keeping files and records of the advocacy partnerships which comply with relevant legislation, including who the information belongs to and what happens to files and records when the advocacy partnerships end.

k Ensure that any advocacy provision complies with the law and the Gateshead Advocacy Code of Practice.

l Have a clear way of prioritising requests for advocacy and where possible, offer a choice of advocate.

Standard 1.2

Independent advocacy is accountable to the people who use it

INDICATORS



Advocates must:

a Be accountable to their partner and the advocacy project.

b Act on the issues agreed by their advocacy partner and at the pace appropriate to the advocacy partner's needs.

c Use accessible language and communication methods when speaking with their advocacy partner and recording any issues.

d Do everything possible to ensure that everyone they support knows how to make a complaint about the advocacy they receive.

e Ensure that, when advocating for people who lack capacity or are not able to communicate clearly, they work according to relevant legislation, the past and present wishes of their partner and observations of their partner's responses to different

situations. They may also need to consider the views of friends and family.

f Safeguard the rights of their advocacy partner and inform others of their advocacy partner's rights.

This is particularly important in situations where their advocacy partner has severe communication difficulties or lacks capacity.



Projects must:

g Have a rigorous recruitment or selection policy which will include the need for references and Criminal Records checks in

order to protect the safety of the people who use advocacy.

h Have a policy on entering into an advocacy partnership, including who controls the relationship and the information, and how the partnership can be ended.

i Make sure that people using the project can say what they think about the support they receive.

j Offer training and clear guidelines on what advocacy is, including how to safeguard a person's rights, especially in situations where the advocacy partner has severe communication difficulties or lacks capacity.

k Offer training for advocates and other members of the project on power and empowerment.

l Have policies and procedures for the line management or support of advocates, including support and supervision, guidance, training and personal development.

m Be able to show that the project is supporting the community of interest by monitoring and evaluating their work on a regular basis and providing reasonable information to funders.

n Encourage user involvement within the

project.

o Be able to show transparency by making relevant policies, procedures, annual reports and audited accounts available to the public.

p Ensure the project is independently evaluated at least once every three years.

Standard 1.3

Independent advocacy is accountable under the law

INDICATORS



Advocates must

a Be aware of and act within the law at all times.

b Be aware that they might have to break their advocacy partner's confidentiality, if the law or the project's policies say so, if their advocacy partner intends to harm themselves or others, or if the advocate has information that the person's health and safety is in danger from the actions of others.

c Know what the project's policies and procedures are if they are aware of their advocacy partner being in danger of harm or intending to break the law.



Projects must:

d Comply with the law and have policies in accordance with the law.

e Provide appropriate training or preparation on policies and procedures for all members of the project.

f Keep up to date with relevant laws and change policies and procedures accordingly.

Principle 2

Independent advocacy is as free as it can be from conflicts of interest

Standard 2.1

Independent advocacy cannot be controlled by a service provider or funder

INDICATORS



Advocates must:

- a** Be aware of the Service Level Agreement, Funding Contract or Grant of the project and the project's policies and procedures.
- b** Be clear about their role as an advocate and where their responsibilities lie, including the boundaries of relationships with people other than their advocacy partner.
- c** Understand that they must not take the side of the service provider or funder to influence their partner's wishes on behalf of the service provider, funder, or any other organisation or person.



Projects must:

- d** Ensure that any Service Level Agreement, Funding Contract or Grant is made in accordance with the Gateshead Advocacy Code of Practice and that it does not contradict this. This will prevent service providers or funders influencing the work of the project.
- e** Have recruitment or selection policies and procedures that reflect the need to minimise conflicts of interest and comply with the law.
- f** Have clear policies and procedures in place about the things that advocates do and what to do in situations where service providers may try to direct the work of the advocates.

g Ensure that the project has, and or is working towards, a policy on the management of potential conflicts of interest and has a register of interests, that all members of the project complete and update regularly.

h Provide training and guidance for all members of the project on recognising potential conflicts of interest.

i Make sure that service providers are aware of what advocacy is and what the professional boundaries are.

Standard 2.2

Independent advocacy looks out for and minimises conflicts of interest

INDICATORS



Advocates must:

- a** Be aware of their relationships with other people who may be connected professionally or personally to their advocacy partner and be conscious of the possible consequences of entering into relationships that may compromise their advocacy role.
- b** Be aware of the boundaries set by the project and what will happen if these boundaries are not upheld.

c Declare any potential conflict of interest to the project and, if appropriate, inform their advocacy partner.



