

Public Policy Statement

Information, advice and advocacy

May 2021

Summary

Good quality information and advice is essential for older people. Factually accurate and impartial information and advice help us to make informed decisions, plan ahead, access services and entitlements and contribute to society. Advocacy services are essential to ensure that every older person has a voice and receives the support they need.

The Social Services and Well-being (Wales) Act 2014 places statutory duties upon local authorities with regard to the provision of information, advice and assistance (Part 2) and advocacy (Part 10) with regard to social services.

Information and advice is provided by a wide range of private, statutory and voluntary organisations at local, regional, national and UK levels. Whilst much of the information available is generic in nature, it needs to be recognised that specialist information may be required by older people with regard to, for example, retirement, benefits advice, changing or declining physical or mental health, social care, sensory or cognitive impairment, bereavement and funerals, changes in housing or living arrangements, and ageism. Older people do not constitute a homogenous group and have individual interests, concerns and problems that need to be addressed. We believe that information and advice services should deliver a person-centred approach to ensure that the support on offer is bespoke to that individual's needs and situation.

Having voice and control over decisions that affect us and having our views, wishes and feelings respected and taken into consideration are vitally important to all of us. It is essential that older people feel empowered to speak up about their own choices and views. Independent advocacy services can play an important role by helping people to have a voice and regain control in difficult situations. It can help secure their rights and represent their interests.

Advocacy services are also vital in protecting people and preventing abuse. Whilst not all older people are in need of an advocate, it is important to ensure that the provision of services is sufficient to enable people to access an independent advocate when and where they need one. However, the latest edition of Age

Cymru's 'Advocacy Counts'¹ reports that there are fewer advocates delivering advocacy specifically to older people in Wales.

Impact of the Covid-19 pandemic

The Covid-19 pandemic has drawn into sharp contrast the gap between those of us that are able to get our information online and those of us that are unable to do so. Age Cymru Advice has seen a significant increase in benefit advice calls during the Covid-19 pandemic, as less support has been available as local services were either closed or offering limited face to face advice services.

We believe that it is important in reconstruction plans in light of the pandemic that local services are made available to older people, and that service providers ensure that the provision of online information and advice is not to the detriment of the provision of information and advice in other formats

A Wales advocacy survey² that was undertaken during the UK Covid-19 pandemic lockdown in 2020 found widespread human rights breaches of vulnerable people. People across Wales, including those living in care homes, had seen their human rights breached and some of their access to advocacy, health and social care suspended during the pandemic. A core tenet of advocacy is to redress inequality so that people's rights are upheld and that they are respected as individuals who are listened to and understood irrespective of who they are or any health condition or diagnosis they may have. The report calls for an urgent priority to reinforce the rights and improve the support of people who rely on social care.³

Summary of public policy proposals

- Welsh Government must monitor the implementation of the Information and Advice Action Plan to ensure the effective provision and delivery of information and advice services throughout Wales on a consistent basis.
- The IAA (Information, Advice and Assistance) services made available by Councils with the NHS must be of a high quality and delivered to a consistent standard and availability wherever it is needed in Wales.
- Welsh Government and local authorities must recognise that an 'all-adult' approach to tendering for services can be inappropriate and may fail to deliver for older people. Where an 'all-adult' generic information and advice service has been commissioned that cannot meet the specific needs of older people and refers them on to more specialised services, a fair funding formula is required to ensure that those services who receive a referral from the commissioned organisation are not losing out financially as a consequence of dealing with cases for which another organisation receives payment.

¹ Age Cymru (2020) Advocacy Counts 7. A review of advocacy services for adults in Wales with a particular focus on older people <https://www.ageuk.org.uk/globalassets/age-cymru/documents/hope-project/age-cymru-advocacy-counts-7e1.pdf>

² Age Cymru (2020) Wales advocacy survey <https://www.ageuk.org.uk/cymru/our-work/advocacy/wales-advocacy-survey/>

³ Age Cymru (2020) Wales advocacy survey <https://www.ageuk.org.uk/cymru/our-work/advocacy/wales-advocacy-survey/>

