

2006 WINTER EDITION

# **A** **BOUT** **DVOCACY**

*promoting • supporting • defending*

**Scottish**



**Independent**

**Advocacy**

**Alliance**

# WELCOME TO THE SCOTTISH INDEPENDENT ADVOCACY ALLIANCE NEWSLETTER

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## E-BULLETIN

Every Friday, many of you receive the SIAA's E-Bulletin which contains updates on developments in the advocacy movement, and relevant developments that impact on the voluntary sector. If you do not receive this E-Bulletin, but would like to then please email your details to **[enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)**, and we will add your name to our Emailing list.

If you have subscribed to the E-Bulletin but are not receiving it, please check the Spam settings on your email, as this may be the problem.

## FUTURE NEWSLETTERS

If you currently receive our newsletter and do not wish to receive future editions, please can you contact us either by telephone or email and we will take your name/organisation out of our mailing list.

## THE SIAA WEBSITE FORUM

Many advocacy organisations regularly contact us about advocacy practice dilemmas. As always we are happy to discuss any practice issues with advocates. In order to get a broader debate going, we would also encourage advocates to post their dilemmas on our Forum - **[www.siaa.org.uk/forum/index.php](http://www.siaa.org.uk/forum/index.php)**.

# SIAA NEWS

## **WE ARE MOVING OFFICES**

On the 12th December 2006, we are moving from Slateford Road to new offices in the centre of Edinburgh. We have been lucky enough to secure a subsidised office which is a sublet from TC Young Solicitors. We will have our own self-contained, heated - as those of you who have visited Slateford Road in the winter will know will be more than welcome - offices. Please pop in if you are passing.

Our new address will be **Melrose House, 69a George Street, Edinburgh EH2 2JG**. Our telephone number will be **0131 260 5380**. Our email address will remain the same - **enquiry@siaa.org.uk**.

## **SIAA RECRUITMENT**

We have recruited an Elder Abuse Awareness Development Worker who will start work with us early in January 2007.

## **SIAA ADVOCACY TRAINING**

The SIAA Advocacy Training Programme is now finalised, and will be published soon. The training will include:

- an introduction to advocacy for new staff and/or volunteers;
- communication and assertiveness skills for independent advocates,;
- advocacy dilemmas – a chance for more experienced independent advocates to reflect on advocacy issues and explore the way they work;
- equality and diversity issues, including relevant legislation; and
- introductions to the Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care and Treatment) (Scotland) Act 2003, for those with no knowledge of the Acts or who want a refresher.

We will also be running a 'What is Advocacy' course for service providers, which will include the role of the independent advocate and how to work together effectively.

If there is not a course running near you and you have 10 – 15 colleagues interested in participating from your own organisation and/or other advocacy organisations in your area, contact us to arrange a suitable date. If you have any questions about any training issues, then contact Lesley King on 0131 260 5380.

## **ADVOCACY BOOK AND DVD**

Those of you who attended our 4th AGM in June 2006 will know that we are planning to write a book and produce a DVD about the benefits of independent advocacy.

If you would like to take part in the planning process, have had a positive experience of using independent advocacy or know of a service user who would like to tell their story, please contact us as soon as possible.

## **MENTAL HEALTH ACT TRAINING**

As you will be aware from our E-Bulletin, the SIAA is delivering Mental Health Act Training on Compulsory Treatment Orders and Mental Health Tribunals throughout Scotland. This training is specially designed to look at the role of the independent advocate within these two important aspects of the legislation.

The training days are running until the 22nd February 2007. The training dates, programmes for each day and booking forms can be found on our website at **www.siaa.org.uk/training**.

## **PRINCIPLES AND STANDARDS FOR INDEPENDENT ADVOCACY ORGANISATIONS**

As you will be aware, the SIAA has been given the responsibility for updating the "Principles and Standards for Independent Advocacy Organisations" that were originally produced by Advocacy 2000 in 2002. We have been working with a small group of advocacy organisations to ensure that the document covers the Principles that guide the work of all independent advocacy organisations, the different types of advocacy and how organisations might demonstrate their commitment to the Principles. We would like you to take some time to read and discuss this document and let us have your feedback.

