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Dear Chair

## **Social Services & Wellbeing (Wales) Act 2014 – Code of Practice on Advocacy**

Given the Committee's recommendations following its scrutiny of the Care and Support (Eligibility) (Wales) Regulations 2015, I thought it would be helpful to outline the main points that I have raised in response to the Welsh Government's consultation on the Code of Practice on Advocacy, as part of my statutory function to keep under review the adequacy and effectiveness of the law affecting the interests of older people in Wales.

1. The Act gives an explicit commitment to enable people to make their own decisions and control their own lives, and to provide help to ensure people's voices are strong, clear, listened to and acted upon. For people who struggle to have their voice heard, **independent advocacy** will be vital. Independent advocacy is a keystone on which the success of this new legislation ultimately rests; it is a **golden thread that must be woven throughout** the Act's entire regulations and codes of practice. I am not yet satisfied that this has been fully realised.
2. **A rights-based approach** must underpin the delivery of public services. Whilst there is much rhetoric about the duty of individuals to coproduce their own solutions to achieving their wellbeing outcomes, this is not met with an equal entitlement to independent advocacy. Genuine coproduction happens when there is parity between all parties so I am concerned that currently the Code of Practice on Advocacy proposes a test which rests on the decision of

the professional and risks compromising coproduction. A paradigm shift is needed to truly transform social services and this will include redressing the current imbalance of power which risks preventing those who need access to independent advocacy from obtaining it. Whilst I am mindful of the financial constraints on local authorities, effective use of independent advocacy is good for individuals, good for safeguarding and good for the public purse.

3. **Culture change** within local authorities will be vital to translating the intent of the Act into practice and there must be good awareness of the right to independent advocacy by those discharging their duties under the Act. Independent advocacy should be seen not only as a key way to make real the aspiration of the Act in relation to voice and control, but also as integral and essential to ensuring the quality and effectiveness of public services. However, the need for culture change within local authorities is currently an omission from the Code of Practice on Advocacy and related areas. Local authority staff must view independent advocacy in a positive light in order for it to be embedded within day-to-day practice. I will therefore be interested to see how this will be addressed.

Whilst I am disappointed that the recommendations that I made in my report '*A Business Case for Advocacy Services in Wales*'<sup>1</sup> has not been taken forward, I remain committed to making sure that older people have access to effective advocacy, including independent advocacy, when needed<sup>2</sup>. The Code of Practice in relation to Measuring Social Services Performance does not appear to propose any indicators that will capture the level of access to independent advocacy services, which I have highlighted as a concern and I will pay close attention to this in the implementation of the Act.

Yours sincerely



**Sarah Rochira**  
**Older People's Commissioner for Wales**

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<sup>1</sup> A Business Case for Advocacy, May 2014, Older People's Commissioner for Wales

<sup>2</sup> Priority five: Tackling prejudice, inequality and discrimination, Framework for Action 2013-17, Older People's Commissioner for Wales