- Information and advice services should deliver a person-centred and strength-based approach, promoting early intervention and prevention to ensure the support on offer is bespoke to that individual's needs and situation. Any person offering information, guidance and/or advice to an individual should be trained and qualified to provide a person-centred service so that the individual can develop the knowledge, skills and confidence they need to make informed decisions about their life.
- Public services should be proactive in informing older people when they become eligible for entitlements.
- Welsh Government should publish the results of the pilot study in mid and west Wales to test and learn how to offer easier access to welfare benefits advice for older people and their carers, with a view to sharing best practice.
- Information and advice provided online needs to be high quality and easy to use, whilst offline services should be of equal quality and fully accessible. Service providers must ensure that the provision of online information and advice is not to the detriment of the provision of information and advice in other formats.
- Welsh Government and local authorities should ensure that every older person throughout Wales has access to a free independent advocacy service should they wish to use it.
- Welsh Government and local authorities should work together with the voluntary sector to ensure the existence of sustainable advocacy services and enable the planning and development of service provision.
- Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them.
- Welsh Government must recognise and support the right to choice around the way people receive their advocacy which might include digital as well as face to face services.
- Welsh Government must monitor the National Framework for Commissioning Independent Professional Advocacy for Adults in Wales to ensure it is being implemented effectively.
- There must be a reinvigorated focus on human rights, personalisation, and compliance with statutory legislation and guidance by those responsible for assessing, planning, commissioning and providing social care support, to ensure that people's rights are being upheld.

Information, advice and advocacy

This policy statement covers:

- Information and advice services
- Advocacy services.

Information and advice services

People in later life, and those preparing for later life, need access to good quality information and advice in order to make informed decisions, plan ahead, access entitlements and services, and play a full part in their communities and society.

Welsh Government recognises that information and advice services play a vital role in helping people to resolve problems with their housing, welfare benefits and financial commitments. These problems if left unresolved, often act as barriers to employment, can move households into poverty and can negatively affect a person's physical and mental health.⁴

Welsh Government published the Information and Advice Action Plan (IAAP)⁵ for Wales in 2016, which commits the Welsh Government to ensure there is a co-ordinated, cost effective and sustainable provision of quality assured social welfare information and advice services throughout Wales.⁶

The Social Services and Well-being (Wales) Act 2014 places a statutory duty upon local authorities with regard to the provision of information, advice and assistance with regard to social services.

Public policy proposals

- Welsh Government must monitor the implementation of the Information and Advice Action Plan to ensure the effective provision and delivery of information and advice services throughout Wales on a consistent basis.
- The IAA (Information, Advice and Assistance) services made available by Councils with the NHS must be of a high quality and delivered to a consistent standard and availability wherever it is needed in Wales.

Person-centred services

Information and advice is provided by a wide range of private, statutory and voluntary organisations at local, regional, national and UK levels. Whilst much of the information available is generic in nature, it needs to be recognised that specialist information may be required by older people with regard

⁴ Welsh Government (2019) Written Statement: Advice Services 24/04/2019
<https://gov.wales/written-statement-advice-services>.

⁵ Welsh Government (2016) Social welfare, information and advice action plan
<https://gov.wales/social-welfare-information-and-advice-action-plan>

⁶ Welsh Government (2019) Written Statement: Advice Services 24/04/2019
<https://gov.wales/written-statement-advice-services>.

to, for example, retirement, benefits advice, changing or declining physical or mental health, social care, sensory or cognitive impairment, bereavement and funerals, changes in housing or living arrangements, and ageism. People also need information about health and well-being, leisure services, how to find GP services and dentists, transport services, and how to make a complaint, for example. Older people do not constitute a homogenous group and have individual interests, concerns and problems that need to be addressed. We believe that information and advice services should deliver a person-centred, strength-based approach to ensure the support on offer is bespoke to that individual's needs and situation. People need to know who they should approach, and who to go to in various situations, with linked services that people can go to for help. Some older people have their first contact with social services when they are in crisis, so there needs to be a very clear pathway for people to follow. Information and advice needs to be accessible to all before crisis in order to be preventative and thus provide early intervention before a situation escalates, putting more strain on the individual's general wellbeing as well as health and care services.

We believe that staff who provide information and advice should be trained in how to provide advice, through gaining an appropriate training qualification, to ensure the best quality of support possible.