A copy of the latest draft for the final stage of the consultation, a draft of the Principles of Citizen Advocacy, some information about the general layout and content of the document and the feedback form can be downloaded from our website. You can also give us feedback on our forum site at [www.siaa.org.uk/forum/index](http://www.siaa.org.uk/forum/index). The closing date for sending us your feedback is **22<sup>nd</sup> December 2006**.

## **NEW RIGHTS FOR PEOPLE WITH A DISABILITY**

From 4th December 2006, disabled people will have new rights under the latest part of the Disability Discrimination Act 2005 to come into force. The new rules cover transport, access to private clubs, renting premises, and functions of public bodies. The regulations state that people and organisations must make "reasonable adjustments, to enable a disabled person to benefit from a service or facility." 'Reasonable adjustments' do not include making changes to the physical structure of a building, but do include things like policies and procedures, the membership rules of private clubs, and making internal changes to a flat to enable a disabled person to rent it. The new rules also place a duty on public authorities to actively look at ways of ensuring that disabled people are treated equally. If you want more information about the Act contact the Disability Rights Commission (DRC) by telephone on 08457 622 633, textphone on 08457 622 644 or go to the DRC website at [www.drc-bgb.org/aboutus/drc\\_scotland.aspx](http://www.drc-bgb.org/aboutus/drc_scotland.aspx).

## **MENTAL HEALTH, INCAPACITY AND THE LAW IN SCOTLAND**

You should have received a flyer in this newsletter about the book Hilary Patrick has written - Mental Health, Incapacity and the Law in Scotland. This is a practical guide to all aspects of mental health law, including tribunal procedure, procedures for adults with incapacity and legal remedies when things go wrong. Voluntary sector organisations can buy a copy of the book at a discounted price of £38.00 by contacting Karen Reid on **0131 718 6073** or by email at [karen.reid@tottelpublishing.com](mailto:karen.reid@tottelpublishing.com).

## **SCOTTISH EXECUTIVE MENTAL HEALTH DIVISION CONSULTATION REPORT**

The Mental Health Division held three seminars in Dundee, Edinburgh and Glasgow during September 2006 for independent advocates. The purpose of the seminars was to record the experiences from independent advocates on how the Mental Health (Care and Treatment) (Scotland) Act 2003 is working in practice. Advocates were asked to comment on different aspects of the Act in relation to their own work and that of their advocacy organisations. The Mental Health Division has produced a report which includes suggestions for change. The full report is available to download on our website at [www.siaa.org.uk/mha](http://www.siaa.org.uk/mha).

## ADVOCACY PROFILE

**Name:** Monica Hunter

**Organisation:** Chairperson People First (Scotland) and Co-Vice Chair of SIAA.

**Type of Advocacy you are involved in?**

People First is a Self Advocacy organisation for People with Learning Difficulties.

**How long have you been involved?** I have been involved since 1991.

**When and how did you first become involved in independent advocacy?**

I joined a residents' meeting when I lived in a hostel. The residents group was fighting to make some changes. After this I joined the Lothian Rights group. That was when I really got interested in advocacy and helped set up People First. Before I actually got involved in all this I didn't think I was good at anything. Through advocacy I began to realize I could say no.

**What are the highs of your involvement?**

There are lots of things I feel good about. I think its magic when you see members speaking up, letting their voices be heard after being afraid to say anything. When people in power really take the time to listen to us and changes are made. I feel proud that the Board of People First is made up of people with Learning Difficulties and we can come together to talk about what is important for us and the changes we would like to see. Our People First European Conference was fantastic it was a really

powerful feeling when we all came together and spoke about our rights.

**What are the lows?** There's a lot of work that still needs to be done for us to have the same rights as everyone else. I wish things would change quicker. How many times do you have to say something before someone will listen?

**How could your job be made easier?** If we were jargon free in the world it would make our lives easier. If people really listened to what we were saying and make the changes we want.

**What is the most important lesson you have learned since you became involved?**

Before I became involved I would do things that people would tell me to do. I realize now I can think for myself and I have the right to be heard. And patience – change can be slow.

**How do you see your involvement in advocacy developing?** I hope to continue to be involved in the work of People First (Scotland). It's a big part of my life. I would also like to be more involved in building a stronger International People First movement.

