
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 67 of the Care Act 2014 (“the Act”) imposes a duty on local authorities to arrange for an independent advocate to be available to represent and support certain persons for the purpose of facilitating those persons’ involvement in the exercise of functions by local authorities. The persons in question are those whom the local authority considers would otherwise experience significant difficulty in doing certain things such as understanding information. These Regulations make provision in connection with the making of such arrangements.

Regulation 2 makes provision regarding the requirements that a person must meet in order to be an independent advocate.

Regulation 3 makes provision about matters to which a local authority must have regard when deciding whether a person would experience substantial difficulty in doing certain things as mentioned in section 67(4) of the Act.

Section 67(5) of the Act sets out circumstances in which the duty to make arrangements for an independent advocate under section 67(1) of the Act does not apply. Regulation 4(1) sets out circumstances in which the exception in section 67(5) of the Act does not apply (and hence the duty to make arrangements for an independent advocate does apply).

Regulation 5 makes provision about the manner in which independent advocates must perform their functions.

Regulation 6 makes provision about how a local authority is to work with an independent advocate.

Regulation 7 makes provision about circumstances in which if an assessment under Part 1 of the Act is combined with an assessment under that Part that relates to another person, each person may be represented and supported by the same independent advocate or must be represented and by supported different independent advocates.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS and is available online at <http://www.gov.uk/government/organisations/department-of-health>.