

A CODE OF PRACTICE FOR ADVOCATES

*charter
in action*



BASED ON
THE ADVOCACY CHARTER

INTRODUCTION

People are entitled to be in control of their own lives but sometimes, whether through frailty, disability, financial circumstances or social attitudes, they may find themselves in a position where their ability to exercise choice or represent their own interests is limited. In these circumstances advocates can help ensure that an individual's views and needs are heard, respected and acted upon.

THE ADVOCACY CHARTER

The Advocacy Charter was published in July 2002 and set out to define and promote key advocacy principles. The Charter provides advocacy schemes and others with a vehicle for both explaining what advocacy is and outlining a common vision of what constitutes effective advocacy. We have used the ten Advocacy Charter principles as the basis for this Code of Practice.

WHAT IS THE CODE OF PRACTICE?

The Code of Practice is a set of guidelines for advocates aimed at providing clarity, support and boundaries for their practice. The Code offers a clear description of what is and is not expected of an advocate in their day to day work with service users.

An effective Code of Practice can:

- Offer guidance to advocates in their role;
- Inform service users of what they can realistically expect from their advocate;
- Educate service providers, commissioners and others about the scope and limitations of the advocate's role;
- Help to develop a better understanding of the training, supervision and support needs of advocates;
- Raise awareness of the need for and benefits of independent advocacy for vulnerable people.

THE ADVOCACY CHARTER

DEFINING AND PROMOTING KEY ADVOCACY PRINCIPLES

CLARITY OF PURPOSE

The advocacy scheme will have clearly stated aims and objectives and be able to demonstrate how it meets the principles contained in this Charter. Advocacy schemes will ensure that people they advocate for, service providers and funding agencies have information on the scope and limitations of the schemes' role.

experiences. Advocates will ensure that information concerning the people they advocate for is shared with these individuals.

INDEPENDENCE

The advocacy scheme will be structurally independent from statutory organisations and preferably from all service provider agencies. The advocacy scheme will be as free from conflict of interest as possible both in design and operation, and actively seek to reduce conflicting interests.

EMPOWERMENT

The advocacy scheme will support self-advocacy and empowerment through its work. People who use the scheme should have a say in the level of involvement and style of advocacy support they want. Schemes will ensure that people who want to, can influence and be involved in the running and management of the scheme.

PUTTING PEOPLE FIRST

The advocacy scheme will ensure that the wishes and interests of the people they advocate for direct advocates' work. Advocates should be non-judgmental and respectful of peoples' needs, views and

EQUAL OPPORTUNITY

The advocacy scheme will have a written equal opportunities policy that recognises the need to be pro-active in tackling all forms of inequality, discrimination and social exclusion. The scheme will have in place systems for the fair and equitable allocation of advocates' time.

“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 schemes work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and social justice.”

ACCESSIBILITY

Advocacy will be provided free of charge to eligible people. The advocacy scheme will aim to ensure that its premises, policies, procedures and publicity materials promote access for the whole community.

SUPPORTING ADVOCATES

The advocacy scheme will ensure advocates are prepared, trained and supported in their role and provided with opportunities to develop their skills and experience.

ACCOUNTABILITY

The advocacy scheme will have in place systems for the effective monitoring and evaluation of its work. All those who use the scheme will have a named advocate and a means of contacting them.

CONFIDENTIALITY

The advocacy scheme will have a written policy on confidentiality, stating that information known about a person using the scheme is confidential to the scheme and any circumstances under which confidentiality might be breached.

COMPLAINTS

The advocacy scheme will have a written policy describing how to make complaints or give feedback about the scheme or about individual advocates. Where necessary, the scheme will enable people who use its services to access external independent support to make or pursue a complaint.

CLARITY OF PURPOSE

- a** Advocates should be clear about the nature and extent of their role. They should understand the boundaries of their own advocacy role and non-advocacy roles such as mediation and advice giving.
- b** Advocates should not act outside of these boundaries. Advocates should seek permission to refer people on to other agencies where appropriate.
- c** Advocates should be able to explain, in straightforward language, what advocacy is and isn't; why some people need advocacy; and the benefits advocacy can bring. They should be equipped to answer questions and deal with enquiries about advocacy.
- d** Advocates must not engage in any sexual or otherwise inappropriate relationships with service users.
- e** Advocates should be responsible for providing service users with a clear explanation of their role at the start of any new relationship.
- f** Advocates should provide written information about their organisation plus a copy of the Code of Practice to other professionals, carers and service users if requested.

