



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Navigating Social Services

Factsheet 2: Voice and Control



The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

How to contact the Commissioner:

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Voice and Control

The Act sets out a number of 'general' duties that apply throughout the legislation. This means that Local Authorities must act in a certain way when they are carrying out the duties placed on them by the Act.

A Local Authority must:

- Find out and listen to your views, wishes and feelings.
- Recognise the importance of promoting and respecting your dignity.
- Consider your characteristics, culture and beliefs (including language, for example).
- Presume that you are the best person to judge your own well-being and to know what is best for you.
- Recognise the importance of promoting your independence.
- Recognise the importance of providing appropriate support to allow you to take part in the decisions about your care and support (or support for carers), particularly if you have difficulty in communicating.

For further information on general duties, please refer to Section 6 of the Act and Part 2 of the Code of Practice (General Functions), Page 14.

Entitlement to Advocacy

A Local Authority must find out and listen to your views, wishes and feelings. They must also recognise the importance of providing appropriate support to allow you to take part in the decisions about your care and support (or support for carers), particularly if you have difficulty in communicating.

This includes ensuring that you are able to let them know if you want to have someone sitting alongside you when making decisions about your care and support. You may choose to have a family member or friend to do this - they will help you express your views, wishes and feelings or advocate on your behalf.

If you do not have someone to advocate on your behalf, you may be entitled to an Independent Professional Advocate.

An independent professional advocate is someone who can support you when you are dealing with difficult issues to help you to get the care and support that you need by ensuring that your views are heard. They are different from other people who may also be able to speak or advocate on your behalf (such as a social worker for example) as they are completely independent and they are not duty bound, like a social worker for example, to act in your best interest. Their job is to communicate your views, wishes and feelings regardless of what implications this may have.

The Local Authority must provide you with an independent professional advocate, free of charge, if you experience certain difficulties or barriers in expressing your views, wishes and feelings. These barriers include issues and situations that will lessen your ability to:

- understand relevant information
- remember information
- use or weigh information (to make decisions)
- communicate

The Local Authority must think about whether you need an advocate at the following points:

- To allow you to access information, advice and assistance
- During the assessment of your care and support needs (or support needs for carers)
- When deciding how to meet your care and support needs (or support needs for carers)
- When issuing a direct payment
- During the preparation, maintenance or review of your Care and Support Plan (or Support Plan for carers)
- When you are expressing a preference for particular accommodation
- When protecting your property if you are being cared for away from home

- During the financial assessment process
- Determining your ability to pay for your care and support (or support for carers)
- Deciding on whether to allow a deferred payment
- When charging for preventative services
- When recovering charges from a person
- Reviews relating to charging
- Throughout the safeguarding process
- During complaints about social services

A key role of the Information, Advice and Assistance service, which each Local Authority have a duty to provide, will be to provide you with information about the range of advocacy services available in your area and help you to access them. This includes advocacy support to help you access the advocacy service.

For further information on Advocacy, please refer to Section 181 of the Act and the Part 10 Code of Practice (Advocacy).

