

## Who is responsible for appointing an appropriate individual?

The Care Act places a duty on Local Authorities (LA) to involve people in decisions made about them and their care and support. The Care Act guidance says that, “People should be active partners” and “regardless of how complex a person’s needs are, they must be supported to express their wishes and feelings, to weigh-up options and retain information to make their own decisions.”

If the Local Authority considers that a person has substantial difficulty in engaging with their care needs assessment, care and support planning, care review or in a safeguarding enquiry, then they **must** consider whether there is an **appropriate individual** to facilitate their **active involvement**. This should be considered at the earliest possible stage and is in addition to the expectation that the Local Authority will consult carers, or others, in a person’s care and support process.

**If there is no one appropriate then the Local Authority must arrange for an independent advocate.**

## Key questions when considering who is an appropriate individual

- 1 Does the appropriate individual fully understand the Local Authority’s care and support processes or know how to get relevant information?
- 2 Does the appropriate individual have sufficient knowledge of local services and relevant support available or the ability to get the information the person needs to make an informed decision?
- 3 Can the appropriate individual explain and present information in a way that makes it easier for the person to understand?
- 4 Can the appropriate individual explain options around specific decisions that need to be made, the likely consequences of these, including the consequences of not making a decision?
- 5 If the person is unhappy with a decision, and wants to request a review, or challenge and lodge an appeal, could the appropriate individual support them to do this?
- 6 If the person is unhappy with the care and support process or the way a service was provided and wishes to make a complaint, could the appropriate individual support them to make a complaint?



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## What considerations should be made?

An appropriate individual must be able to take all **practical and appropriate steps** to enable the person to be involved so that they can make a decision about their care and support that reflects their individual circumstances and meets their particular needs.

Considerations	Must	Must NOT
<ul style="list-style-type: none"><li>The appropriate individual must be able to support the person to <b>understand</b> the LA's duties, the person's <b>rights</b> and <b>obligations</b> under the Act and help them to <b>exercise those rights</b>.</li></ul>	<ul style="list-style-type: none"><li>Be <b>willing</b> and <b>able</b> to facilitate the individual's <b>active involvement</b> with the process</li><li>The person being supported <b>must agree</b> to the suggested appropriate individual</li></ul>	<ul style="list-style-type: none"><li>Be someone who is already providing care or treatment professionally or paid.</li><li>Be someone who is implicated in neglect or abuse</li></ul>

## When would a person not be 'appropriate'?

It is unlikely that someone would be 'appropriate' to facilitate a person's active involvement if:

- They don't know them very well
- They don't agree to offer this support
- They live some distance away and only have occasional contact with the person
- They are a friend or relative who also finds it difficult to understand the Local Authority processes
- They are a friend or relative who expresses their own strong opinions, and not those of the individual concerned

The person's wishes must be respected. If they do not want to be supported by a particular relative, for whatever reason, then that relative would not be 'appropriate' (e.g. a person wants to have more independence from their family, or may wish to keep aspects of their life private)



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## Appointing an independent advocate

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It may not be obvious at the first point of contact whether someone has an appropriate individual to support them. If there is any doubt, an advocate should be appointed.

If, at a later stage, an appropriate individual is identified, the advocate can 'hand over' to them. Alternatively the Local Authority may agree with the person, the appropriate individual and the advocate that it would be beneficial for the advocate to continue their role.

Equally, if the appropriate individual finds that they have difficulty fulfilling their role in facilitating the person's active involvement, the Local Authority must appoint an independent advocate, at any point in the care and support process.

## Having support from an appropriate individual and an independent advocate

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There are two **important** circumstances where a person will need to **be supported by both an appropriate individual and an independent advocate**. These are:

1. When the assessment or planning function is likely to result in placement in NHS-funded provision in either a hospital, for a period of four weeks or more, OR in a care home, for a period of eight weeks or more, and the Local Authority believes that it would be in the best interests of the individual to have support from an advocate.
2. Where there is a disagreement, relating to the person, between the Local Authority and the appropriate individual and the Local Authority and the appropriate individual agree that the involvement of an independent advocate would be beneficial to the person.

## Communicating your decision about an appropriate individual

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It is a fact of human relationships, that sometimes disputes may arise over whether an individual who is closely involved with a person is an appropriate individual to provide support. It is the local authority's decision as to whether someone can act as an appropriate individual. They then have a responsibility to communicate the decision to both the person's friends and family where this may have been in question and whenever else is appropriate.



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