



**mental welfare**  
commission for scotland

# The right to advocacy

Appendix 1:  
Mental Welfare Commission survey

Corporate document

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April 2023



## Mental Health (Scotland) Act 2015 Advocacy Duty

The Mental Health (Care and Treatment) (Scotland) Act 2003 states that any person with mental illness, learning disability, dementia and related conditions (“mental disorder”) has a right to access to independent advocacy. It places a duty on NHS Boards and Local Authorities to work together to make sure that independent advocacy services are available in their areas, and to take appropriate steps to ensure that those people have the opportunity of making use of these services.

The Mental Health (Scotland) Act 2015 adds a requirement that Health Boards and Local Authorities provide the Mental Welfare Commission with information about mental health, learning disability or dementia advocacy services, about how services have been provided over the past two years, and about plans in place to provide services over the next two years. Please note that this requirement relates to advocacy provision in respect of **children, young people and adults**.

Advocacy services can include the following:

- **Independent Advocacy**

Independent advocacy is about speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual’s human rights are recognised, respected, and secured.

- **Collective Advocacy**

Collective advocacy brings people together who have a common interest. It aims to provide a supportive environment in which a group can explore this interest, identify goals and seek possible solutions.

Experiences of this shared interest can be discussed openly and in a format that suits all. This may mean holding sessions via email, skype, but ideally in a physical setting.

Independent collective advocacy uses the same principles as individual independent advocacy and applies those to a group setting.

- **Citizen Advocacy**

Citizen Advocacy aims to recognise, promote, protect and defend the rights, welfare and the interests of people with intellectual disabilities who are vulnerable and/or at risk of abuse, neglect and/or social isolation.

It does so by establishing and supporting one-to-one relationships between a person with a disability (protégé), who is vulnerable and has unmet needs in one or more important areas of their lives; and a responsible citizen who is resourceful and principled, free from conflict of interest, and who makes a personal freely given commitment to protect the protégé’s interests as if they were their own. This support may take many forms, from spokespersonship to emotional and material support.

### Information Gathering

The attached questionnaire was part of the information-gathering process which the Commission put in place in 2017, in relation to the statutory duty of NHS Board and Local Authorities. We are sending a

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questionnaire to NHS Boards, Health & Social Care Partnerships (HSCP) and Local Authorities, asking for information about advocacy services commissioned in each area for children, young people and adults.

We are seeking information on:

1. Service provision from the previous two years 1 April 2020 – 31 March 2022
2. Plans in place for the next two years 1 April 2022 – 31 March 2024

Please liaise with partner agencies to ensure **only ONE response** is completed for each NHS Board, HSCP and Local Authority area (depending on local arrangements).

Completed surveys: Parts 1, 2 and 3 should be returned to the Commission by email to [julie.oneill2@nhs.scot](mailto:julie.oneill2@nhs.scot) by **30<sup>th</sup> September 2022**.

**Please note that all survey responses will be published in full on the Mental Welfare Commission's website at the end of the year.**

Thank you for taking the time to complete our survey. If you have any questions or further information please contact [julie.oneill2@nhs.scot](mailto:julie.oneill2@nhs.scot)

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## Contact Information

<b>1 Who are you</b>	
Name:	
Job Title:	
Organisation:	
On whose behalf are you responding? (NHS Board, HSCP, Local Authority)	
Email:	
Contact telephone:	

**NOTE:** it is very important that we receive only ONE response per Health Board, HSCP or Local Authority area.

## Part One: Adult Survey

### Current Planning

**2 At what level is advocacy strategic planning carried out in your area?**

- ☐ NHS board-wide
- ☐ HSCP
- ☐ Local Authority
- ☐ Other (please specify)

**3 Is there an advocacy planning group covering your area?**

- ☐ Yes
- ☐ No

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**4 Is there a current independent advocacy strategic plan for your area?**

- ☐ Yes
- ☐ No

**If Yes, can you please submit a copy along with your questionnaire?**

**5 If No, is an advocacy strategic plan in the process of being developed?**

☐ Yes

☐ No

**If Yes please provide details of when the advocacy strategic plan will be completed  
If No please can you kindly advise why this is not being developed?**

## Consultation & Involvement

**6 Please describe how advocacy provider organisations were consulted or involved in the development of the plan**

**7 Please describe how people who use advocacy services were consulted or involved in the development of the plan**

**8 Was there an Equality Impact Assessment completed with the development of your Advocacy Strategic Plan?**

☐ Yes

☐ No

**If Yes, can you please submit a copy along with your questionnaire?**

## Action Plan

**9 Is there an action plan for the development of mental health, learning disability or dementia independent advocacy services in your area?**

☐ Yes

☐ No

**If Yes, can you please submit a copy along with your questionnaire?**

**10 If No, is an action plan in the process of being developed?**

☐ Yes

☐ No

**If Yes, please provide details of when the action plan will be completed**

**If No please can you kindly advise why this is not being developed?**

**11 Please detail actions in relation to the development of mental health, dementia, learning disability services which may be in other local plans**

### Current Commissioned Services

**12 Do you specify that any organisations prioritise referrals for advocacy support, e.g. support for people subject to compulsory measures under the Mental Health Act?**

☐ Yes

☐ No

**If Yes, please provide details**

**13 Do you specify that any organisations apply a limit to the amount of advocacy support per person?**

☐ Yes

☐ No

**If Yes, please provide details**

- 14 Do you currently commission advocacy services specifically for homeless people with mental health issues, learning disability or dementia? Please tick where appropriate. If not, how do you ensure they are supported?

