

# **Independent Care Act Advocacy Fact Sheet**

## **What is an Independent Care Act Advocate (ICAA)?**

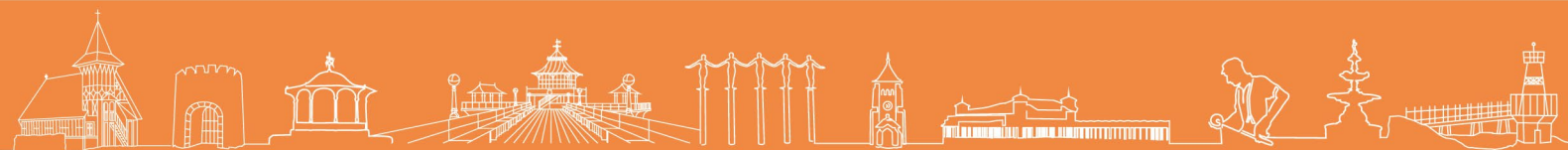
An Independent Care Act Advocate (ICAA) is a person, independent of North Somerset Council, that supports people to be fully involved in a wide range of adult care and support processes. They place the views, feelings, wishes and opinions of the people they advocate for at the heart of everything they do. ICAA's empower people with care and support needs, and carers with support needs, to:

- Make their own decisions
- Secure their rights
- Get the services they need
- Access their care and support records
- Consult with others
- Provide support and representation in safeguarding processes
- Challenge decisions made by the North Somerset Council.

ICAA's are independent of North Somerset Council and are provided by the Advocacy People. Visit their website at <https://www.theadvocacypeople.org.uk/>

## **When do North Somerset Council have a duty to consider making an ICAA available?**

Under the Care Act (2014) North Somerset Council have a duty to consider making an ICAA available to both people with care and support needs, carers with support needs, and young people moving to adult social care services. The advocacy duty applies equally regardless of a person's ethnicity, disability, sex, gender identification, sexual orientation, level of income, faith group.



This duty applies at the first point of contact during the process of:

- Carrying out a needs assessment with a person (regardless of whether this is a face to face, telephone, online or supported self-assessment).
- Carrying out a carers assessment (regardless of whether this is a face to face, telephone, online or supported self-assessment);
- Preparing a care and support plan with the person;
- Preparing a support plan with a carer;
- Revising a care and support plan;
- Revising a support plan;
- Carrying out a child's needs assessment for transition purposes;
- Carrying out a child's carer's assessment;
- Carrying out a young carer's assessment.
- Conducting a Safeguarding Enquiry or Review.

## Who is able to access support from an ICAA?

An ICAA *must* be arranged if a person with care and support needs, or a carer with support needs, meets the following eligibility criteria:

- There is no other appropriate individual to support and represent them
- They would experience substantial difficulty being fully involved in the care and support process without support. This includes substantial difficulty:
  - Understanding relevant information
  - Retaining relevant information
  - Using or weighing up relevant information to make informed decisions
  - Communicating their views, wishes or feelings (whether by talking, using sign language or any other means).

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## When does the duty to make an ICAA available not apply?

The duty to make an ICAA available does not apply if North Somerset Council is satisfied that there is somebody else who would be an appropriate person to represent and support the person or carer.

Somebody wishing to represent and support the person's, or carer's, involvement may only be deemed appropriate if:

- They are not engaged in providing care or treatment for the person they wish to support (in either a professional or paid capacity);
- They are not implicated in any enquiry relating to abuse or neglect;
- The person they wish to support has capacity and can consent to being represented and supported by them; or
- Where the person lacks capacity or is not able to consent, North Somerset Council is satisfied that being represented and supported by the person wishing to do so would be in their best interests;
- The person wishing to represent the person (or carer) has demonstrated that they have adequate direct contact with the person they wish to support to do so effectively;
- The person wishing to represent the person (or carer) has demonstrated adequate knowledge of the care and support process in which they will be supporting them to be involved in;
- The person wishing to represent the person (or carer) has demonstrated they are able to act independently of North Somerset Council
- There is no conflict of interest or dispute between the person (or carer) and the person wishing to represent them; and
- Where the person lacks capacity there is no conflict of interest or dispute between the person wishing to represent them and North Somerset Council about what is best for the person.

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## Under what circumstances can an ICAA be allocated if an appropriate person has been identified?

In general, under the Care Act (2014), a person with a substantial difficulty in being involved in their assessment, plan or review will only become eligible for an ICAA when there is no other appropriate person to support them. However, the Care Act (2014) does specify 3 exceptions to this:

- Where the person is likely to be accommodated in an NHS hospital for a period of 28 days or more;
- Where the person is likely to be accommodated in a residential home or care home for a period of 8 weeks or more; or
- Where there is a disagreement or dispute between North Somerset Council and the appropriate individual advocating on behalf someone with and care and support needs, and they both agree that the involvement of an Independent Advocate would be beneficial to the person.

If, under these circumstances, North Somerset Council believe that the person requires support to facilitate and maximise their involvement an ICAA must be made available, regardless of the involvement of an appropriate person.

## Who can I contact to talk about Independent Care Act Advocacy?

If you would like to discuss whether you, or someone you care for, is eligible for Independent Care Act Advocacy, you should initially talk to your contact at North Somerset Council (i.e. Social Care Practitioner).

If you have not been offered an Independent Care Act Advocacy service and feel you need one, you can also contact the Advocacy People to talk it through.

**Post:** PO Box 375, Hastings, East Sussex, TN34 9HU

**Email:** [info@theadvocacypeople.org.uk](mailto:info@theadvocacypeople.org.uk) **Telephone:** 0330

440 9000

**Text 80800:** starting message with PEOPLE

## Complaints

If you are unhappy about any action or decision taken by Adult Social Care in relation to Independent Care Act Advocacy, you should initially talk to the person you normally deal with. If you are unable to resolve your complaint in this way, you can contact:

**Complaints Manager,**

Adult Social Services and Housing, Town

Hall,

Walliscote Grove Road,

Weston super Mare, BS23

1UJ

**Telephone:** 01275 882171

**Email:** [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)

## Accessibility

This document is available in easy read. The Advocacy People have further easy read information available on their website at:

<https://www.theadvocacypeople.org.uk/easy-read>

Council documents can also be made available in large print, audio, and other formats.

Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English.

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Please email [asshsstrategyandpolicyteam@n-somerset.gov.uk](mailto:asshsstrategyandpolicyteam@n-somerset.gov.uk) or ring 01934 888 888.