
Advocacy on behalf of those who cannot instruct: Perspectives of English Non-instructed Advocates

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Abstract

Advocacy as a tool for social change is particularly established across Europe in contexts of mental illness and intellectual disability. The development of advocacy organisations such as those in England and Wales, the work of Advocacy France, and the Swedish Personal Ombudsman system, (with related models adopted in Norway, Finland and the Czech Republic), originated in a strong critique of the social control function of psychiatry, and demonstrate commitment to state-operated advocacy. However, unlike in some countries, including Sweden and France, where advocacy roles are fundamentally associated with receiving commissions from, and representing the wishes of the person being advocated for, advocates in England and Wales may work on a non-instructed basis, where an individual is 'unable to give a clear indication of their views or wishes in a specific situation' (Henderson, 2007).

This paper draws upon thematically analysed data comprising in-depth interviews and focus group discussion (a total of 13.7 hours of recorded data) with twelve English advocates, examining their construction of non-instructed advocacy. Findings suggest that advocates are committed to non-instructed practice as a way of representing the most vulnerable members of society, and are emotionally invested in their work, engaging in emotional labour as conceptualised by Hochschild (2003). There is evidence however, that they view non-instructed practice as more challenging than instructed advocacy and identify it as undervalued and under-resourced. Particular challenges are associated with the best interest decision-making framework of the Mental Capacity Act 2005, which creates a statutory right to advocacy in certain circumstances but may result in a decision being made contrary to the wishes of the client. Implications for non-instructed advocacy as a tool for protecting the rights of the most vulnerable in society are considered in the light of these findings.

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Selected Bibliography

Flynn, E. (2013) Making Human Rights Meaningful for People with Disabilities, Advocacy, Access to Justice and Equality before the Law *The International Journal of Human Rights* 17(4) 491-510

Graham, M. and Cowley, J. (2015) *A Practical Guide to the Mental Capacity Act 2005: Putting the Principles of the Act into Practice* London: Jessica Kingsley

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Henderson, R. (2007) Non Instructed Advocacy in Focus' Action for Advocacy [online] available at: http://www.aqvx59.dsl.pipex.com/What_is_non_instructed_advocacy.pdf Accessed 31.8.15

Hochschild, A.R. (2003) *The Managed Heart: Commercialisation of Human Feeling* 20th Anniversary ed. California: University of California Press

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