Some commissioning procedures, responding to the definition of 'adults' in the Social Services and Well-being (Wales) Act 2014 are moving in the direction of putting out tenders for 'all-adults' services. It is not appropriate for organisations who are commissioned to provide the information and advice service to refer people on to specialist organisations who may have lost funding as a consequence of tendering arrangements or who generally do not receive funding to provide that service. Many groups, including local Age Cymru Partners, provide valuable services and expertise for specific groups and this delivery needs to be maintained and properly supported.

The Welsh Government and local authorities must recognise that an 'all-adult' approach to tendering for services can be inappropriate and may fail to deliver for older people. Where an 'all-adult' generic information and advice service has been commissioned that cannot meet the specific needs of older people and refers them on to more specialised services, a fair funding formula is required to ensure that those services who receive a referral from the commissioned organisation are not losing out financially as a consequence of dealing with cases for which another organisation receives payment. Age Cymru has evidence that older people want a service that best meets their needs, which is why so many people come to us seeking support even after they have spoken to other adult advice services who have failed to meet their needs.

During 2020/2021, Age Cymru Advice helped people to tackle 35,876 issues (more than double previous years) supporting 18,679 people (another huge increase – more than double previous years). Three quarters of our contacts were over the telephone and we've seen our email enquiries increase significantly this year. Around a third of our calls are about older people's benefits and a further third are around issues relating to health and/or social care. We are seeing increasing numbers of calls in both categories underlining their importance in the lives of older

people. The remaining third of enquiries relate to the broad spectrum of other issues that older people may experience.

Age Cymru Advice has seen a significant increase in benefit advice calls during the Covid-19 pandemic, as less support has been available as local services have either closed or offering limited face to face advice services.

We believe that it is important in reconstruction plans in light of the pandemic that service providers ensure that the provision of online information and advice is not to the detriment of the provision of information and advice in other formats

120,000 pensioners in Wales live in poverty.⁷ A major issue is that millions of pounds of entitlements go unclaimed each year in Wales - money that could be used to lift older people out of poverty. 80,000 households in Wales that are eligible for Pension Credit are not claiming it.⁸ Pension Credit is an example of potential financial support that remains unclaimed because people don't know about it or don't apply as they believe they won't qualify. Claiming benefits online can be problematic for some older people, especially those who are digitally excluded; some older people won't claim as they are daunted by the whole process. We believe that public services should be proactive in informing older people when they become eligible for entitlements. We look forward to the publication of the results of a study in mid and west Wales, referred to in Welsh Government's Strategy for an Ageing Society,⁹ whereby partners working through the Single Advice Fund are running a pilot to test and learn how to offer easier access to welfare benefits advice for older people and their carers.

Public policy proposals

- The Welsh Government and local authorities must recognise that an 'all-adult' approach to tendering for services can be inappropriate and may fail to deliver for older people. Where an 'all-adult' generic information and advice service has been commissioned that cannot meet the specific needs of older people and refers them on to more specialised services, a fair funding formula is required to ensure that those services who receive a referral from the commissioned organisation are not losing out financially as a consequence of dealing with cases for which another organisation receives payment.
- Information and advice services should deliver a person-centred and strength-based approach, promoting early intervention and prevention to ensure the support on offer is bespoke to that individual's needs and situation. Any person

⁷ JRF (2018) Poverty in Wales 2018 <https://41ydvvd1cuyvlonsm03mpf21pub-wpengine.netdna-ssl.com/wp-content/uploads/2018/03/Wales-briefing.pdf>

⁸ Independent Age (2019) Credit where it's due: Ending the £3.5 billion Pension Credit scandal report: 26 June 2019 https://independent-age-assets.s3.eu-west-1.amazonaws.com/s3fs-public/2019-7/Credit%20where%20its%20due%20report_0.pdf

⁹ Welsh Government (2020) Age Friendly Wales: Our Strategy for an Ageing Society. Consultation document. <https://gov.wales/strategy-ageing-society-age-friendly-wales>

offering information, guidance and/or advice to an individual should be trained and qualified to provide a person-centred service so that the individual can develop the knowledge, skills and confidence they need to make informed decisions about their life.

- Public services should be proactive in informing older people when they become eligible for entitlements.
- Welsh Government should publish the results of the pilot study in mid and west Wales to test and learn how to offer easier access to welfare benefits advice for older people and their carers, with a view to sharing best practice.

