

APPENDIX 3

Information, Advice and Advocacy Policy

London Borough of Barnet

POLICY COVER SHEET

POLICY NAME	Information and Advice Policy		
Document Description	This document sets out Barnet Council's broad responsibilities to provide information and advice for care and support services for adults and support services for carers pursuant to the Care Act 2014.		
Document Author 1) Team and 2) Officer and contact details	1) Business Improvement Team 2) Hema Parmar, hema.parmar@barnet.gov.uk		
Status (Live/ Draft/ Withdrawn)	Draft	Version	Draft 3
Last Review Date	January 2015	Next Review Due Date	April 2016
Approval Chain:	Adults and Safeguarding Committee	Date Approved	19 March 2015

VERSION CONTROL

Version number	Date	Author	Reason for New Version
Draft 1	12 January 2015	Hema Parmar	New draft policy to set out duties under the Care Act 2015.
Draft 2	27 January 2015	Hema Parmar	Minor revisions to (1) incorporate comments from Project Lead and (2) amend formatting aligned to corporate policy style guide.
Draft 3	27 Feb 2015	Hema Parmar	Further revisions to incorporate feedback from Dawn Wakeling and Karen Morrell.
Draft 4	3 March 2015	Hema Parmar	Further revisions, in particular, fleshing out independent advocacy (section 6)
Drafts 5 – 7	11 March 2015	Alan Mordue	Further revisions arising from clearance and proof reading.

Contents

1. Introduction	3
2. Purpose	3
3. Key definitions applicable to this policy	3
3.1. Information	3
3.2. Advice	3
3.3. Advocacy	3
3.4. Financial information and advice	3
4. Legal framework	4
5. Scope of duty to provide information and advice	4
5.1. To whom does this policy apply?	4
5.2. When will information be provided	5
5.3. How will information be provided	6
5.4. Financial information and advice	6
5.5. Contributions to care costs	7
6. Independent advocacy	7
7. Equality impact assessment	8
8. Related policies, strategies and procedures	8
9. Policy status and transition arrangements	9
10. Review of the policy	9
11. Contact information / further guidance	9
Appendix 1	11

1. Introduction

The Care Act 2014 places a duty on local authorities to establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers. This document sets out Barnet Council's general responsibilities and objectives.

2. Purpose

Barnet Council (the Council) recognises that information and advice is fundamental to enabling people, carers and families to take control of and make well-informed choices and decisions about their care and support and how they fund it. The Council's objective is to ensure clear, accurate and sufficient information and advice is available and accessible to all adults in Barnet. This will be achieved by working in partnership with people with care and support needs, carers, the wider community, statutory partners, in particular health partners, the voluntary sector and other providers of information and advice locally, regionally and nationally, to identify what is already available, what is needed locally in Barnet and how and where this will be provided. This will further be informed by the Council's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

3. Key definitions applicable to this policy

3.1. Information

This means the communication of knowledge and facts regarding care and support.

3.2. Advice

This means helping a person to identify choices and or providing an opinion or recommendation regarding a course of action in relation to care and support.

3.3. Advocacy

This means supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need.

3.4. Financial information and advice

This includes a range of services to help people plan, prepare and identify how to pay for their care costs. Where it is not appropriate for Barnet Council to provide this directly, adults and carers will be helped to understand how to access independent financial advice.

4. Legal framework

The statutory duty is set out in section 4 of the Care Act 2014. In compliance with this duty the Council will establish and maintain a service for providing people in Barnet with information and advice relating to care and support for adults and support for carers.

This service will provide information and advice on the following matters¹:

- (a) the care and support system in Barnet and how this operates;
- (b) the choice of types of care and support and the choice of providers available to those in Barnet;
- (c) how to access the care and support that is available;
- (d) how to access independent financial advice on matters relating to care and support;
- (e) how to raise concerns about the safety or wellbeing of an adult who has care and support needs.

In providing information and advice the Council will also -

- (a) have regard to the importance of identifying adults in Barnet who would be likely to benefit from financial advice on matters relevant to the meeting of needs for care and support, and
- (a) seek to ensure that information and advice provided is sufficient to enable adults to identify matters that are or might be relevant to their personal financial position, to make plans for meeting needs for care and support that might arise, and to understand the different ways in which they may access independent financial advice on matters relevant to meeting needs for care and support.

This policy is written in accordance with the statutory framework and guidance. The relevant provisions are set out in Appendix 1 of this document.

5. Scope of duty to provide information and advice

5.1. To whom does this policy apply?

This duty applies to **all** people in Barnet and is not limited to those with care and support needs or those already known to Adults and Communities in Barnet.