**Who would be your ideal advocate?**

Harry Potter (with his magical powers) and if he's not available John O'Brien.

## WWW.PRINCIPLESINTOPRACTICE.NET

**www.principlesintopractice.net** is an on-line forum to help people share information about how to make the principles of Mental Health (Care and Treatment) (Scotland) Act 2003 work in practice. The site contains information and ideas to help with putting principles to work. On the website you will find case study reviews, examples of good practice and individual perspectives on key issues. By registering with the site you can download or add information and ideas, join discussions and keep up to date on news and events from other network members.

Each quarter the site will focus on a given 'hot topic'. This topic will be reflected in a case study review and discussion, resources, good practice examples and an article on the subject from a network member.

## ADVOCACY DILEMMA

Daniel Smith is a 68 year old man who has a physical disability. He has limited movement following a stroke ten years ago. Mr Smith is a widower.

In 1999, Mr Smith's son James split up with his wife and moved in with his Dad. Mr Smith and James agreed to split the household bills and they set up a bank account to pay by direct debit. Six months ago, James asked his new partner to move in with him, and they are now both staying with Mr Smith. James did not ask his Dad if his partner could move in, he told his Dad that it was happening. Mr Smith does not like James' partner and has said so on several occasions.

Mr Smith's social worker met with him and James to discuss a home care package. James told his Dad and the social worker that there was no need for this as James and his partner were happy to help Mr Smith with all the household tasks including shopping and cooking.

Mr Smith had to go into hospital for tests recently and while in hospital heard about independent advocacy. He referred himself to the local advocacy organisation. His independent advocate met Mr Smith before he was discharged from hospital. Mr Smith told his advocate, Melissa, that he thinks that James is spending the household money on nights out and holidays for him and his partner rather than on the joint bills, as several times the bank has contacted Mr Smith because there has not been enough money in the bank account to pay for their direct debits. Mr Smith also told Melissa that James and his partner have gone away for long weekends and have not left any food in the house for Mr Smith. Mr Smith cannot go shopping without help.

At the first meeting after Mr Smith went home he told Melissa that he thought that some of his late wife's jewellery and several paintings that he bought as an investment had gone missing when he was in hospital and that some of his furniture seems a bit odd. Mr Smith said that he had spoken to James about this. James told him that he had put the items into storage to stop them getting damaged and that he had had the furniture cleaned.

Melissa noticed that some of Mr Smith's furniture seems to be quite stained and that his carpets are threadbare in places. Melissa also notices that Mr Smith had bruises on his arms and a cut above his eye. Melissa asked Mr Smith about the bruising and after a few minutes in which Mr Smith appeared to become upset, he told her that he had tripped coming out of the toilet.

Melissa feels that there is more to this situation and that Mr Smith may be at risk of abuse. She discusses the situation with her manager, who tells her that she should report the situation to Mr Smith's social worker, as it seems that Mr Smith may be suffering abuse.

Melissa feels that she should speak to Mr Smith about the situation again. She goes to visit him and Mr Smith has a fresh bruise on his face. He tells her that he tripped again and that he does not want anyone interfering.

Is Melissa's manager right in his advice to Melissa? As Mr Smith's independent advocate, what should Melissa do in this situation?

Please post your comments on the SIAA Forum site - [www.siaa.org.uk/forum/index](http://www.siaa.org.uk/forum/index).

## LEGISLATION UPDATE

### **ADOPTION AND CHILDREN (SCOTLAND) BILL**

The Scottish Parliament Education Committee have considered the Stage 2 amendments and the amended Bill can be read at [www.scottish.parliament.uk/business/bills/61-adoptChild/index.htm](http://www.scottish.parliament.uk/business/bills/61-adoptChild/index.htm). Stage 3 proceedings on the Bill will take place on Thursday 7<sup>th</sup> December 2006.

The SIAA has been working with Lord James Douglas-Hamilton and Adam Ingram (MSPs) on amendments to the Bill. Adam Ingram lodged amendments that would have given children a right to independent advocacy services before a decision by a court or adoption agency about adoption was made. Adam Ingram MSP moved one amendment which was defeated by five votes to four; the second amendment was withdrawn. Deputy Minister for Education and Young People, Robert Brown, told the Education Committee that he would consider the issue of access to independent advocacy in the context of supporting guidance.