Projects must:

- d** Have a clear policy on what constitutes a potential conflict of interest and maintain a register of interest of all appropriate people.
- e** Provide training, guidance and information to all its staff and volunteers about conflicts of interest and what they mean regarding the independence of the project in the context of the Code of Practice.

f Ensure that members of the project are aware of the boundaries and relationship policy and what it will mean if the policy is breached.

g Ensure that nothing in the Service Level Agreement, Funding Contract or Grant conditions contradicts the Code of Practice in order to prevent service providers or funders influencing the work of the project.

Principle 3

Independent advocacy is accessible

Standard 3.1

Independent advocacy reaches out to the widest possible range of people, regardless of ability or life circumstances

INDICATORS



Advocates must:

a Support their advocacy partner whatever the person's abilities, skills and life experiences.

b Be aware of their opinions, prejudices and discriminatory practices, and actively work to minimise these in their advocacy partnerships.

c Fulfil their role within all the policies and procedures of the project.

d Be clear that advocacy is free to the people that use it.

e Be clear what the project's policy is about accepting gifts.

f Be flexible about where they meet their advocacy partner.

g Promote the project and independent advocacy in the course of their work.



Projects must:

h Ensure that advocacy is free to the people who use it.

i Have policies and procedures in place ensuring the project will actively seek out hard-to-reach people and specific groups, especially the most vulnerable people in that community.

j Have accessible information about the project and independent advocacy which is made available to all parts of the community.

k Ensure, where possible, that venues are not used which might cause individuals to feel excluded from taking part.

l Ensure everyone in the project promotes the project and independent advocacy when attending events at a local, regional and national level.

m Provide training for those in the project who promote it and independent advocacy.

n Have joint working protocols or relationships with other projects that work with vulnerable and hard-to-reach people in the community, and, where necessary, provide training and awareness-raising for staff of these projects and members of the public.

o Regularly review the promotion of the project and actively use different methods to reach the most vulnerable members of the community.

p Ensure that the project has systems in place to monitor their referral process to make sure that the most vulnerable people in their community have the opportunity to access independent advocacy.

Principle 4

Independent advocacy puts the people who use it first

Standard 4.1

Independent advocacy is directed by the needs, interests, views and wishes of the people who use it

INDICATORS



Advocates must:

a Explain to their advocacy partner what advocacy is and how it can help them. This may take place over a number of meetings depending on the type of advocacy and the advocacy partner's level of understanding and communication needs.

b Enable their advocacy partner to outline their expectations and have an appropriate way of recording this.

c Act on the issues agreed by their advocacy partner and at the pace appropriate to the advocacy partner's needs.

d Follow the agenda agreed with their advocacy partner, where possible, and not be influenced by others.

e Not let their personal opinions, choices and values interfere with their advocacy partner's choices. Advocates should be aware of their own prejudices.

f Try different ways of communicating and consider speaking to significant others in that person's life when unable to establish the views, needs and interests of the advocacy partner.

g Ensure their advocacy partner has access to accurate information from appropriate sources such as books, the internet or other people.



Projects must:

h Have policies as appropriate.

i Have clear procedures on:

- Induction
- Preparation courses and ongoing support for advocates
- Training on independent advocacy and the role of the advocate
- Continuing training
- Support and supervision

j Work to ensure that all the information about their project and "what advocacy is" is available in different formats.

k Ensure advocates receive regular support and supervision or guidance.

l Ensure that it has clear ways of starting and ending advocacy relationships.

Standard 4.2

Independent advocacy values the people who use it and always treats people with dignity and respect



INDICATORS

Advocates must:

a Always treat their advocacy partner with dignity and have respect for what their advocacy partner wants.

b Be clear about what their advocacy partner wants them to do.

c Keep their partner informed of anything that might affect them, where appropriate, and do not keep information from them.

d Not do anything their partner does not want

them to do, except in certain circumstances laid out in the law and the project's policies.

e Not make value judgements about their advocacy partner or what they want to do.

f Not be influenced by views and wishes of significant others in their advocacy partner's life.

g Give their partner space and time to say what they think.

h Give their partner the opportunity to have their say in a number of ways.

i Always represent their partner in a positive and respectful way.

