



**south ayrshire**  
health & social care  
partnership

# Independent Advocacy Plan

## 2024-2029

Appendices



# APPENDIX 1

## Policy Context

### National Policy Context

There are several pieces of legislation mentioning or giving a right of access to advocacy.

#### **Mental Health (Care & Treatment) Scotland Act 2003**

The Mental Health (Care and Treatment) (Scotland) Act 2003 is the primary legislation that sets out the duties for local authorities and health boards to provide independent advocacy. It states that “any person with mental illness, learning disability, dementia and related conditions (Mental Disorder) has a right of access to independent advocacy.”

Mental disorder covers mental health problems, personality disorders and learning disabilities. It applies to all mental health service users not just people who are subject to powers under the Act. Any person includes children and adults.

The Mental Health (Care and Treatment) (Scotland) Act 2015 strengthens the legal rights to independent advocacy and introduced a new requirement to provide information to the Mental Welfare Commission every two years about how duties are being met.

#### **The Mental Welfare Commission’s report on “The right to advocacy”**

Is a review into how local authorities and NHS Boards are discharging their responsibilities under the Mental Health (Care and Treatment) Act 2003.

#### **The Scottish Mental Health Law Review**

The Scottish Mental Health Law Review was an independent review, and its main aim was to improve the rights and protections of persons subject to mental health, incapacity or adult support and protection legislation. The Review published its final report in September 2022 and made several recommendations on independent advocacy including consistency of how it is accessed and commissioned, the development of a national advocacy service and register of advocates and develop a national training programme.

#### **Independent Advocacy – A Guide for Commissioners (2013)**

The Independent Advocacy – A Guide for Commissioners (2013) captured the many developments since the publication of the original Guide to Commissioners in 2001 by the then Scottish Executive Health Department and the subsequent revision and publication by the Scottish Independent Advocacy Alliance (SIAA) in 2010. The Scottish Government’s expectation set out in in this guide is that local strategic advocacy plans should be developed.

## **The Scottish Government's response to the Scottish Mental Health Review (2023)**

Agreed to address gaps and improvements in provision and will also develop a consistent definition of independent advocacy.

### **Adults with Incapacity (Scotland) Act 2000**

The Adults with Incapacity (Scotland) Act 2000 Provides a legal framework to protect the interests of adults who are assessed as lacking the capacity to make their own decisions about their welfare, money and property.

Where an adult has been formally deemed/assessed to lack capacity they may require legal intervention to support their needs (financial and/or welfare Guardianship, Intervention Orders, Access to Funds Scheme) should they not have a power of attorney in place prior to losing capacity. During these times Advocacy should be requested to support the adult to express their wishes for care planning”

### **Adult Support and Protection (Scotland) Act 2007**

The Adult Support and Protection (Scotland) Act 2007 is another key piece of legislation relevant to independent advocacy. The Guiding Principles are to discover the ascertainable wishes and feelings of the adult at risk of harm or abuse. An adult is considered to be a person 16 years and above.

Specific duties:

- Inquiries (the duty to consider independent advocacy and other services)
- Councils have a duty to consider providing appropriate services, including independent advocacy, to support adults at risk.

Councils require to determine where independent advocacy or the provision of other services is needed.

### **Patient Rights (Scotland) Act 2011**

The Patient Rights (Scotland) Act 2011 Focuses on the health boards duty to uphold patients within their care's rights. Section 18 (d ii) states the requirement to provide patients with local advocacy services.

### **Self-Directed Support (Scotland) Act 2016**

Self-Directed Support (Scotland) Act 2016 places a duty on local authorities to provided adults requiring supports 4 self-directed support options to choose how much choice and control they have over their care. The act states that in any case where the authority considers it appropriate to do so, information about persons who provide independent advocacy services.

### **The Carers (Scotland) Act 2016**

The [Carers \(Scotland\) Act 2016](#) came into effect on 1st April 2018 and is designed to support carers' health and wellbeing, helping them to remain in their caring roles and be able to manage their own life alongside their caring responsibilities.

The Carers (Scotland) Act 2016 specifically includes a duty to establish or maintain or ensure the establishment and maintenance of, an information and advice service for relevant carers. The service must provide information and advice in particular about carers' rights, including those set out in the carers' charter and advocacy for carers among other things.

**Additional legislation:**

- The Education (Additional Support for Learning) (Scotland) act 2004
- Education (Additional Support for Learning) (Scotland) 2009
- The National Health Service Reform (Scotland) Act 2004
- The Social Security (Scotland) Act 2018
- Children's Hearings (Scotland) Act 2011
- The Promise
- Getting It Right For Everyone
- National Drug Mission Plan (2022 – 2026)
- Independent Review of Adult Social Care In Scotland
- Cross-Border Placements (Effect of Deprivation of Liberty Orders) (Scotland) Regulations 2022

**Local Policy Context**

**South Ayrshire Community Planning Partnership Local Outcome Improvement Plan 2024-29**

The [Local Outcomes Improvement Plan \(LOIP\)](#) has identified Improvement Themes with a particular focus on:

- Working together to improve health and wellbeing to support our communities to flourish.