Lord James Douglas-Hamilton lodged amendments which would have required local authorities to set out the steps they would take to secure the availability of independent advocacy services to children, their parents and their relatives in relation to adoption. He has reserved the right to return to this amendment in Stage 3 of the Bill if necessary, as the precedent was set in the Mental Health (Care and Treatment) (Scotland) Act 2003.

The Scottish Parliament Information Centre (SPICe) has produced a briefing paper that summarises the recommendations made by the Education Committee in its Stage 1 Report and the Executive's response to the Report. It also summarises the key amendments passed at Stage 2 and considers the key areas of debate where no amendments were passed. To read the briefing, go to [www.scottish.parliament.uk/business/research/briefings-06/SB06-101.pdf](http://www.scottish.parliament.uk/business/research/briefings-06/SB06-101.pdf).

### **ADULT SUPPORT AND PROTECTION (SCOTLAND) BILL**

The Health Committee has published its report on Stage 1 of the Bill. In the summary of findings and recommendations, it is stated that the Committee believes that those who are treated as adults at risk under this Bill should have the same rights to advocacy services as those subject to the similar provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003; and it recommends that the Minister for Health commits to introducing a right to advocacy services within the Bill. The full report can be read at [www.scottish.parliament.uk/business/committees/health/reports-06/her06-16-00.htm](http://www.scottish.parliament.uk/business/committees/health/reports-06/her06-16-00.htm).

### **PROTECTING VULNERABLE GROUPS (SCOTLAND) BILL**

The Education Committee heard evidence from several voluntary organisations at the meeting on 22<sup>nd</sup> November 2006 about their concerns regarding the proposed Protecting Vulnerable Groups legislation – previously referred to as the Vetting and Barring Bill. The statutory agencies gave their evidence on 15<sup>th</sup> November 2006.

The main areas of concern from voluntary sector organisations are that

- this piece of legislation needs more time for consideration as there are a number of issues regarding the terms of reference in the Bill that require more discussion;
- the potential costs to organisations in terms of the time it will take to check potential volunteers and staff and to carry out retrospective checks on existing staff;
- the financial implications of carrying out these checks; and
- what restrictions these checks will put on the activities that vulnerable people will be able to participate in.

For more information on this Bill, go to [www.scottish.parliament.uk/business/bills/73-ProtVulGro/index.htm](http://www.scottish.parliament.uk/business/bills/73-ProtVulGro/index.htm).

## MISSION STATEMENT

The Scottish Independent Advocacy Alliance promotes, supports and defends the principles and practice of independent advocacy across Scotland.

It does this by:

- Providing a strong national voice for independent advocacy organisations.
- Supporting the growth of existing independent advocacy organisations.
- Promoting the development of new independent advocacy organisations.
- Encouraging existing advocacy organisations towards independence.

## WHO FUNDS THE SIAA

Scottish Executive Health Department

Scottish Executive Mental Health Division

Lloyds TSB

## WHO WE ARE

### STAFF

Director: Shaben Begum

Administrator: Alexis Bovington

Information Officer: Mandy Reid

Training Officer: Lesley King

### BOARD OF DIRECTORS

Louise Adam — Patients' Advocacy Service

Shaun McNeil — Advocacy Matters (Greater Glasgow)

Linda Bailey (Vice Chair) — Angus Independent Advocacy

Cath Maidment — Advocating Together

Sam Cairns — Equal Say

Tina Morrow — The Princess Royal Trust

Julienne Dickey (Treasurer) — Partners in Advocacy

Highland Carers Project

Billy Forbes — Co-opted Member

Damian Sherwood — Dundee Independent Advocacy Support

Monica Hunter (Vice Chair) - People First (Scotland)

Gary Spence — Fife Advocacy

Ross Macphail — East Lothian Involvement Group

Moya Sweeney — Inverclyde Advocacy Service

Dennis McGinnigal — You First Advocacy

Paul Thomas (Chair) — The People's Advocacy Service

Andrew Tweedy — Borders Independent Advocacy Service