	Mental Health	Learning Disability	Dementia
Generic service explicitly commissioned to support homeless people with this condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Generic service open to homeless people with condition – no specific agreement relating to this	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific homeless advocacy service (s) commissioned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide details

- 15 Do you currently commission advocacy services specifically for asylum seekers with mental health issues, learning disability or dementia? Please tick where appropriate. If not, how do you ensure they are supported?

	Mental Health	Learning Disability	Dementia
Generic service explicitly commissioned to support asylum seekers with this condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Generic service open to asylum seekers with condition – no specific agreement relating to this	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific asylum seeker advocacy service (s) commissioned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide details



- 16 Do you currently commission advocacy services specifically for carers of people with mental health issues, learning disability or dementia? Please tick where appropriate. If not, how do you ensure they are supported?

	Mental Health	Learning Disability	Dementia
Generic service explicitly commissioned for carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific service explicitly commissioned for carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No carers' advocacy service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide details

### Commissioning budget

- 17 Has the commissioning budget for mental health, learning disability or dementia independent advocacy organisations changed over the past two years?

☐ Yes

☐ No

If the budget has changed (either an increase or decrease) please say how. Have services changed as a consequence? Please provide details

## Prisons and advocacy services

**18 Do you have any prisons in your HSCP area?**

☐ Yes

☐ No

**19 If Yes, do any of the services currently commissioned provide advocacy support in the prison(s)?**

☐ Yes

☐ No

**If Yes, please provide details**

**20 Can you please outline how prisoners are informed about independent advocacy services? (NEW question)**

## NHS patients placed in private healthcare facilities out with home health board area

**21 Please specify how NHS patients from your area, who have been placed in private healthcare facilities out with their home health board areas, receive advocacy support?**

☐ From a local service where they are receiving care

☐ From home health board / local authority

☐ Don't know

**Any further details**

## Monitoring and review arrangements

**22 What are the outcomes you are seeking to achieve and how do you monitor these?**

**23 Briefly describe the arrangements in place for monitoring the quality of mental health, learning disability or dementia independent advocacy services, including independent evaluation?**

**24 Do you get information from each organisation about the number of people accessing advocacy support?**

☐ Yes

☐ No

**If Yes, please provide the most up to date information provided by each organisation**

**25 Do you ask services to provide information about unmet needs, e.g. about people waiting to access advocacy support?**

☐ Yes

☐ No

**If Yes, please provide the most up to date information available**

**26 Are you aware of providers prioritising provision of advocacy support to people subject to compulsory measures?**

☐ Yes

☐ No

**If Yes, please provide details**

**27 What arrangements are in place to measure the satisfaction of people using advocacy services?**

**28 How do you monitor complaints about advocacy services?**

☐ Annual monitoring data from providers

☐ No monitoring

☐ Other (please specify)

**29 How do you currently raise awareness and deliver public information about the availability of mental health, learning disability or dementia advocacy services in your area?**

**30 Have there been any specific actions to promote the use of advocacy among health and social care/social work staff?**

☐ Yes

☐ No

- 31 How do you ensure services are available to equality groups (e.g. LGBT people, ethnic minority groups)?

- 32 How do you measure this?

## Future plans

- 33 Are you assessing the projected need for mental health, learning disability or dementia independent advocacy supports in the future?

☐ Yes

☐ No

If Yes, please describe

- 34 If No, how do you plan to address any unmet need in future?

- 35 Do you have information about current identified gaps in provision / unmet need which you are using for future planning purposes?

☐ Yes

☐ No

If Yes, please describe

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**36**    **Are any specific actions planned to do more to promote awareness of the availability of advocacy services locally over the next two years?**

☐    Yes

☐    No

☐    Other (please specify)

**37**    **Any Other Comments?**

For example, are there other local advocacy services which are not commissioned but receive funding from other services?

## Part Two: Children & Young People Survey

### Current Planning

**1 Do you have an integrated children's service plan?**

☐ Yes

☐ No

**2 If Yes, does it include advocacy?**

☐ Yes

☐ No

**If Yes, can you please submit a copy along with your questionnaire?**

### Commissioning

**3 Has the commissioning budget for children and young people's mental health/learning disability independent-advocacy organisations changed over the past two years?**

☐ Yes

☐ No

**4 If the budget has changed (either an increase or decrease) please say how. Have services changed as a consequence? Please provide details**

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## NHS patients placed in healthcare facilities out with home health board area

- 5 Please specify how many children or young people with a mental illness, learning disability or related condition and in a placement out with their home local authority would receive advocacy support?

