

Advocacy

Adult Social Care



Contents

1. Who this guidance is for	3
2. What advocacy means	3
3. Your right to be involved in decisions	3
4. How to request advocacy.....	5
5. When you have a legal right to an advocate	5
• Independent Mental Capacity Advocacy	5
• Independent Mental Health Advocacy	5
• Care Act advocacy	5
• Deprivation of liberty representatives	5
6. Types of advocacy and support	6
7. What to expect from an advocate.....	7
8. Relevant legislation and guidance	7

1. WHO THIS GUIDANCE IS FOR

This guidance is for adults, families, carers and professionals who want to understand when advocacy may be available through Adult Social Care. It explains how we will involve you in decisions about your care and support, and when there may be a legal duty to arrange an independent advocate.

2. WHAT ADVOCACY MEANS

Advocacy is support to help you have your voice heard, understand what is happening and take part in decisions that affect you. In some situations, the law says we must arrange an independent advocate for you. You, someone who supports you, or a professional can ask Adult Social Care to consider advocacy.

3. YOUR RIGHT TO BE INVOLVED IN DECISIONS

We have a duty under the Care Act to involve you as actively as is possible in decisions that affect you.

From your first contact with Adult Social Care, we will give you clear information and advice to help you make informed choices and access the right support at the right time.

We will consider whether you need any support to be involved in decisions, including advocacy, reasonable adjustments or help with communication.

We will make reasonable adjustments where needed. This may include providing information in an accessible format, giving you more time, using different ways to communicate, or arranging support because of a disability, sensory impairment or communication need.

- information in a format you can access and understand, such as large print, easy read or another suitable format;
- support if you are blind, partially sighted, Deaf, hard of hearing or have another sensory impairment;
- translation or interpretation if English is not your first language; and
- support to communicate with us, including help to understand information and share your views.

If you need an interpreter, translator or other specialist support, we will arrange this where it is needed to help you take part. For local information, please visit [Translating and interpreting services – Bolton Council](#).

When advocacy must be considered

We must consider whether you need advocacy from first contact with Adult Social

Care and at any later stage. This includes assessment, care and support planning, care review, safeguarding enquiries and safeguarding adult reviews.

We will arrange an Independent Care Act Advocate if you are likely to have substantial difficulty taking part in Adult Social Care or safeguarding processes and there is no suitable person to support you.

Care Act advocacy checklist

We will consider whether you need an independent Care Act advocate if all three of these apply:

- you are involved in a care, support or safeguarding process;
- you would have substantial difficulty taking part or sharing your views; and
- there is no appropriate person who is willing and able to support you.

“Substantial difficulty” means you struggle to:

- Understand information
- Remember information
- Use or weigh up information
- Communicate your wishes

This duty applies whether or not you are able to make the relevant decision yourself.

When someone else can support you

You may not need an independent advocate if there is an appropriate person who is willing and able to support your involvement. This could be a family member, friend or unpaid carer.

An appropriate person cannot be:

- someone providing care or treatment to you in a professional or paid role;
- someone you do not want to support you;
- someone who is unlikely to be able or available to support your involvement properly; or
- someone involved in concerns about abuse or neglect, or found by a safeguarding adult review to have failed to prevent abuse or neglect.

Exceptions

Even if you have an appropriate person to support you, we may still arrange an independent advocate in some situations. This includes where assessment or planning may result in NHS-funded hospital accommodation for more than 4 weeks, or a care home stay for 8 weeks or more, and we believe advocacy would be in your best interests. It may also apply where we and the person supporting you disagree about something important but agree that an independent advocate would help.

4. HOW TO REQUEST ADVOCACY

If you think advocacy may help, you can ask Adult Social Care to consider this. A family member, friend, carer or professional can also ask on your behalf.

VoiceAbility provides advocacy services in Bolton. You can make a referral online, email the referral form, or call VoiceAbility free on 0300 303 1660 to make a referral. You can refer yourself to VoiceAbility.

You can also contact Adult Social Care through the Early Intervention Team Adult if you are unsure which team to speak to or need help to request advocacy.

Telephone: 01204 337860 **Email:** EITTeam@bolton.gov.uk

5. WHEN YOU HAVE A LEGAL RIGHT TO AN ADVOCATE

There are other situations, outside the Care Act, where the law may give you a right to an advocate. These include:

- The Mental Capacity Act 2005
- The Mental Health Act 2007
- The Health and Social Care Act 2012

Independent Mental Capacity Advocacy

If you lack capacity to make a specific decision about serious medical treatment or a long-term move, and there is no appropriate person to consult, the responsible professional must refer you to an Independent Mental Capacity Advocate (IMCA).