INDEPENDENCE

- a** Advocates should take all appropriate steps to avoid conflicts of interest occurring in their work with service users. Where a conflict of interest does arise, it should be declared to the line manager and advice sought as to how to proceed.
- b** Advocates should be free to act according to the wishes and needs of service users. They should not be threatened, compromised or harassed whilst carrying out their duties within agreed boundaries set out in the Code of Practice. Where such harassment does occur, this should be reported to the line manager at the earliest opportunity.

NB: *Conflict of interest is defined as: “a situation in which someone in a position of trust...has competing professional and/or personal interests. Such competing interests can make it difficult to fulfil his or her duties fairly. Even if there is no evidence of improper actions, a conflict of interest can create an appearance of impropriety that can undermine confidence in the ability of that person to act properly.”*

(Source: Wikipedia) In the context of advocacy services, conflict of interest includes but is not limited to: breach of confidentiality; abuse of trust; personal gain; divided loyalty (eg providing personal care and advocacy to the same person).

PUTTING PEOPLE FIRST

a Advocates should ensure advocacy support is appropriate to the service users' needs and/or expressed wishes.

b Advocates should take instruction from service users wherever possible. Advocates should base their actions on mutually agreed plans and preferred outcomes, and work in partnership with service users to achieve this. The advocacy role may include:

(i) INSTRUCTED ADVOCACY:

- Gathering and presenting up to date and accurate information to help service users make informed choices but NOT giving advice.
- Listening to service users and discussing options but NOT imposing views or opinions.
- Talking to and corresponding with family members or other professionals with the service user's permission but NOT making decisions or choices on behalf of service users.
- Representing the person's expressed views and wishes but NOT taking action independently of the service user.
- Agreeing a plan of action and identifying initial outcomes and timescales with service users but NOT being prescriptive or inflexible.

(ii) NON-INSTRUCTED ADVOCACY:

- Where a service user cannot give clear instruction, taking time to get to know them and building a picture of their preferences and lifestyle including their cultural background.
- Seeking appropriate alternative forms of communication which enable the service user to express views and choices.
- Ensuring the person's fundamental human rights are respected and upheld at all times.
- Challenging service providers and decision makers in order to promote a person-centred approach.
- Acting as a 'witness' or observer in the settings in which the service user spends time.

EMPOWERMENT

- a** Advocates should ensure that service users are aware of when and how they can be contacted and any limitations to this contact (eg not at weekends).
- b** Advocates should inform service users of their right to request a change of advocate (within the constraints of the scheme), or terminate contact with the advocate, at any time. If a service user is unhappy with the advocate's approach to a particular issue, the advocate should consider adapting their approach as appropriate within the terms of the Code of Practice.
- c** Advocates should be open and transparent about their methods of advocating with service users. Advocates should recognise the existing skills of service users, and support people to develop new skills and the confidence to speak for themselves.
- d** Advocates should provide service users with information about how they can give feedback to the advocacy scheme about its work and how to get involved in the wider activities of the organisation if they wish.

EQUAL OPPORTUNITY

- a** Advocates should be fully conversant with their organisation's equal opportunities policy and be able to explain it to others in straightforward language. Advocates should adhere to this policy at all times.
- b** Advocates should be respectful of service users' religious, cultural and spiritual needs and proactive in ensuring these are met. Where a service user expresses a preference for advocates with particular skills, knowledge or attributes, this should be referred to the line manager.

ACCESSIBILITY

- a** Advocates should not make a charge to service users for their services.
- b** Advocates should respond positively to requests from service users to meet in places and at times which are mutually convenient. Where necessary, the advocate should make arrangements for accessible meeting places which are acceptable to the service user.
- c** Advocates should adhere to their organisation's risk management and health and safety policies and report any breaches of policy to their line manager at the earliest opportunity.
- d** Advocates should make every effort to ensure that information they have gathered on behalf of the service user is accessible and understandable to them.

