



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 10

COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

CHAPTER 3

ADVOCACY SERVICES

181 Provision of advocacy services

- (1) Regulations may require a local authority to arrange for advocacy services to be made available to people with needs for care and support (whether or not those needs are being met by a local authority); this is subject to section 182.
- (2) “Advocacy services” are services which provide assistance (by way of representation or otherwise) to persons for purposes relating to their care and support.
- (3) The regulations may specify—
 - (a) the persons, or description of persons, to whom advocacy services are to be made available;
 - (b) the circumstances in which advocacy services are to be made available;
 - (c) the persons, or description of persons, by whom advocacy services may, or may not, be provided.
- (4) The regulations must require a local authority to give publicity to its arrangements for making advocacy services available.

Status: This is the original version (as it was originally enacted).

182 Provision of advocacy services: restrictions

- (1) Regulations under section 181 may not require advocacy services to be made available to a person—
- (a) for the purpose of making a complaint in respect of which a local authority is required to make arrangements for the provision of assistance to the person by virtue of regulations under section 173;
 - (b) for the purpose of making representations in respect of which a local authority is required to make arrangements for the provision of assistance to the person under section 178;
 - (c) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental health advocate to be available under section 130E of the Mental Health Act 1983;
 - (d) for purposes in respect of which a local authority is required to make arrangements for the provision of independent advocacy services under section 332BB of the Education Act 1996 or paragraph 6D of Schedule 17 to the Equality Act 2010;
 - (e) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental capacity advocate to be available under section 35 of the Mental Capacity Act 2005;
 - (f) for the purpose of making a complaint in respect of which the Welsh Ministers are required to arrange for the provision of independent advocacy services under section 187 of the National Health Service (Wales) Act 2006.
- (2) Where—
- (a) advocacy services are being provided for a person under section 15, 17, 35, 36, 37 or 38, and
 - (b) regulations under section 181 would (apart from this subsection) impose a requirement upon a local authority to make advocacy services available to that person in respect of the same matters,
- that requirement does not apply.

183 Publicising advocacy services in care homes

In section 22 of the Care Standards Act 2000 (regulation of establishments and agencies), in subsection (7), after paragraph (l) insert—

- “(m) make provision requiring a person who carries on or manages a care home in Wales to make arrangements to bring to the attention of persons accommodated in the home the advocacy services which are available to those persons by virtue of regulations made under section 181 of the Social Services and Well-being (Wales) Act 2014.”