

Safeguarding and advocacy

Practitioner: Throughout the safeguarding process, you must give the person as much information as they require about the steps involved, and support them to participate in the process. Arrange, where necessary, for an independent advocate to support and represent an adult who is the subject of a safeguarding enquiry or a safeguarding adults review. Where an independent advocate has already been arranged under section 67 of the Care Act or under the Mental Capacity Act 2005 then, unless inappropriate, arrange to use the same advocate.

A person has a right to independent advocacy where they are deemed to have substantial difficulty in being fully involved in all aspects of safeguarding and do not have an appropriate family member or friend who is able and willing to support them and/or represent them.

Typically an advocate would support the person during a safeguarding process to¹:

- understand the concerns that have been identified and communicate their views on these
- understand the safeguarding process and how they can be involved
- weigh up pros and cons to consenting to the enquiry and support them to communicate their wishes
- understand who and how the enquiry will be undertaken
- support them to identify and communicate their views about the enquiry
- support them to identify and communicate their views about ways to keep them safe
- understand written information about them – for example, strategy plan, protection plan, meeting minutes
- raise any concerns they may have about the process.

Where the person has been deemed to lack capacity, the advocate would also undertake the following:

- Access a copy of the safeguarding concern form and ensure they have a good understanding of the concern
- Access a copy of the capacity assessment and raise any questions, where appropriate
- Identify the person's views and desired outcomes about any protective measures and the investigation, and support safeguarding professionals to consider them
- Support safeguarding professionals to ensure all decisions are in line with principles of the Mental Capacity Act – for example, least restrictive
- Attend all meetings, access minutes and key documents – ensuring they understand all aspects of the safeguarding process and raise any concerns they have.

¹ Care Act Guidance, 2014, "7.49 In terms of safeguarding there are some particular important issues for advocates to address..."