Independent Mental Health Advocacy

If you are detained under the Mental Health Act (except for short emergency sections or under a holding power), you have the right to an Independent Mental Health Advocate (IMHA). They help you understand your rights and take part in decisions about your care.

Care Act advocacy

You should be told about your right to advocacy when you are involved in Adult Social Care assessment, support planning, review or safeguarding. You can ask Adult Social Care directly, or a professional can make a referral where this is needed. [VoiceAbility](#) provides advocacy in Bolton.

Advocacy should be considered at any point if it would help you take part more fully.

For the eligibility criteria, see the Care Act advocacy checklist above.

Deprivation of liberty representatives

When someone is deprived of their liberty, safeguards must be in place to protect their rights.

If a Deprivation of Liberty Safeguards authorisation applies, the person must have a representative. This may be a suitable family member or friend. If there is no suitable person, a paid Relevant Person's Representative may be needed. In community settings, the Court of Protection may appoint a Rule 1.2 Representative.

Further information is available in the [GOV.UK IMCA guidance](#) which explains when an IMCA must be involved and how the service supports people who lack capacity to make specific decisions.

6. TYPES OF ADVOCACY AND SUPPORT

The table below explains the main types of advocacy and support available.

Type of advocacy	Who it is for	When it applies	How to request it
Informal support from family or friends	People who have someone suitable, willing and able to support them.	When a trusted person can help you understand information, share your views or take part in decisions.	Speak to Adult Social Care about who you would like to support you.
Care Act advocacy	People who have substantial difficulty taking part in Adult Social Care or safeguarding processes and have no suitable person to support them.	During assessment, care and support planning, review, safeguarding enquiries or safeguarding adult reviews.	Ask Adult Social Care directly, or ask a professional to make a referral. We will arrange advocacy where the legal criteria are met.
Independent Mental Capacity Advocacy	People who need support with a specific decision because they lack capacity.	Serious medical treatment, accommodation, or some safeguarding and care review situations.	The responsible professional makes the referral.
Mental Health Act advocacy	People with a legal right to advocacy under the Mental Health Act.	When the Mental Health Act gives a right to independent advocacy.	Ask the ward, care team or advocacy provider.
Independent Health and Social Care Complaints Advocacy	People who want support to make a complaint about NHS care, NHS treatment or Adult Social Care.	When you need help to understand the complaints process, write a complaint or prepare for a complaint meeting.	Contact the advocacy provider or ask Adult Social Care for information.

Appropriate Adult	Vulnerable adults detained by the police for interview.	When police need to interview or take action involving a vulnerable adult.	The police arrange an Appropriate Adult when required.
Continuing Healthcare advocacy	People who need support to take part in NHS Continuing Healthcare assessments, care planning or appeals.	When you need help to understand or take part in the NHS Continuing Healthcare process.	Ask the NHS Continuing Healthcare team, Adult Social Care or the advocacy provider.
Relevant Person's Representative or Rule 1.2 Representative	People who are deprived of their liberty and need someone to help protect their rights.	When a Deprivation of Liberty Safeguards authorisation is in place, or when the Court of Protection is considering deprivation of liberty in a community setting.	The responsible local authority or court process will identify the representative needed.

7. WHAT TO EXPECT FROM AN ADVOCATE

Advocacy is about making sure your voice is heard. An advocate can support you to speak up or speak up for you if you need them to.

An advocate can:

- help you understand information, options and your rights;
- help you prepare for meetings, assessments or reviews;
- support you to express your views, wishes and feelings;
- ask questions or raise concerns on your behalf, with your agreement;
- help you understand decisions that are made and what you can do next.

An advocate cannot:

- make decisions for you;
- tell you what choice to make;
- provide legal advice, unless they are qualified and acting in that role;
- provide care, support or treatment;
- guarantee a particular outcome.

8. RELEVANT LEGISLATION AND GUIDANCE

- The Care Act 2014

ASC Advocacy V2

August 2026

- The Care and Support (Independent Advocacy Support) (No. 2) Regulations 2014
- Care and Support Statutory Guidance issued under the Care Act 2014
- The Mental Capacity Act 2005
- The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (General) Regulations 2006
- The Mental Health Act 1983
- The Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008
- Special Educational Needs and Disability Code of Practice: 0 to 25 years
- The Equality Act 2010, section 149: Public Sector Equality Duty