SUPPORTING ADVOCATES

- a** Advocates should make full use of and contribute to:
 - ongoing training and personal development opportunities;
 - one to one supervision with the line manager;
 - annual appraisal against agreed targets;
 - group support and networking opportunities with other advocates;
 - opportunities for reflection and analysis of their own practice;
 - specialist support such as counselling, as required and available.
- b** Advocates should ensure they have access to, and know how to use, a wide range of information resources such as books, journals and the Internet which are accurate and up to date.
- c** Advocates should be aware of their organisation's whistleblowing policy and be supported to make use of this where appropriate.

ACCOUNTABILITY

- a** Advocates should operate within the law at all times, and ensure they adhere to their organisation's Code of Practice. Advocates are accountable on different levels, including to their organisation and the service user. In practice this means that:
- (i)** Advocates should keep accurate and up to date written records of action taken and progress made with their work. Service users should be kept informed of and involved in all aspects of the advocacy process.
 - (ii)** Advocates should comply with the organisation's data collection policy and the Data Protection Act and ensure service user monitoring information is routinely collected and fed back to the organisation.
 - (iii)** Advocates should not hold money or possessions belonging to a service user. In the exceptional circumstances where there is no alternative but for the advocate to do so, proper records and receipts should be kept and the line manager must be notified of any such transactions at the earliest opportunity.

(iv) Advocates should not accept gifts other than one-off, inexpensive items, which should be declared to the line manager. Further gifts should be declined, and an explanation given to the service user.

(v) Advocates should not make promises to service users, or make claims for themselves which they cannot substantiate.


(vi) Advocates should conduct themselves in a professional and responsible manner in all dealings with service users, carers and other service workers. Where disputes do arise, these should be referred to the line manager at the earliest opportunity.

CONFIDENTIALITY

- a** Advocates should be fully conversant with their organisation's confidentiality policy and be able to explain it in straightforward language.
- b** Advocates should at all times observe and respect the right to confidentiality of service users within the policy of the organisation.

In line with best practice, this will generally mean that:

- (i)** Advocates should be honest with the service user about the level of confidentiality they can realistically guarantee. This means explaining any conditions under which confidentiality may be breached (eg harm to self or others, abuse) and the means by which this may occur.
- (ii)** Advocates should be clear that they receive supervision and will be required to discuss their work with their line manager on a regular basis.

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- (iii)** Notwithstanding the above exceptions, advocates should not share information about a service user with others without that individual's permission. Where permission cannot be obtained, information should only be shared to promote the person's views, wishes and concerns.
 - (iv)** Advocates should inform the service user about all actions taken on their behalf.
 - (v)** Advocates should avoid colluding with hearsay and speculation about a service user.
 - c** Advocates should ensure that all written information kept on a service user is securely stored and routinely updated and checked for accuracy. Service users should have access to this information as requested.

COMPLAINTS

- a** Advocates should be fully conversant with their organisation's complaints procedure and be able to explain it in straightforward language.
- b** Advocates should ensure that service users are made aware of their right to make a complaint about the advocate or advocacy service. This may involve giving service users a copy of the scheme's complaints leaflet; explaining the various stages of the complaints process to them at the start and during the course of the relationship; and being open to criticism and suggestions without becoming defensive.
- c** Where the complaint is from another service worker (eg social worker, care home manager) or a relative of the service user, the same high standards of professional conduct should apply.
- d** All complaints received by the advocate in the course of their work, whether verbal or written, should be passed on to their line manager at the earliest opportunity.

REFERENCE MATERIALS

Many of the specific requirements or standards are based on work done previously by other organisations that have developed their own Codes of Practice. These are: Advocacy – a Code of Practice (UKAN, 1994); Advocacy Network Newcastle Code of Practice; Bild Statement of Working Practice (April 2003); Direct Payments Advisory Service (DIAS) Advocacy Code of Practice; Gateshead Advocacy Code of Practice (April 2003); ICAS Project Directors Code of Practice (April 2005); Independent Specialist Advocacy in England and Wales: Recommendations for Good Practice by Di Barnes and Toby Brandon with Tricia Webb (June 2002); Wessex Advocacy Consortium Code of Practice (April 1996); Your Say Code of Practice by Kirstie Mann (January 2002).

Action for Advocacy (A4A) acts as the central point of information on advocacy for advocacy providers, the wider voluntary and community sectors, policy makers and members of the public looking for advocacy support. We provide a range of information, training and capacity building services.

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