¹ Section 4(2) Care Act 2014

This duty to provide information and advice is distinct from the duty to meet eligible needs for adults with care and support needs and carers with support needs.

The audience for this group is very broad and the Council will work in partnership with the local community, local advice and information providers and commissioned providers to ensure that the right information and advice is provided, taking into consideration national and regional provision and other relevant information and advice e.g. health advice through health checks. The Council recognises that those who are most likely to need such information and advice are those listed below, however, this is not intended to be an exhaustive list:

- people wanting to plan for their future care and support needs;
- people who may develop care and support needs;
- people who have not yet presented to Barnet Council for assessment but are likely to be in need of care and support;
- people who become known to Barnet Council (through referral, including self-referral), at first contact where an assessment of needs is being considered;
- people who are assessed as currently being in need of care and support;
- people whose eligible needs for care and support Barnet Council is currently meeting (whether it is paying for some, all or none of the costs of meeting those needs);
- people whose care and support or support plans are being reviewed;
- family members and carers of adults with care and support needs;
- adults who are subject to safeguarding concerns;
- people who may benefit from financial information and advice regarding care and support;
- care and support staff who have contact with and provide information and advice as part of their jobs.

5.2. When will information be provided

The Council will provide or signpost to information and advice when people in need of care and support come into contact with the adult social care service or other Council services, for example, the children's service. The Council will also use wider opportunities to provide targeted information and advice, for example, at hospital discharge, diagnosis of health conditions, contact with local support groups or change in housing.

Delivery of information and advice will take place through the implementation of an Information and Advice Strategy, which will set out the service and operational details in compliance with the statutory guidance. This will include information and advice at the first point of contact, as part of a person's needs assessment or carer's assessment, during and following a financial assessment and during the care and support planning and review process, as well as the other examples cited in the guidance. Current information and advice services are listed in section 10 of this document.

5.3. How will information be provided

The Council will provide information in a variety of different formats including printed products with important materials in easy to read formats, leaflets, posters and digital information. Information channels will include face to face contact, telephone services, and materials available in community settings, such as libraries. Information and advice on the Barnet Council website in relation to care and support will meet the Web Content Accessibility Guidelines and guidance set out in the Government Digital Service's (GDS) manual².

The Council's Information and Advice Strategy will set out how it will ensure that information and advice is accessible to all potential users and that the content meets the requirements of a range of groups.

The type, extent and timing of information and advice will be appropriate and proportionate to the needs and circumstances of the individual concerned. More complex issues may require more intensive and more personalised information and advice to help people to understand the choices available to them. General enquiries may require a less intensive approach.

The Council's focus will be on enabling people to access what they need through a tailored range of services that will enable people to navigate their journey through the care and support system. In doing this, the Council will work closely with partners and other providers of information and advice or commissioned services to ensure people get the right information and advice at the right time and that there is a joined up approach.

5.4. Financial information and advice

The Council will support people to make well-informed and sustainable financial decisions by signposting and helping them access tailored information and advice, wider sources of information and advice, including those available nationally as well as regulated or non-regulated financial advice. Where appropriate, assessors will facilitate access to financial information and advice, which is impartial and

² <https://www.gov.uk/service-manual/user-centred-design/accessibility.html>

independent of the Council. This will include access to generic free and fee-based advice as well as services providing financial advice by advisors who are qualified, accredited and regulated by the Financial Conduct Authority.

Where a person lacks capacity, the Council will establish whether a person has a deputy of the Court of Protection or a person with Lasting Power of Attorney acting on their behalf.

5.5. Contributions to care costs

The Council will provide information to help people understand potential financial contributions to care and support. This will ensure people understand:

- what they may have to contribute and why
- when contributions become payable
- the contributions framework and how contributions are calculated
- the means tested support available
- additional costs also known as top-ups
- how care and support choices may affect costs
- the capped costs system (effective from April 2016)

6. Independent advocacy

Prior to the first point of contact with the Council there may be some individuals who require an independent advocate to access information and advice. As stated in paragraph 5.1 above, this policy to provide information and advice applies to all people in Barnet irrespective of whether they have care and support needs or whether they are known to the Council. Reasonable adjustments will be made to ensure that disabled people have access to information and advice services, for example, the format of information and provision of communication support. The Information and Advice strategy will set out how the Council will ensure that information and advice services are accessible to all.

From the first point of contact with the Council, request or referral (including self-referral) or a person comes to the attention of the Council as a result of a safeguarding concern, they must be actively involved in identifying their needs through the assessment, in developing their care and support plan and in leading their care reviews, where relevant and being involved in any safeguarding enquiry or Safeguarding Adult Review³. For those individuals who have a substantial difficulty

³ Pursuant to s44 Care Act 2014

in being involved in these processes, consideration will be given as to whether there is anyone appropriate who can support the individual to be fully involved (for example, a carer who is not professionally engaged or paid, a family member or friend). If there is no-one appropriate, the Council will make arrangements for an independent advocate to represent and or speak on the behalf of the individual in the assessment, care and support planning and the review.