Availability and accessibility

Information must be widely accessible and available. When people access an information and advice service, they are almost always seeking the answer to a specific question. It is therefore essential that they are directed to the relevant information they require as quickly as possible, whether that is through an easily navigable website, a knowledgeable and competent call handler or adviser or being passed directly to the most relevant person to assist with their enquiries.

Information and advice need to be provided in a range of formats and through a range of channels. It must cater for those from a range of diverse backgrounds, and those with sensory and cognitive impairments, as well as those with limited levels of literacy or who do not have English or Welsh as a first language. One-stop shops in communities need to be local and accessible. It is important that information is accessible to those people who aren't engaged, who don't go out, or can't get to the shops, or don't go to meetings. Some older people may not be able or well enough, or know how, to seek out the information they need.

Information and advice services need to ensure that they do not disadvantage older people in their use of formats or channels of delivery. The Covid-19 pandemic has drawn into sharp contrast the gap between those of us that are able to get our information online and those of us that are unable to do so. We believe that services provided online need to be high quality and easy to use, whilst offline services should be of equal quality and fully accessible. Service providers must ensure that the provision of online information and advice is not to the detriment of the provision of information and advice in other formats.

Where information and advice are provided by telephone, service providers need to ensure that their service delivery is age friendly. Whilst many older people will have no difficulty holding a conversation and expressing their needs and requests, others may have trouble speaking and/or hearing on the telephone and this needs to be handled appropriately and respectfully. Staff should be well-trained, knowledgeable about the range of services their organisation provides and able to signpost effectively. They also need to treat each caller with respect and dignity and may benefit from receiving appropriate equality and diversity training.

Some older people, especially if they have other protected characteristics, may be anxious about the way in which they might be treated if they approach a service and building a good reputation for courteous, respectful, confidential treatment can go some way to addressing this problem. Staff need to have time and patience so that the caller feels listened to and not rushed.

Staff providing information and advice need to be aware that some older people may lack the confidence or be reluctant to articulate their needs. There are also individuals who are unwilling to ask for help because they are too proud, because they are worried about the possible consequences of asking for a little bit of help in terms of its impact upon their independence and chosen lifestyle or because they are unwilling to admit that they need a little bit of help.

The information provided should seek to be as brief as possible and written in a simple and accessible manner. Older people have told us that information should be conveyed in simple language using bullet points, with large print and easy read versions available. Information should be tailored appropriately for its target audience where specialist, rather than generalist, information is being provided and meet the needs of the individual. It should also take into account the needs of marginalised groups of older people wherever appropriate. Jargon and acronyms should be avoided. Whilst it is recognised that many service delivery systems are now complicated, this should be an issue for professionals to handle, not the person wishing to find out more about a service, or even to access it.

Public policy proposal

- Information and advice provided online need to be high quality and easy to use, whilst offline services should be of equal quality and fully accessible. Service providers must ensure that the provision of online information and advice is not to the detriment of the provision of information and advice in other formats.

Awareness-raising

Steps need to be taken to raise awareness of the resources that are available, and information needs to be made available from readily identifiable contact points. This would serve to raise awareness of the provision that is available, whilst empowering older people by making it easier for them to access the information and advice that they need. This may be particularly important in those parts of Wales where communities that are already relatively isolated are feeling the effects of cuts to local services, such as public transport routes. In light of current financial circumstances, service configuration is changing and this has implications for a number of current sources of information, such as libraries. Consideration therefore needs to be given as to how older people access sources of information.

Older people need access to the information, services and activities which enable them to maintain a healthy and independent lifestyle to the greatest extent possible. They require information on a broad range of issues, not just social care, but health, finances and housing. Information on leisure and social activities could also serve to keep people active and tackle isolation, which can have a detrimental impact on both physical and mental health. It would be beneficial to include older people in service design to the greatest extent possible, not just as a paper consultation exercise.

Independence, standards and resources

There is an expectation that information should be available free of charge, even where there may be a cost for the service it promotes. Measures should be taken to

ensure that the information and advice is of good quality and is accurate, current and consistent. Incorrect or inconsistent information undermines trust in the service and the service provider.