- ☐ From a local service where they are receiving care
- ☐ From home health board / local authority
- ☐ Don't know

**Any further details**

## Monitoring and review arrangements

This section is only applicable if you commission independent advocacy services for children and young people with mental illness, learning disability or related condition.

- 6 What are the outcomes you are seeking to achieve for the children and young people and how do you monitor these?

- 7 Briefly describe the arrangements in place for monitoring the quality of children and young people's mental health, learning disability or related condition independent advocacy services, including independent evaluation?



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- 8 Do you get information from each organisation about the number of children and young people with mental illness, learning disability or related condition accessing advocacy support from each organisation?**

☐ Yes

☐ No

**If Yes, please provide the most up to date information provided by each organisation**

- 9 What arrangements are in place to measure the satisfaction of children and young people with mental illness, learning disability or related condition using advocacy services?**

- 10 How do you monitor complaints about advocacy services for children and young people with mental illness, learning disability or related conditions which you commission?**

☐ Annual monitoring data from providers

☐ No monitoring

☐ Other (please specify)

- 11 How do you currently raise awareness and deliver public information about the availability of any advocacy services for children and young people with mental illness, learning disability or related conditions in your area?**

**12 Have there been any specific actions to promote the use of advocacy among staff?**

☐ Yes

☐ No

**Please provide any further details below.**

## Future plans

**13 Does your integrated children services planning structure include an advocacy planning group covering your area?**

☐ Yes

☐ No

☐ Other (please describe)

**14 Are you assessing the projected need for children and young people's mental health, learning disability or related condition independent advocacy supports in the future?**

☐ Yes

☐ No

**If Yes, please describe**

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**15**     **If No, how do you plan to address any unmet need here?**

**16**     **Any Other Comments?**

For example, are there other local advocacy services which are not commissioned but receive funding from other services?

## Part Three: Independent Advocacy Services Commissioned for Adults, Children & Young People

Please complete for all organisations you currently commission services from in your area. Please use additional copies of this form for additional organisations.

		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
1	Organisation name and address					
2	Is it a generic service (ie, it covers all the categories below)?  (If not generic, the service will be targeted at supporting specific groups)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Does the organisation support?  People with a mental health/illness related condition.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	People with learning disability	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	People with dementia	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
6	People with autistic spectrum disorder	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Mentally disordered offenders	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
8	Homeless people with mental illness, learning disability, dementia	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
9	Asylum seekers with mental illness, learning disability, dementia	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
10	Carers of people with mental illness, learning disability, dementia	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
11	Children & young people with a mental health problem	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
12	Children & young people with a learning disability	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>13</b>	Children & young people with ASD or ADHD	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>14</b>	Looked-after children & young people including those who have mental illness, learning disability or related conditions	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>15</b>	Looked-after children & young people but <u>not</u> including those who have mental illness, learning disability or related conditions	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>16</b>	Young asylum seekers with mental illness/learning disability/dementia	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>17</b>	Children/young people with any other condition (specify)					
<b>18</b>	People with any other condition (specify)					

		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
19	<b>Age range</b>					
	▪ All ages	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	▪ Under 18 with mental health issues, learning disability	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	▪ Adults up to 65	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	▪ Adults over 65	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
20	<b>Type of advocacy</b>					
	▪ Individual	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	▪ Collective	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	▪ Citizen	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
21	<b>Non-instructed advocacy</b>					
	Does the service provide non-instructed advocacy?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No



		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
22	<b>Budget Information: total annual amount allocated</b>					
	Details total budget information split into the following categories (if possible):					
	People with mental health problems					
	People with learning disability					
	People with dementia					
	People with autistic spectrum disorder					
	Mental disordered offenders					
	Homeless people with mental illness, learning disability, dementia					
	Asylum seekers with mental illness, learning disability, dementia					
	Carers of people with mental illness, learning disability, dementia					
	Children & young people with a mental health problem					
	Children & young people with a learning disability					
	Children & Young people with ASD or ADHD					

		Organisation 1	Organisation 2	Organisation 3	Organisation 4	Organisation 5
	Looked-after children & young people including those who have mental illness, learning disability or related conditions					
	Looked-after children & young people but not including those who have mental illness, learning disability or related conditions					
	Young asylum seekers with mental illness, learning disability, dementia					
	Children * young people with any other condition (specify)					
23	What is the term of funding allocated to this organisation? <b>(NEW question)</b>	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> Other (please detail) .....	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> Other (please detail) .....	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> Other (please detail) .....	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> Other (please detail) .....	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> Other (please detail) .....
24	How many Independent Advocacy Officers are supported by this funding in your area? <b>(NEW question)</b>					

## **Reminder: Checklist of documents to be submitted**

1. Part One: Adult Survey
2. Part Two: Children & Young People Survey
3. Part Three: Independent Advocacy Service Commissioned for Adults, Children & Young People
4. Advocacy Strategic Plan
5. Equality Impact Assessment for your Advocacy Strategic Plan
6. Action Plan for the development of mental health, dementia, learning disability independent advocacy services
7. Integrated Children's Services Plan