

Care Act: Appropriate Individuals

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 to ask about 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 able 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">The appropriate individual must be able to support the person to understand the LA's duties, the person's rights and obligations under the Act and help them to exercise those rights.	<ul style="list-style-type: none">Be willing and able to facilitate the individual's active involvement with the processThe person being supported must agree to the suggested appropriate individual	<ul style="list-style-type: none">Be someone who is already providing care or treatment professionally or paid.Be someone who is implicated in neglect or abuse

When would a person not be 'appropriate'?

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

- 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 (e.g. a parent who does not agree with the wishes of the person)

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)



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Appointing an advocate

It may not be obvious at 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 individual, the appropriate person 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

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

The LA decide 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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