Information and advice services need to be independent or provided by a trusted and reliable source. Greater cooperation and communication between organisations and agencies from the statutory and voluntary sectors who provide information and advice needs to be promoted. With reference to the implementation of the Social Services and Well-being (Wales) Act 2014, local authorities need to promote the range of services available in their local area, not just the ones that the local authority itself provides (or funds).

Where signposting takes place between organisations or even between different departments of the same organisation, a follow-up enquiry should be made to determine whether the desired outcome was achieved, rather than allowing people to 'fall through the net'.

Advocacy

Having voice and control over decisions that affect us and having our views, wishes and feelings respected and taken into consideration are vitally important to all of us. It is essential that older people feel empowered to speak up about their own choices and views. Independent advocacy services can play an important role by helping people to have a voice and regain control in difficult situations. It can help secure their rights and represent their interests.

Voice, choice and control are about identity, self-determination, self-expression and human rights. The lack of them damages our confidence, self-esteem and our wellbeing. All older people should feel that they have voice, choice and control over their lives and that they have the right support to make informed decisions, particularly in situations within which they are vulnerable.¹⁰

Advocacy can help to prevent discrimination, neglect or abuse by enabling older people at risk to become more aware of their rights and able to express their wishes and concerns.¹¹ Advocacy services can help an older person to navigate complex systems, make their voices heard, and build up the confidence and resilience to speak up for themselves and take control of their lives.

Not all older people will need the support of an advocate. It is often the case that receiving appropriate, relevant and timely information and advice will enable people to make an informed choice and express their wishes. However, some people may

¹⁰ The Older People's Commissioner for Wales (2012) Voice, Choice and Control. Recommendations relating to the provision of independent advocacy in Wales.

http://www.olderpeoplewales.com/en/news/news/12-09-18/Voice_Choice_and_Control.aspx#.XEhQ7VX7QnR

¹¹ Age Cymru (2013) Creating an age friendly Wales. <https://www.ageuk.org.uk/globalassets/age-cymru/documents/age-friendly-wales/age-cymru-creating-an-age-friendly-wales-e-web.pdf>

require the support of an advocate in order to access information and advice or to take action/make decisions based upon the information and advice that they receive.

Advocacy can support and enable people who have difficulty representing their interests to exercise their rights, express their views and make informed choices. Whilst not all representation is independent, nor does it need to be, independent advocacy can be vital in ensuring that people's wishes are heard when key decisions are being made about them.

Many people are able to either advocate for themselves or do so with the support of family, carers, friends or professionals with whom they have built up a relationship. Relatives are not always best placed to express the wishes of the individual, as they may struggle with complex formal processes, as may carers, or, in some cases, family members may actually be part of the problem. Relatives and carers may find it difficult to disentangle their own concerns and interests from those of the person that they are seeking to represent. It is therefore essential that all older people in Wales have access to an independent advocacy service in their area.

Advocates can provide support at times of major decision-making, empowering people to make the decisions they feel are in their own best interests. Advocates can also assist people to express their views effectively when decisions are being taken that affect their lives, either by providing support or by representing the individual, something people can find particularly useful when navigating complex formal processes. However, the latest edition of Age Cymru's 'Advocacy Counts'¹² reports that there are fewer advocates delivering advocacy specifically to older people in Wales.

Advocacy in relation to the Social Services and Well-being (Wales) Act 2014 seeks to ensure that people who need care and support or who may need care and support, are able to have their voice heard on issues that matter to them. It aims to defend and safeguard rights and support people to have their views and wishes genuinely considered when decisions are being made about their lives.¹³

The Part 10 Code of Practice (Advocacy) of the Social Services and Well-being (Wales) Act 2014 requires local authorities and health boards to 'assess as part of their population needs assessment, the range of advocacy services in their area and secure and promote their availability as part of their portfolio of preventative services'. It requires local authorities to: a) ensure that access to advocacy services and support is available to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them and, b) arrange an Independent Professional Advocate (IPA) to facilitate the involvement of individuals in certain circumstances.¹⁴

¹² Age Cymru (2020) Advocacy Counts 7. A review of advocacy services for adults in Wales with a particular focus on older people <https://www.ageuk.org.uk/globalassets/age-cymru/documents/hope-project/age-cymru-advocacy-counts-7e1.pdf>

¹³ Age Cymru (2019) A toolkit to support the application of the Framework for Commissioning Independent Professional Advocacy for Adults under the Social Services and Well-being (Wales) Act 2014 <https://www.ageuk.org.uk/globalassets/age-cymru/documents/golden-thread-advocacy-programme/programme-documents/commissioning-ipa-toolkit-english-oct-19.pdf>

¹⁴ Ibid.

