



## **REPORT TO ABERDEENSHIRE INTEGRATION JOINT BOARD – 23 May 2018**

### **RESPONSE TO THE MENTAL WELFARE COMMISSION RECOMMENDATIONS ON INDEPENDENT ADVOCACY SERVICES**

#### **1 Recommendation**

**It is recommended that the Integration Joint Board (IJB):-**

- 1.1 Consider and approve the Aberdeenshire Health and Social Care Partnership (AHSCP) response to the Mental Welfare Commission recommendations on independent advocacy (Appendix 1).**

#### **2 Risk**

- 2.1 IJB Risk 6 – Working effectively with partner organisations. A third sector provider, Advocacy North East, is fully involved with planning and coordinating of advocacy services for Aberdeenshire residents aged 16 and over.
- 2.2 IJB Risk 8 - Risk of failure to deliver standards of care expected by the people of Aberdeenshire in the right place, at the right time. Provision of an independent advocacy service ensures AHSCP meets its statutory requirement to do so, under the Mental Health (Care and Treatment) (Scotland) Act 2003.

#### **3 Background**

- 3.1.1 The Mental Health (Care and Treatment) (Scotland) Act 2003 imposed a duty on local authorities to ensure independent advocacy for people who have a mental disorder (this definition includes people with a severe mental illness, learning disability, acquired brain injury and dementia).
- 3.1.2 The Mental Health (Care and Treatment) (Scotland) Act 2015 builds on this right, requiring all IJBs to inform the Mental Welfare Commission (MW) of how they have ensured access to independent advocacy services to date, and how they plan to do so in the future.
- 3.2 In 2017, The Commission carried out its first survey on advocacy planning for the whole of Scotland, publishing a report, 'The Right to Advocacy', in March 2018.
- 3.3 Responses to the survey were provided by NHS Grampian (for adults) & Aberdeenshire Council's Children's Services (for children and young people).



- 3.4 Within its report, the Commission have made 6 recommendations (4 for adults and 2 for children and young people). The Commission requires a response to these recommendations from all IJBs by 30<sup>th</sup> June 2018.
- 3.5 Grampian Independent Advocacy Group leads on the preparation, coordination, and strategic planning for advocacy services for Aberdeenshire. AHSCP are represented as part of this group along with the current independent advocacy service provider for Aberdeenshire, Advocacy North East.
- 3.6 Advocacy North East is commissioned by AHSCP to provide an independent advocacy service for all Aberdeenshire residents (including people in HMP & YOI Grampian) aged 16 or over, who have a mental disorder.
- 3.7 Aberdeenshire Council's Children's Service provide advocacy services for looked after children and young people, as well as services that will offer signposting to local and national independent advocacy organisations.
- 3.8 The MW recommendations and proposed AHSCP responses are detailed in Appendix 1.

#### **4 Equalities, Staffing and Financial Implications**

- 4.1 An equality impact assessment will be undertaken for the future advocacy plan. There are no staffing or financial implications. The Chief Officer, along with the Chief Finance Officer and the Legal Monitoring Officer within Business Services of the Council have been consulted in the preparation of this report and have no additional comments.
- 4.2 The Chief Officer, along with the Chief Finance Officer and the Legal Monitoring Officer within Business Services of the Council have been consulted in the preparation of this report and their comments have been incorporated within the report.

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**Aberdeenshire Health and Social Care Partnership**

Report prepared by Pete Matthews, Strategic Development Officer  
27 April 2018



## Appendix 1

### **Aberdeenshire Health and Social Care Partnership (AHSCP) response to the Mental Welfare Commission recommendations on independent advocacy services.**

**Recommendation:** Ensure that there is clarity about which organisation will be responsible for coordinating the preparation of strategic advocacy plans for their area.

**Response:** Grampian Independent Advocacy Group leads on the preparation, coordination, and strategic planning for advocacy services for Aberdeenshire. AHSCP are represented as part of this group along with the current independent advocacy service provider for Aberdeenshire, Advocacy North East.

**Recommendation:** Ensure that strategic advocacy plans are in place by the end of December 2018.

**Response:** A strategic plan is in place. Grampian Independent Advocacy Group published a Grampian Independent Advocacy Plan for 2016-2018. A new plan is currently being developed and will be published by the end of 2018.

**Recommendation:** Ensure that strategic plans are developed based on a local needs assessment, and information about unmet need and gaps in local provision. They should be developed in partnership with people who use or may use services, and with service providers. Barriers people may be experiencing accessing advocacy support, including barriers created by prioritisation criteria and people being placed out with their home areas, should be addressed in plans.

**Response:** Grampian Independent Advocacy Plan 2016-2018 takes account of local needs, and also considers information on unmet need and gaps in local provision, including older people, physical disability, families at risk, travellers and gypsies. Advocacy North East is required to give priority to referrals from individual care groups as defined under the Mental Health (Care and Treatment) (Scotland) Act 2003.

Referrals for advocacy are considered on a needs basis. People subject to measures under the Mental Health Act are given priority. While this does go against the intention of the legislation (that anyone with a mental disorder should have equal access to independent advocacy), current resources dictate that urgent cases (such as people facing restriction of liberty) are given priority.



Advocacy North East will work with any person who is a resident of Aberdeenshire, including people who have been placed in Aberdeenshire from other areas. For Aberdeenshire residents placed out of area, Advocacy North East will work with other advocacy services in that area to ensure independent advocacy services are provided.

**Recommendation:** Ensure that advocacy planners carry out equalities impact assessments and develop approaches to monitoring and enabling access to advocacy which cover all the protected characteristics.

**Response:** The current plan underwent an equality and diversity impact assessment in 2016. A new equality and diversity assessment will be undertaken as part of the updated plan.

**Recommendation:** Ensure there is clarity about where the responsibility lies for planning and commissioning independent advocacy services which are accessible for all children and young people under 18 with a mental disorder. This includes children and young people receiving care and treatment on an informal basis, or in placements out with their home area.

**Response:** Advocacy North East are contracted to provide independent advocacy services for young people with a mental disorder, aged 16 and over.

There is no commissioned independent advocacy service for children in Aberdeenshire under the age of 16 who have a mental disorder. Aberdeenshire Council's Children's Services Plan 2017-2020, identified Children with a Disability and Children and Young People's Mental Health as two strategic priorities. Multi-Agency thematic subgroups lead partnership development work on these priorities, tasked by the GIRFEC Strategic Group. The unmet statutory requirement to provide independent advocacy support for eligible under 16's will be addressed through these arrangements and should contribute to the updated Grampian Independent Advocacy Plan.

**Recommendation:** Ensure that arrangements for planning for the provision of independent advocacy services for children and young people include processes for assessing the projected need for these supports.

**Response:** As with the previous response, any projected need for assessing the projected need of advocacy support would be identified through the relevant Children's Services sub-groups.