Projects must:



j Have a policy on and actively implement equal opportunities and respect for diversity.

k Ensure everyone in the project has training or preparation on equal opportunities, respect and dignity.

l Take all complaints seriously and make every effort to find a satisfactory outcome.

m Promote the people who use the project in a positive and respectful way.

Standard 4.3

Independent advocacy believes people should have control over their lives and be fully involved in decisions affecting them

INDICATORS



Advocates must:

a Help their advocacy partner to be aware of the different choices that they have and explore the consequences of making a particular choice. The advocate should consult with others as required, to

ensure that they have all available information.

b Help their advocacy partner be involved in any relevant decision making process.

c Be clear that any information recorded by them belongs to the advocacy partner and their partner agrees with what is recorded, wherever possible.

d Make sure that records are accessible and clear of jargon.

e Be able to show, where possible, how they communicate with their advocacy partner.

f Be clear that any information they keep complies with relevant data protection laws.

g Be clear that any information is not normally shared with a third party unless by agreement with the advocacy partner and in exceptional circumstances in line with the project's policies and legal responsibilities.

Projects must:



h Have a policy and procedures on the use of record keeping.

i Ensure any advocacy agreement is accessible and available in a format suitable for the advocacy partner.

j Ensure advocates receive training in their role, how to review the relationship with their advocacy partner or group and how to record information.

k Ensure advocates receive regular support and supervision or guidance to make sure they are clear about their role.

l Ensure that advocates can access up to date, relevant information.

m Gather advocacy partners' views on the impact of the advocacy they receive whenever possible.

Standard 4.4

Independent advocacy tries to make sure that people's rights are protected



INDICATORS

Advocates must:

- a Participate in training on the different laws that apply to what they do.
- b Keep up-to-date with changes to the law and policy, as appropriate.
- c Know how to apply the law to what they do.
- d Act within the law.
- e Act in a professional manner at all times.
- f Help their advocacy partner to get as much information as they can to make informed choices.
- g Try to have their advocacy partner's rights recognised.
- h Ask the appropriate people to explain why an action is being taken.
- i Know the relevance of the law and policy, what their advocacy partner's rights are and know how to access appropriate information.



Projects must:

- j Ensure that advocates undertake training or preparation on relevant laws.
- k Provide training on the Code of Practice.
- l Ensure that all advocates are kept up to date with changes in relevant legislation.
- m Ensure that advocates undertake ongoing training as required by the project's policies and procedures.
- n Have ways of checking whether advocacy helps to protect people's rights.

The following organisations are signed up to this Code of Practice for Independent Advocacy and committed to its principles

supporting people aged 50 or over



charity no: 702561

Anne Marshall - Chief Officer

supporting people with different forms of dementia



charity no: 296645

Caroline Burden - Area Manager North East

promoting independent advocacy in Gateshead



Gateshead Advocacy Information Network

charity no: 510764

Steve Cowen - Project Manager

providing advocacy for all disabled people



charity no: 1063858

Christine Pickersgill - Director



Mick Henry

Mick Henry - Leader, Gateshead Council

for people, including young people with sensory loss



Tom Keogan

Tom Keogan - Service Consultant Sensory Loss



Margaret W. Whellans

Margaret Whellans - Group Director, Community Based Services

supporting people with mental health problems



Jan Pyrke

Jan Pyrke - Regional Manager

promoting voluntary action in Gateshead



Gev Pringle

charity no: 510764

Gev Pringle - Director

for people with visual impairments



Sue Taylor

Sue Taylor - Chief Executive Officer



Christine Briggs

Christine Briggs - Head of Commissioning, Community and Joint Services

Independent Mental Capacity Advocate Service for age 16+ or over lacking capacity to make decisions about medical treatment or accommodation, without friends or family to speak for them



Gemma Hill

Gemma Hill - Co-ordinator



Alyson Learmonth

Alyson Learmonth - Director of Public Health

supporting people with learning disabilities



Pat Tatters

Pat Tatters - Chief Executive

Glossary

A list of terms used in this Code of Practice and their meanings

Advocate

An advocate helps people express their views and make informed decisions. An advocate helps people to find out information, explore options and decide for themselves what they want. Advocates can be a voice for the person and encourage them to speak out for themselves.