**South Ayrshire Integration Joint Board (IJB) Strategic Plan (2021-31)**

The [Strategic Plan](#) aims to provide a 10-year vision for integrated health and social care services which sets out priorities for the Partnership and how it will use its resources to integrate and transform services in pursuit of National and Local Outcomes. An area of focus in the Strategic Plan is to implement Wellbeing Pledge where we aim to engage with and listen to people who use our services and with those who have lived experience to shape how we deliver services.

**South Ayrshire Council Plan (2023-28)**

The [Council Plan 2023-2028](#) sets out the Council's vision and details the high-level objectives and outcomes the Council want to achieve for the people and places by 2028. The strategic objectives include accessibility to spaces and places that make a positive contribution to wellbeing, are well connected, well designed and well maintained.

### **Adult Learning Disability Strategy 2022-27**

South Ayrshire Health and Social Care Partnership's [Adult Learning Disability Strategy](#) applies to all adults with learning disabilities, including those aged from 16 years onwards who are in transition into adult services. The strategy signals a change in what people can expect and a shift to being supported within the community; and details how communities can support this shift.

### **South Ayrshire's Parenting Promise 2021-2030**

The [Parenting Promise](#) ensures children and young people have access to independent advocacy at all stages of their experience of care. It sets out that advocacy provision will follow the principles set out in The Promise.

### **South Ayrshire's Adult Carers Strategy 2019-24**

The [Adult Carer's Strategy](#) sets out to ensure advocacy is available to provide independent support and advice for adult carers.

### **South Ayrshire's Young Carers Strategy 2021-26**

South Ayrshire's [Young Carers Strategy](#) sets out to achieve a dedicated advocacy service for young carers.

## APPENDIX 2

### Population Needs

The information detailed below provides a useful overview to help us understand the need for independent advocacy in South Ayrshire.

Indicator	Period	South Ayrshire	Scotland
Mid-year population estimate – all ages	2021 Calendar Year	112,450	5,479,900
Mid-year population estimate – aged 0-15 years	2021 Calendar Year	17,244	911,522
Mid-year population estimate – aged 16-64	2021 Calendar Year	65,844	3,494,517
Mid-year population estimate – aged 65+	2021 Calendar Year	29,362	1,073,861
People with a prescription for anxiety, depression, psychosis	2021/22 Financial Year*	23.01%	20.14%
Psychiatric Patient Hospitalisations	2019/20 to 2021/22 financial years – 3 year aggregate	196.34 per 100,000	230.66 per 100,000
Drug Related Hospital Admissions	2019/20 to 2021/22 Financial Years - 3 year aggregate	357.99 per 100,000	228.36 per 100,000
Alcohol Related Hospital Admissions	2021/22 Financial Year	698.6 per 100,000	611.05 per 100,000
Children (aged 0-17 years) looked after by local authority	2021 July Snapshot	11.9 per 100,000	12.93 per 100,000
Children (aged 0-15 years) on the child protection register	2021 July Snapshot	1.1 per 100,000	2.31 per 100,000

### Meeting the Demand

Service	Advocacy issues raised in 2022 Calendar Year	Advocacy issues raised in 2023 Calendar Year
Circles Advocacy	559 issues	675 issues
Barnardo's Hear 4U	355 issues	283 issues
Who Cares? Scotland	246 issues	236 issues

This information can be made available, on request, in braille, large print or audio formats and can be translated into a range of languages. Contact details are provided below.

درخواست کرنے پر یہ معلومات نابینا افراد کے لئے ابھرے حروف، بڑے حروف یا آڈیو میں مہیا کی جاسکتی ہے اور اس کا مختلف زبانوں میں ترجمہ بھی کیا جاسکتا ہے۔ رابطہ کی تفصیلات نیچے فراہم کی گئی ہیں۔

本信息可应要求提供盲文，大字印刷或音频格式，以及可翻译成多种语言。以下是详细联系方式。

本信息可慮應要求提供盲文，大字印刷或音频格式，以及可翻譯成多种語言。以下是詳細聯系方式。

ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕੇ ਬੋਲ, ਵੱਡੇ ਅੱਖਰਾਂ ਅਤੇ ਸਣਨ ਵਾਲੇ ਰਪ ਵਿਚ ਵੀ ਲਈ ਜਾ ਸਕਦੀ ਹੈ, ਅਤੇ ਇਹਦਾ ਤਰਜਮਾ ਹੋਰ ਬੋਲੀਆਂ ਵਿਚ ਵੀ ਕਰਵਾਇਆ ਜਾ ਸਕਦਾ ਹੈ। ਸੰਪਰਕ ਕਰਨ ਲਈ ਜਾਣਕਾਰੀ ਹੇਠਾਂ ਦਿੱਤੀ ਗਈ ਹੈ।

Niniejsze informacje mogą zostać udostępnione na życzenie, w alfabecie Braille'a, w druku powiększonym lub w formacie audio oraz mogą zostać przetłumaczone na wiele języków obcych. Dane kontaktowe znajdują się poniżej.

Faodar am fiosrachadh seo fhaighinn, le iarrtas, ann am braille, clò mòr no clàr fuaim agus tha e comasach eadar-theangachadh gu grunn chànanan. Tha fiosrachadh gu h-ìosal mu bhith a' cur fios a-steach.

**South Ayrshire Health and Social Care Partnership**

**Tel: 01292 612419**

**Email: [sahscp@south-ayrshire.gov.uk](mailto:sahscp@south-ayrshire.gov.uk)**