Local authorities must, under the legislation, arrange for the provision of an Independent Professional Advocate when a person can only overcome the barriers to participate fully in the assessment, care and support planning, review and safeguarding processes with assistance from an appropriate individual, but there is no appropriate individual available.¹⁵

The Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA), with attendant codes of practice and guidance ensures that advocacy, as provided in the terms of the Act, is a regulated service.¹⁶

In light of the new requirements placed upon local authorities it is anticipated that demand for advocacy services will grow and therefore the availability and sustainability of services is a priority for all involved.¹⁷

It is essential that older people are aware of their rights and are able to exercise them, and we believe that work is needed to increase knowledge and raise awareness of the rights of older people across Wales. Until people know about their rights they won't be able to exercise them.

Local authorities must ensure that staff within the service are suitably skilled to identify individuals who need an advocate and the service takes action to ensure those individuals are supported.

Older people have told us that more should be done to help older people to understand their rights, and to increase their understanding of the concept of advocacy. It was felt that advocacy needs to be explained in simple terms, and local authorities should be proactive in advertising the service and providing a single point of contact. Suggestions include, for example, the inclusion of information about advocacy with annual council tax letters, winter fuel payment letters, or surveys about local authority services.

Older people must have the right to choice around the way they receive their advocacy which might include digital as well as face to face services, and this should be recognised and supported by Welsh Government.

It's vitally important for people to be able to have support to access information about advocacy and to have others uphold and implement their rights. Advocates support people to say what they want, secure their rights and obtain services they need. Where the people they support lack capacity to make key decisions in their care for themselves, advocates ensure the unique views and preferences of the person are

¹⁵ Age Cymru (2019) A toolkit to support the application of the Framework for Commissioning Independent Professional Advocacy for Adults under the Social Services and Well-being (Wales) Act 2014 <https://www.ageuk.org.uk/globalassets/age-cymru/documents/golden-thread-advocacy-programme/programme-documents/commissioning-ipa-toolkit-english-oct-19.pdf>

¹⁶ Age Cymru (2019) EnvisAGE No.13. Keeping voice, choice and control. Article by Andrew Dunning: The recognition of advocacy as a means of securing and exercising older people's rights – a personal perspective. https://www.ageuk.org.uk/globalassets/age-cymru/documents/policy/envisage/envisage_2019_english.pdf

¹⁷ Age Cymru (2019) EnvisAGE No.13. Keeping voice, choice and control. Article by Louise Hughes: The Golden Thread Advocacy Programme. https://www.ageuk.org.uk/globalassets/age-cymru/documents/policy/envisage/envisage_2019_english.pdf

heard. They ensure that the person's rights and entitlements are upheld and that their views and preferences are kept at the centre of decision making when health and social care professionals are making decisions affecting their lives.¹⁸

The Golden Thread Advocacy Programme¹⁹ (2016 to 2020) supported the implementation of Part 10 (Advocacy) of the Social Services and Well-being (Wales) Act 2014. The programme provided support to build the capacity of the advocacy sector in Wales, raised awareness of advocacy, and developed a National Framework²⁰ for Commissioning Independent Professional Advocacy for Adults in Wales.

Public policy proposals

- Welsh Government and local authorities should ensure that every older person throughout Wales has access to a free independent advocacy service should they wish to use it.
- Welsh Government and local authorities should work together with the voluntary sector to ensure the existence of sustainable advocacy services and enable the planning and development of service provision.
- Welsh Government and local authorities should work together with voluntary service providers to raise awareness and understanding of the existence, purpose and benefits of advocacy among both older people and the professionals who work with them.
- Welsh Government must recognise and support the right to choice around the way people receive their advocacy which might include digital as well as face to face services.
- Welsh Government must monitor the National Framework for Commissioning Independent Professional Advocacy for Adults in Wales to ensure it is being implemented effectively.