There are different kinds of advocacy, though they all share things in common. Advocates will never tell people what to do, or allow their own opinions to affect the support they provide. All advocacy tries to increase confidence and assertiveness so that people can start speaking out for themselves.

Independent advocates are as free from conflicts of interest, as possible.

Advocacy

The process of standing alongside another, speaking on behalf of another and encouraging the person to speak up for themselves. Advocacy can help address the imbalance of power in society and stand up to injustice.

Advocacy agreement

An Advocacy Agreement explains, for example, what the person can expect from their advocate, what issues they want the advocate to support them with, the contact details of the advocate, what happens at the end of the advocacy partnership and the advocacy project's complaints process.

Advocacy partner

The person who uses advocacy. Some advocacy projects use the term 'client' or 'service user'.

Capacity

Ability to reason, make decisions, consider choices, express views, receive and

understand information. The law assumes people have capacity unless an assessment shows a person lacks capacity.

Commissioner

Usually representatives from the Local Authority or Primary Care Trust who fund advocacy.

Community of interest

The group of people that the advocacy project has been set up to support, for example, people with learning difficulties or mental health issues.

Conflict of interest

Anything that could get in the way of an advocate being completely loyal to their advocacy partner. For example, it would not be appropriate for an advocate volunteering for a mental health advocacy project to also work in the local psychiatric hospital, because this would affect their ability to be on the side of the advocacy partner. It would also affect their relationships with hospital staff. Other conflicts of interest could include relationships as well as financial investments.

Dementia

Dementia is the loss (usually gradual) of mental abilities such as thinking, remembering, and reasoning. It is not a disease, but a group of symptoms that may accompany some diseases or conditions affecting the brain. There are many different types of dementia, each with their own causes. The most common dementia symptoms include loss of memory, confusion and changes in personality, mood and behaviour.

Discriminatory practices

Anything that a project or individual does that directly or indirectly shows prejudice or favouritism towards an individual or group of people.

Diversity

Differences, for example, in age, gender, sexuality, race, ethnicity, language, nationality or religion among various groups, at different levels such as within a community, project, or nation.

Equal opportunities

The prevention, elimination or regulation of discrimination between people on the grounds of, for example, gender, marital status, race, disability, age, sexual orientation, language, social origin or other personal attributes, including, but not limited to, religious beliefs or political opinions.

Funding contract

The agreement, usually between Local Authority or Primary Care Trust and the advocacy project, outlining how much funding the project receives, which geographical areas will be covered, who the advocacy is for and how long the funding is for.

(Also see **Service Level Agreement**)

Independent advocacy project

Advocacy project that is structurally, financially and psychologically separate from service providers and other services.

Structurally – an independent advocacy project is a separate project in its own right. For example, they are registered as a charity or company and have their own Management Committee or Board of Directors. Everyone involved in the project recognises that they are separate and different from other projects and services.

Financially – an independent advocacy project has its own source of funding that does not cause any conflicts of interest and that does not compromise the work it does. (See **conflict of interest**)

Psychologically – everyone involved in the project knows that they are only limited in what they do by the principles of independent advocacy, resources and the law.

It is important to recognise that although there

may be conflicts of interest present, psychological independence is vital.

Jargon

Words that have special meanings that are only understood by certain people. For example: MHO (Mental Health Officer), CPN (Community Psychiatric Nurse), OT (Occupational Therapist), CTO (Compulsory Treatment Order).

Register of interests

A register lists any conflicts of interest that people who are involved in the project have. The level of information recorded in the register will be decided by the project. It will decide who is able to access this information in accordance with relevant legislation, such as the Data Protection Act 1998.

Safeguard

Ensuring that people's rights are protected.

Service Level Agreement

The agreement, usually between the Local Authority or Primary Care Trust and the advocacy project, which outlines how much funding they receive, which geographical areas will be covered, who the advocacy is for and how long the funding is for.

Service provider

A person or project involved in giving support or care services to an individual.

Service User

The person who uses advocacy. Some advocacy projects use the term 'client' or 'advocacy partner'.

Support and supervision

Reflective practice, problem-solving, peer support, individual support and guidance for all members of staff and volunteers in a project. Supervision should be a positive experience for all and should take place regularly.

Third party

A person or project not directly connected with the advocacy partnership.

For further information about this Code or to find out more about advocacy services in Gateshead, please contact



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