



Information about the work of the NAS Advocate and the Assisted Decision-Making (Capacity) Act



This document sets out the role of the Independent Advocate by The National Advocacy Service (NAS) with regard to the Assisted Decision-Making (Capacity) Act 2015 (ADM). The Citizens Information Board (CIB) has a statutory obligation to provide advocacy services for people with disabilities in Ireland and NAS is funded by CIB to provide this representative advocacy to disabled people.

NAS Function

NAS provides an independent, representative, professional, confidential and free, issue-based advocacy service that puts the person at the centre and adheres to the highest professional standards. It is a countrywide service, managed under one national board. Independent, representative advocacy empowers. **The advocacy process is entirely led and guided by the disabled person.** It is person-centred, accountable, accessible, impartial and entirely independent of service providers, families and other supports. NAS ensures that when life decisions are made, due consideration is given to the will and preferences of people with disabilities and that their rights are upheld. NAS are not decision-makers. **NAS Advocates support the person to have their will and preferences heard in decision-making arrangements.**

NAS Vision

Our vision is to work towards a society that ensures the full participation of persons with disabilities. We recognise the capacity of persons with disabilities to make their own decisions equally with others, in accordance with United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

NAS Values

1. Independence
2. Autonomy
3. Equality/Citizenship
4. Respect
5. Empowerment.



NAS Remit

NAS has a specific remit for adults (aged 18+) with disabilities who:

1. Live in the community and are isolated from their community and services
2. Have communication differences
3. Are inappropriately accommodated
4. Live in residential services
5. Attend day services
6. Have limited informal or natural supports.



Who can make an enquiry?

Any person can contact NAS directly or a friend or carer/staff member/legal professional can contact NAS on their behalf with the person's agreement/permission.

NAS Advocacy Practice

Standards for NAS advocacy practice are set out in the NAS Code of Practice and in a full set of NAS advocacy policies. NAS advocates are bound by these policies and procedures.

Definition of Independent Advocacy

The Decision Support Service (DSS) Code of Practice for Independent Advocates provides the following definition of Independent Advocacy:

'Independent advocacy is a professional support service provided by an organisation that is free from conflict of interest and is independent of family and service providers. Delivering a professional independent advocacy service means providing a trained independent advocate who, based on an understanding of a relevant person's will and preferences, will support that person to make a decision and who will, if appropriate, go on to negotiate or make a case for them.'

When to make an enquiry to NAS

NAS Advocates require sufficient time to engage meaningfully with the person.

NAS operates with finite resources meaning that some counties have a waiting list for advocacy services. NAS prioritises all cases on the waiting list according to need/urgency but cannot guarantee an advocacy case will be opened before a scheduled court date.



About NAS Advocacy Practice

This document sets out the role of the Independent Advocate in ADM related advocacy work.

- The Advocate will always seek to engage directly with the person requiring advocacy support. The Advocate will spend time getting to know the person to better understand their advocacy issue(s), their will and preferences and their circumstances.
- With the person's consent, in so far as possible, the Advocate will gather information from the person themselves and from relevant third parties.
- If the Advocate is unable to establish the person's will and preferences directly, the Advocate will use four recognised advocacy approaches. This may enable the Advocate to gain a better understanding of the person, their situation, their preferences and/or dislikes and may enable the Advocate to share information with others to keep the person at the centre of matters in so far as possible. If the enquiry meets the NAS access and eligibility criteria, the Advocate will open an advocacy case and begin casework where possible or place the person on the NAS waiting list.



Role of the NAS Advocate in relation to court applications under Part 5 and Part 6 of the ADM:

- Part 5 is an application usually to Circuit Court about a person's capacity and required supports.
- Part 6 is an application to discharge a person who is a ward of court from wardship.

If the person wishes to work with an Advocate, the Advocate will:

- Work with the person to establish their will and preferences in so far as possible.
- Support the person to understand decision-making arrangements under the ADM.
- Support the person to apply for legal aid and communicate with their solicitor if necessary.
- Support the person to express who they may wish to support them with their future decision-making arrangement.

Helping the person's interaction with the court to ensure their voice is heard:

- The Advocate will be guided by the person when deciding how they wish to communicate their views to the court. This ensures that Advocacy remains person-led. They may for example, decide to write a letter to the Judge in advance of the court hearing with the support of their Advocate. The letter can describe the Advocate's engagement with the person, and the person's will and preferences, if the Advocate was able to ascertain it.

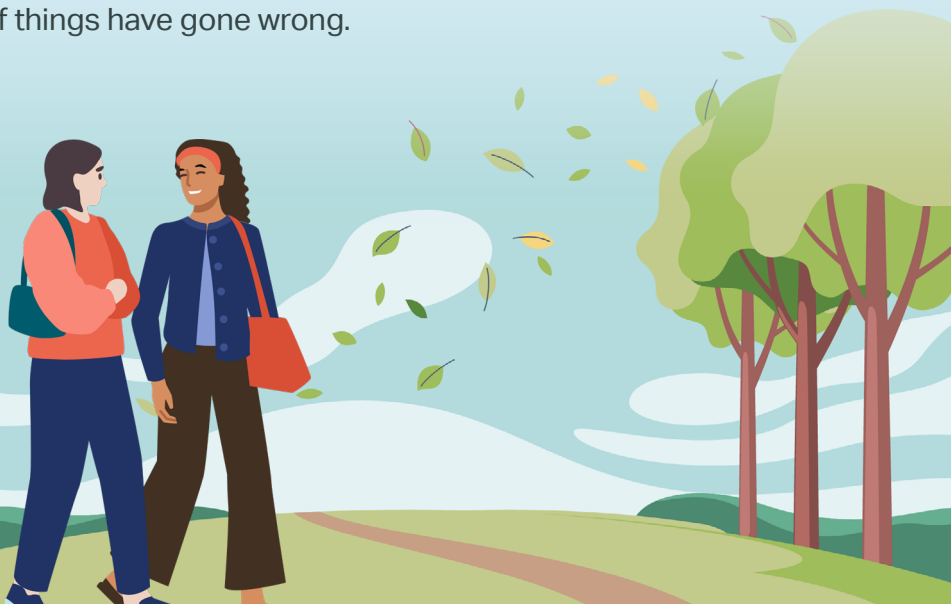
- The Advocate can also support the person to attend court, either in person or remotely, support them to understand proceedings, support them to express their will and preferences or seek any reasonable accommodations they may require.

Working with legal, health and social care professionals

- NAS Advocates work with legal, health and social care professionals on a regular basis. However, being a person-led service, the focus is always on the person we are working with.

NAS Advocates are not decision-makers or official intermediaries but are there to support the person's voice in the decision-making process. While legal, health and social care professionals may recognise the benefit of advocacy support, it is ultimately the person's own decision whether to engage with an Advocate or not.

- The Advocate may support the person's engagement with the DSS in relation to the registration and oversight of decision support arrangements. This could include helping the person with the investigation of a complaint by the DSS if things have gone wrong.



Ways to make an enquiry to NAS



NAS National Phone Line

0818 07 3000

(Monday to Friday from 10am to 4pm)



Request an enquiry form by emailing:

info@advocacy.ie



Submit an enquiry via the NAS website

<https://advocacy.ie/help/contact-us/>



National Advocacy Service (NAS) for People with Disabilities

Level 3 Rear Unit
Marshalsea Court
Merchants Quay,
Dublin DO8 N8VC

NAS National Line:
0818 07 3000
advocacy.ie
info@advocacy.ie

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