In determining whether a person has a substantial difficulty in being involved with the assessment, care planning or care review processes, the Council will consider the following four criteria:

- whether the individual understands relevant information;
- whether the individual is able to retain information;
- whether the individual is able to weigh up information, in order to fully participate fully and express preferences for or choose options; (for example weighing up advantages and disadvantages of moving into a care home);
- the individual's ability to communicate their views, wishes and feelings.

This policy applies equally to those whose needs are being jointly accessed by the NHS and the Council or where a 'joint package' of support is planned, commissioned or funded by both the Council and the Clinical Commissioning Group.

Some people who qualify for advocacy under the Care Act 2014 will also qualify for advocacy under the Mental Capacity Act 2005. In such circumstances, the same advocate can provide support to enable seamless advocacy services and the individual not having to repeat their story to different advocates.

Independent advocacy will also be re-considered if an individual's ability to be involved in the assessment, care and support planning or review processes changes, the circumstances change (for example, an appropriate person is no longer able to support the individual), or the criteria set out in paragraph 6.3 above are subsequently met.

7. Equality impact assessment

This Information and Advice Policy is one of a number of policies flowing from the Care Act 2014. The Equality Impact Assessment in respect of these policies can be found here: [EqA on Local Care Act policies](#)

8. Related policies, strategies and procedures

- Information and Advice Strategy
- Prevention Policy and Strategy

- Assessment and Eligibility Policy (Adults in need)
- Assessment and Eligibility Policy (Carers)
- Fairer Contributions Policy
- Choice of Accommodation Policy

9. Policy status and transition arrangements

This Information and Advice Policy will apply when the relevant commencement order brings into force relevant statutory provisions. It is intended that this commencement order will be made in April 2015.

10. Review of the policy

This Information and Advice Policy will be reviewed annually or earlier as required by policy or legislation changes. Any major amendments to this policy will be subject to consultation.

11. Contact information / further guidance

Further advice and guidance is available from the Prevention and Wellbeing Team via email on preventionandwellbeing@barnet.gov.uk

Barnet Social Care Connect: <https://www.barnet.gov.uk/citizen-home/adult-social-care/social-care-connect>

Barnet Social Care Direct can be contacted via telephone on 0208 359 5000.

Additional information can also be found on the following websites:

- the NHS Choices website, which contains online quality profiles of registered care providers in local areas: <http://www.nhs.uk/CarersDirect/Pages/CarersDirectHome.aspx>
- Carers Direct – national telephone helpline: Tel 0300 123 1053 <http://www.carersuk.org/help-and-advice/practical-support/care-act-2014/care-act-faq>
- Money Advice Service: <https://www.moneyadviceservice.org.uk/>
- the Care Quality Commission website: <http://www.cqc.org.uk>
- the Local Government Ombudsman: www.lgo.org.uk
- consumer websites providing people with information and advice, including on managing their finances well, for example <http://www.which.co.uk/elderly-care>

- national charities and/or advice services supporting people with disabilities or older people and those with expert knowledge of specific conditions (e.g. deaf blind). For example, <http://www.ageuk.org.uk/>; <http://www.independentage.org/>; <http://www.alzheimers.org.uk/> and <http://www.sense.org.uk/> and their national telephone advice/help lines
- national charities and advice services for carers, for example <http://www.carersuk.org/> or <http://www.ageuk.org.uk/>
- national resources related to housing, accommodation and housing related support, for example <http://www.firststopcareadvice.org.uk/> <http://wwwFOUNDATIONS.uk.com/home>

Appendix 1

Subject Area	Statutory framework	Regulations	Guidance
Wellbeing	Care Act 2014 Section 1		Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 1: Promoting wellbeing
Duty to establish and maintain a service	Care Act 2014 Section 4		Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 3: Information and Advice
Audience for information and advice	Care Act 2014 Section 4		Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 3: Information and Advice
Accessibility of information	Care Act 2014 Section 4 Health and Social Care Act 2012	No Regulations issued. Note information standards published by the Information Standards Board for Health and Social Care	Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 3: Information and Advice
Preventing needs for care and support	Care Act 2014 Section 2	The Care and Support (Preventing Needs for Care and Support) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 2: Preventing, reducing or delaying needs
Independent Advocacy	Care Act 2014 Section 67-68	The Care and Support (Independent Advocacy) Regulations 2014	Care and Support Statutory Guidance issued under the Care Act 2014 ; Chapter 7: Independent Advocacy