

Criteria for access to Independent Advocacy for Parents with Learning Disabilities

The two key criteria for access to Independent Advocacy for Parents with learning disabilities are:

- The person has '**substantial difficulty**' in being fully involved in the processes surrounding the wellbeing or protection of their child
- There is **no 'appropriate' individual** available to support and represent the person's wishes

Determining 'substantial difficulty'

There are four areas in which advocacy support may be required. If a parent has a difficulty in one or more of these areas then a referral for an Independent Advocate should be considered to facilitate their involvement:

1. **Understanding relevant information** – it is good practice to make reasonable adjustments to enable parents with learning disabilities to understand relevant information e.g. using Easy Read versions or taking more time to explain. However, some people will not be able to understand information even after reasonable adjustments have been made. In this case an Independent Advocate may be required.
2. **Retaining information** – if a parent is unable to retain information for long enough to formulate a response, weigh up options or make decisions an Independent Advocate may be required.
3. **Using or weighing the information as part of engaging** – if a parent is unable to weigh up information e.g. advantages and disadvantages of a range of options an Independent Advocate may be required.
4. **Communicating their views, wishes and feelings** – if after reasonable adjustments a person is unable to communicate their views, wishes or feelings (e.g. due to a specific impairment or physical/mental ill health) then an Independent Advocate may be required.

Determining an 'appropriate' individual

Before an individual can be considered 'appropriate' to represent the person the following tests should be applied:

- An individual will not be considered 'appropriate' if they already provide the person with care, support or treatment in a professional capacity or on a paid basis, regardless of who they are employed by.

- The person requiring advocacy should agree to the appropriateness of the individual identified and to that individual providing the support needed. If the parent lacks capacity the local authority should be satisfied that it is in the person's best interests to be supported and represented by the individual identified.
- The individual identified to provide the support should have the capacity to fulfil the role expected i.e. to support the person's active involvement with the local authority processes. This includes being able to understand the information and processes involved and have the time to provide the support required.

If one or more of the conditions above cannot be met then a referral for an Independent Advocate should be considered.

The role of an Independent Advocate for parents with a learning disability

The role of the independent advocate is to support and represent a parent, and to facilitate their involvement in the key processes and interactions with the Local Authority relating to the wellbeing or protection of their child. This includes:

- Assisting a parent to **understand the following processes**: Section 47 Enquiry, Child Protection Conference, Child Protection Plan, Child Looked After reviews, Public Law Outline (PLO), court proceedings relating to Child Protection.
- Assisting a parent to **communicate their views, wishes and feelings** to the staff that are conducting meetings, carrying out assessments and implementing or reviewing plans in relation to the processes listed above.
- Assisting a parent to **understand their own needs and the needs of their child** including how these needs can or will be met
- Assisting a parent to **make or contribute to decisions** about their own support and/or their child's care – assisting them to weigh up various options and choose the ones that best meet their own and/or their child's needs
- Assisting a parent to **understand their rights and their child's rights** including where the two may come in to conflict and where one may supersede the other e.g. principle that the child's needs are paramount
- Assisting a parent to **challenge decisions** made by the local authority within the provisions available; and where a person cannot challenge the decision even the assistance, then to challenge it on their behalf.

This requires advocates to understand local authority policies and processes, the available assessment tools, the planning options, and the options available. It may involve advocates spending considerable time with the individual, considering their communication needs, their wishes and feelings and their life story, and using all this to assist the person to be involved and where possible to contribute information or opinion and make decisions.

After reasonable adjustments made by all professionals involved, it is envisaged the following advocacy input will be required at key stages:

Child Protection Conference

- Meeting to prepare for Conference and agree if advocate required to support at the meeting
- If required, support at the Conference
- If required, meeting after to ensure understanding and ability to comply with any actions

Child Protection Conference Review – only required if parent continues to have ‘substantial difficulty’ in being fully involved in the process after advocacy support at initial conference

- Meeting to prepare for Conference Review and agree if advocate is required to support at the meeting
- If required, support at the Conference Review
- If required, meeting after to ensure understanding and ability to comply with any actions

Court proceedings

- Meeting to prepare for the hearing and agree if advocate is required to support at court
- If required, support at court during the hearing
- If required, meeting after to ensure understanding and ability to comply with any actions

Public Law Outline (PLO)

- Meeting to prepare for PLO and agree if advocate is required to support at the meeting
- If required, support at the meeting

- If required, meeting after to ensure understanding and ability to comply with any actions

Child Looked After Meetings

- Meeting to prepare for CLA meeting and agree if advocate is required to support at the meeting
- If required, support at the CLA
- If required, meeting after to ensure understanding and ability to comply with any actions

A note about 'representing' where an advocate has concerns

There will be times when an advocate will have concerns about how the local authority has acted or what decision has been made or what outcome is proposed. The advocate should write a report outlining their concerns for the local authority. The local authority should convene a meeting with the advocate to consider the concerns and provide a written response to the advocate following the meeting.

Referrals

Referrals will be accepted from Adult Social Care using an appropriate referral form, each referral will have a senior manager sign off.

The advocates work under the instruction of the parents and will not offer any advice or take any action without consent. The advocates will not make judgements, offer their own opinions, or make decisions.

Advocates are not support workers, counsellors or befrienders and will not give any legal advice or legal support.