

Draft Advocacy Guide for Commissioners

Consultation questions

1. Since the publication of the Guide for Commissioners by SIAA in 2010 there have been several developments. For example the publication of the NHS Healthcare Quality Strategy in 2010; the introduction of the Patient Rights (Scotland) Act 2011; the publication of the Patients Charter of Rights and Responsibilities in October 2012; publication of the Carers and Young Strategy in 2010, and the provision of joint Scottish Government and COSLA Guidance on Procurement of Support and Care Services in 2010.
2. The guide has been updated to incorporate these and other relevant developments.
3. Sections 5 and 6 of the Guide explain commissioner's statutory responsibilities under the Mental Health (Care and Treatment) Act 2003 which are further explained in the Code of Practice Volume 1. Based on the definition taken from the legislation the guide provides the following Principles and Standards for Independent Advocacy:

Principle 3

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

Standard 3.1 - Independent advocacy providers cannot be involved in the welfare, care or provision of other services to the individual for which it is providing advocacy.

Standard 3.2 - Independent advocacy should be provided by an organisation whose sole role is independent advocacy or whose other tasks either complement, or do not conflict with, the provision of independent advocacy.

Standard 3.3 – Independent advocacy looks out for and minimises conflicts of interest

Please note:

- Standards 3.1 and 3.2 associated with Principle 3 above reflect the definition of independent advocacy in the Mental Health Act (Care & Treatment) (Scotland) Act 2003 and differ from the standards used by the advocacy movement in the SIAA Principles and Standards.
- The remaining Principles and Standards i.e. Principles 1, 2 and 4 and the associated standards set out in Appendix 1 are consistent with the Principles and Standards given in the SIAA Principles and Standards.

Question 1: Are you content with the level of detail given in relation to the statutory responsibilities and that the information is clear?

Yes No

If no, what additional information do you think should be included?

We feel the draft guide provides a an appropriate level of detail in relation to the statutory responsibilities around the provision of independent advocacy. We welcome the embedding of the definition of independent advocacy laid our in the Mental Health (Care & Treatment) (Scotland) Act 2003 and associated guidance throughout the guide for commissioners including within the proposed principles and standards. We also welcome the recognition within the guide that "different approaches to independent advocacy are needed: there is no best model".

4. Section 10 covers commissioning of independent advocacy. This is a much shorter section than in the previous guide as it refers to the Guidance on the procedures for Procurement of Care and Support Services given in the joint Scottish Government and COSLA guidance issued in 2010 and available at:

<http://www.scotland.gov.uk/Resource/Doc/324602/0104497.pdf>.

Question 2: Are you content that the level of detail given in Section 10 on the Commissioning of Independent Advocacy is appropriate?

Yes No

We feel that section 10 of the guide has an appropriate level of detail

However, greater emphasis could be placed on ensuring that commissioners promote the participation of service users within commissioning processes and subsequent monitoring/evaluation, reflect relevant legislation/national frameworks within commissioning processes e.g. GIRFEC, promote an outcomes based approach to practice and ensure funding for advocacy provision is for a minimum period of three years.

5. Both commissioners and the advocacy groups have a responsibility to ensure that the advocacy being provided is of good quality and is effective. Section 12 of the guide covers Monitoring and Evaluation and mostly reflects the arrangements currently set out in the 2010 guidance. However we understand that the cost of independent evaluations is high and is not always undertaken. In relation to this we are currently exploring a pilot for evaluation of

advocacy projects with the SIAA. This will involve the recruitment of independent sessional evaluators to undertake evaluations based on the Principles and Standards within this guide over an 18 month period. SIAA will facilitate the appointment and training of the evaluators. The report of the evaluation will be prepared by the evaluators and will go to the commissioners and the advocacy group. The SIAA will be in a position to offer support to the advocacy group in the event that improvements are required. An evaluation of the pilot will be conducted prior to any decision on whether to proceed with this model. The evaluations will not be restricted to SIAA member organisations.

Question 3: Would you support a programme of evaluations based on the pilot model of evaluation set out at 5 above?

Yes No

If not, why not?

While welcoming a programme of evaluations, further work is required to agree an appropriate model. Input should be sought from other advocacy providers rather than a reliance on the SIAA.

6. Examples of situations that can potentially cause a conflict of interest which might impact on the person receiving the advocacy support, the advocate, the advocacy organisation or a service provider have been included at Appendix 2.

Question 4. Do you think it is useful to highlight situations (such as those given in Appendix 2) that commissioners should be mindful of in order that consideration is given to how these would be avoided/handled/resolved?

Yes No

While recognising the importance of tackling conflicts of interest within the provision of independent advocacy, because these potential conflicts of interests can vary depending upon individual circumstances it is unclear how helpful it would be to highlight specific examples especially as those currently included within appendix 2 are narrow and cover a number of very similar scenarios

The guide for commissioners should ensure that the service or services they commission have a clear conflict of interest policy which includes setting out what action will be taken when perceived and/or actual conflicts are identified, and ensuring that the views of service users are sought, recorded and taken into account within issues relating to perceived/actual conflicts of interest

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7.The layout of the guide has been changed to provide information and direct links to a list of relevant policy and guidance documents in Appendix 3.

Question 5: Do you find the information on additional reference material/useful links in Appendix 3 helpful?

Yes No

Section 3 contains a broad range of additional reference material which will be helpful to commissioners of independent advocacy. Priority and emphasis should be placed upon the information related to statutory requirements. It would also be helpful to include more links to the UNCRC and a children’s right approach to work with children and young people.

General Comments

We would welcome any further general comments you may wish to offer here.

Aberlour Childcare Trust welcome and support the publication of the proposed guidance to commissioners

We are grateful for your response. Thank you.