

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 181 – Provision of advocacy services

452. Advocacy services may be provided by a local authority in a range of different contexts and under different provisions of the Act. They may be provided by a local authority in accordance with its duty under section 178 of the Act (Assistance for persons making representations) or in accordance with regulations made under section 173 (Assistance for complainants). Advocacy services may also be provided as a means of meeting a person's needs for care and support (see section 34(2)(e)). Advocacy services may, in addition, be arranged by a local authority as a means of fulfilling its duties under section 15 (Preventative services) and section 17 (Provision of information, advice and assistance).
453. **Section 181** enables the Welsh Ministers to make regulations which impose an additional duty on local authorities to provide advocacy services to people who need care and support. The regulations can set out the people to whom such services should be offered and detail the specific circumstances in which those services are to be made available. Regulations made under this section will be used to target persons with needs for care and support in circumstances where the provision of an advocate will assist a person to articulate their views and their needs. It could be exercised, for example, to require local authorities to provide advocacy services to a person who is being asked to consider moving into residential care or to otherwise change accommodation, perhaps because of a home closure or other financial decision taken by the local authority.
454. The regulations may also place a duty on local authorities to publicise their arrangements for making advocacy services available, so as to make sure that uptake is not hindered by a lack of clarity or understanding of what is available. This provision supplements the duties placed on local authorities under section 17 to establish an information, advice and assistance service to provide people with information and advice relating to care and support, along with assistance in accessing it.