November 2026

Northamptonshire Safeguarding Adults Board

PRACTITIONER GUIDE - ADVOCACY

What is advocacy?

Advocacy is independent support to a person to help them to state their wishes and opinions, or doing this on their behalf.

Advocates can support people in different settings such as residential homes, hospitals, prisons or living in their own homes.

Instructed advocacy refers to advocacy when the person is able to tell their advocate what they wish them to say on their behalf.

Non-instructed advocacy refers to advocacy when the person is not able to tell their advocate what they wish them to say.

What are the benefits of advocacy?

Advocacy enables people to play a full role in decisions about their lives. An advocate can give them information about their rights and choices and help them to express what they want. This can help everyone to agree and provide the correct support for someone.

Statutory advocacy:

The Care Act 2014 Section 67

The Care Act requires local authorities to provide an advocate where it appears that without an independent advocate the person would experience substantial difficulty in understanding or retaining information, weighing that information, or communicating a decision about an assessment or review, or the development or review of a support plan. This relates to both people receiving care and also carers.

The Care Act 2014 Section 68

The Care Act requires local authorities to provide an advocate where it appears that without an independent advocate the person would experience substantial difficulty in understanding or retaining information, weighing that information, or communicating a decision about a safeguarding adults enquiry.

The Mental Capacity Act 2005 Section 35

The Mental Capacity Act requires the local authority to provide an Independent Mental Capacity Advocate for people who are assessed to lack the capacity to make decisions around the provision of serious medical treatment by the NHS or the provision of accommodation by the NHS or the Local Authority.

The Mental Capacity Act 2005 Deprivation of Liberty Safeguards Code of Practice

The Mental Capacity Act requires the local authority to provide a Relevant Person's Representative to people subject to the Deprivation of Liberty Safeguards, to maintain contact with them and to represent and support them in all matters relating to the DoLS. Where the Best Interests' Assessor cannot identify someone within the person's life who would be suitable and willing to undertake this role a relevant paid person's representative (RPPR) is provided. Advocacy support in the form of 1.2 representative[1] for the purpose of community deprivation of liberty can also be sought where there is no one else willing or suitable to undertake the role.

[1] A 1.2 representative speaks up for people who lack capacity to consent to restrictions on their freedom, when they are or may be deprived of their liberty in a community or domestic setting.

The Mental Health Act 1983 Section 130

The Mental Health Act requires local authorities to provide an Independent Mental Health Advocate (IMHA) for qualifying patients detained under a section of the Mental Health Act and for people subject to Community Treatment Orders, Guardianship or who are conditionally discharged.

The Health and Social Care Act 2012 Section 185

The Health and Social Care Act requires local authorities to provide an advocate for people making a complaint about a NHS funded Health service.

Provision of statutory advocacy within Northamptonshire:

Advocacy in North Northamptonshire and West Northamptonshire is provided by POhWER

Non-statutory advocacy:

Non-statutory advocacy relates to advocating on behalf of people in situations that fall outside of those covered by the legislation listed above. A number of organisations may not formally provide advocacy, but can support people to put across their wishes and views. The Citizens Advice Bureau can support with financial, immigration and housing issues, and the Patient Advice and Liaison Service (PALS) can support patients, families, and carers.

Identifying whether someone already has someone appointed to make decisions on their behalf

- A person may have already appointed someone to make decisions on their behalf such as an attorney under a Lasting Power of Attorney (LPA)
- The Court may have appointed a deputy to make decisions on behalf of a person.

If you have concerns that someone appointed to make decisions on another behalf is not acting in their best interests then these should be reported to the Office of the Public Guardian.