Impact of Covid-19 pandemic

A Wales advocacy survey that was undertaken in June 2020 during the UK Covid-19 pandemic lockdown in 2020²¹ found widespread human rights breaches of vulnerable people. People across Wales, including those living in care homes, had seen their human rights breached and some of their access to advocacy, health and social care suspended during the pandemic.

¹⁸ Age Cymru (2019) Valuing Voices in Wales: Protecting Rights Through the Pandemic and Beyond. [Executive Summary \(ageuk.org.uk\)](https://www.ageuk.org.uk/cymru/our-work/advocacy/golden-thread-advocacy-programme/)

¹⁹ Age Cymru, Golden Thread Advocacy Programme <https://www.ageuk.org.uk/cymru/our-work/advocacy/golden-thread-advocacy-programme/>

²⁰ Age Cymru (2019) Commissioning Independent Professional Advocacy for Adults under the Social Services and Well-being (Wales) Act 2014. A Framework and Toolkit <https://www.ageuk.org.uk/globalassets/age-cymru/documents/golden-thread-advocacy-programme/programme-documents/commissioning-ipa-framework-english-oct-19.pdf>

²¹ Age Cymru (2020) Wales advocacy survey <https://www.ageuk.org.uk/cymru/our-work/advocacy/wales-advocacy-survey/>

The survey found that people's needs were not being met or even assessed despite legal obligations on local authorities being unchanged. Eighty-five percent of advocates felt the human rights of the people they supported were not being fully upheld.

There was a consistent failure to implement the Mental Capacity Act which meant that people who were unable to make decisions were not being listened to and their interests were ignored. A third of the surveyed advocates had experienced 'Do Not Attempt Cardio Pulmonary Resuscitation' orders (DNACPRs) being placed on the people they support without any regard to the person's feelings, wishes, values or beliefs, and without formal capacity assessments or consultation with family.

In Wales, any person in hospital being treated or assessed for their mental health, of any age, and whether detained under the Mental Health Act or in hospital voluntarily, is entitled to support from an Independent Mental Health Advocate (IMHA). An advocate's presence on the ward is vital to make people aware of their right to advocacy because in Wales advocacy is an opt-in service and people are not provided an IMHA advocate by default. As advocates were prevented from spending time on mental health wards as they normally would, people were not able to see advocates working and were not prompted to ask about advocacy for themselves.²²

A core tenet of advocacy is to redress inequality so that people's rights are upheld and that they are respected as individuals who are listened to and understood irrespective of who they are or any health condition or diagnosis they may have. The report calls for an urgent priority to reinforce the rights and improve the support of people who rely on social care.²³ To ensure that people's rights are being upheld, there must be a reinvigorated focus on human rights, personalisation, and compliance with statutory legislation and guidance by those responsible for assessing, planning, commissioning and providing social care support.²⁴

Public policy proposal

- There must be a reinvigorated focus on human rights, personalisation, and compliance with statutory legislation and guidance by those responsible for assessing, planning, commissioning and providing social care support, to ensure that people's rights are being upheld.

Advocacy for people with dementia

The need for advocacy for people with dementia, who face complex issues around social exclusion and deteriorating cognitive function, is much broader than access to statutory services and treatment.

During the Covid-19 pandemic people living with dementia were particularly impacted with restrictions they don't understand and can't comply with, the need to access services which might be difficult to do, or carer breakdown with the lack of

²² Age Cymru (2019) Valuing Voices in Wales: Protecting Rights Through the Pandemic and Beyond. [Executive Summary \(ageuk.org.uk\)](https://www.ageuk.org.uk/cymru/our-work/advocacy/wales-advocacy-survey/)

²³ Age Cymru (2020) Wales advocacy survey <https://www.ageuk.org.uk/cymru/our-work/advocacy/wales-advocacy-survey/>

²⁴ Ibid.

any community or respite services. Advocacy is a vital service for people with dementia.²⁵

Age Cymru's independent dementia advocacy project,²⁶ which runs until March 2022, focuses on enabling people living with dementia to access the services and support that they need and to have a voice in decisions that are being made. It also aims to provide support through situations where they may be abused and need to find safeguarding solutions.

²⁵ Age Cymru (2020) About our dementia advocacy project <https://www.ageuk.org.uk/cymru/our-work/advocacy/dementia-advocacy/about-our-dementia-advocacy-project/>

²⁶ Ibid.