ADVOCACY AND AUTHORITY TO ACT POLICY

Policy Control

Policy reference	HM026
Department	Quality & Consumer Regulation
Author	Bobby Howe
Owner	Paul Cole
Version	2- Updated September 2025
Reason for revision	New
Status	Final
Intended recipients	Customers, Employees, Workers, Agency workers, volunteers, and Board Members
Training and dissemination	Controlled Documents
To be read in conjunction with (other policies)	Noted within the policy
Has equalities impact assessment been considered? Please include within policy.	Yes
Policy approved by Designation Date	
Meeting approved Date	Operational Committee 6 June 2024 Revision (2) 04.12.25
Implementation Date	June 2024
Review period	Triennial
Next review date	June 2027

Contents

1.0	Introduction	3
2.0	What is ‘Advocacy’?	3
3.0	What is ‘Authority to Act’?	3
4.0	Scope of ‘Authority to Act’	3
5.0	Mental Capacity Act 2005	4
6.0	Temporary ‘Authority to Act’	4
7.0	Non-Temporary ‘Authority to Act’	4-5
8.0	Working with those with ‘Authority to Act’	5
9.0	Changes to ‘Authority to Act’ Arrangements	5
10.0	Right to Privacy	5
11.0	Useful Contacts	6

1.0 Introduction

1.1 Derby Homes understands we have tenants and prospective tenants with various needs, and some who feel they do not have the confidence, capability, or communication skills to engage with us about their tenancy.

1.2 This policy aims to ensure tenants and prospective tenants understand the various ways in which they can be supported by a representative or advocate in their interactions with Derby Homes.

1.3 This policy sets out how tenants and prospective tenants can give authority for someone else to act on their behalf in matters relating to their tenancy.

1.4 The policy also provides contact details for local advocacy support services and a link to our 'Authority to Act Nominee' form.

2.0 What is 'Advocacy'?

2.1 'Advocacy' means getting support from another person to help someone express their views and wishes and help them stand up for their rights. Someone who helps another in this way is called an 'advocate'.

2.2 An 'advocate' does not necessarily have the 'Authority to Act' on behalf of someone – it depends on the type of advocacy and if expressed consent has been given.

3.0 What is 'Authority to Act'?

3.1 'Authority to Act' is the process whereby someone gives expressed consent to someone (Nominee) to act on their behalf to complete certain tasks such as communicating on their behalf, completing, and submitting applications, and making declarations and payments.

3.2 The 'Nominee' must be someone they can trust to act on their behalf in relation to their tenancy, such as a partner, relative or friend. In exceptional circumstances this may include a support worker, professional or VCSE representative who has a long-standing relationship with the person.

4.0 Scope of 'Authority to Act'

4.1 A tenant, or perspective tenant may give 'Authority to Act' in relation to one or more of the following types of matters:

- access to and changing of personal records.
- financial transactions.
- making a complaint.
- requesting a review of a decision.
- to receive and respond to communications from Derby Homes.

- any other tenancy or housing related issue not specified.

6.0 Mental Capacity Act 2005

6.1 In line with the Mental Capacity Act 2005, Derby Homes will liaise with those who have legal 'Authority to Act' on behalf of tenants or prospective tenants who lack capacity.

6.2 This includes.

- Lasting Power of Attorney (LPA).
- Deputyship Order from the Court of Protection.
- Litigation friend appointed in Court proceedings if the resident lacks capacity to litigate.
- Appointee appointed by the DWP to manage a person's benefits if they lack capacity.
- Independent Mental Capacity Advocate (IMCA) commissioned by the local authority who are appointed where a person aged 16 or over lacks ability to act to decide for themselves where to live and has no-one, such as a friend, relative, attorney or deputy to advise or support them.

7.0 Temporary 'Authority to Act'

7.1 If a tenant or prospective tenant wants to give someone 'Temporary Authority to Act', Derby Homes will accept a verbal request of expressed consent for us to speak with someone else, only at that moment in time.

7.2 'Temporary Authority to Act' can be given during an in-person interaction or phone call, whereby the tenant verbally requests we speak with someone else at that moment in time.

7.3 This type of scenario is not uncommon – and we understand that at times a person can become distressed in the moment, and the support of someone else can assist in communicating and concluding the issue.

7.4 Where there is the likelihood of future communication required to conclude the issue, we will advise the tenant or prospective tenant to consider appointing someone with 'Authority to Act'

8.0 Non-Temporary 'Authority to Act'

8.1 If a tenant or prospective tenant wants to give someone longer term 'Authority to Act', they will need to complete the 'Authority to Act Nominee' Form.

8.2 Derby Homes will not accept a verbal request for Non-Temporary 'Authority to Act'.

8.3 A tenant or prospective tenant may give permission for a third party to be the first point of contact for all interactions with Derby Homes. This can be indicated on the Nominee Form and will be recorded as such on Open Housing.

9.0 Working with those with 'Authority to Act'

9.1 Once the 'Authority to Act Nominee' form is completed and signed by all parties, Derby Homes will.

- Conduct all communication with the Nominee in the same way as if it were directly with the tenant or prospective tenant.
- Record all communication with the Nominee on our systems, making it clear that the communication was with the Nominee.
- Expect the same standards of behaviour towards staff from a Nominee as we would from the tenant or prospective tenant.
- Reserve the right not to deal with a Nominee if their behaviour is unacceptable, in line with our Unacceptable Customer Behaviour Policy.
- Reserve the right to not deal with a Nominee where we have reason to suspect they are not pursuing the best interests of the tenant or prospective tenant.
- Refer such cases to the relevant authorities.

10.0 Changes to 'Authority to Act' Arrangements

10.1 Derby Homes recognises that a person's circumstances can change over time, which may lead to an improvement in their confidence, capability, or communication skills to engage with us about their tenancy

10.2 Derby Homes also recognises that a person's relationship status, family dynamic and support network may change, which may lead to the need to change a Nominee acting on their behalf.

10.3 Customers may contact Derby Homes at any time to change Authority to Act arrangements

11.0 Right to Privacy

11.1 In line with the General Data Protection Regulations (GDPR), Derby Homes will not discuss tenants and prospective tenants' issues with anyone who has not given expressed consent to act on their behalf in matters relating to their tenancy.

11.2 Derby Homes will act and advise tenants and prospective tenants in line with this policy in matters relating to appointing temporary or non-temporary authority to act and appropriate advocacy.

12.0 Useful Contacts

12.1

- One Advocacy Advocacy | Citizens Advice Mid Mercia
- Derby Help & Advice https://dhadvice.org/
- Citizen Advice https://www.citizensadvicemidmercia.org.uk/advice/
- Disability Direct https://www.disabilitydirect.com/
- Independent Domestic Violence Advisory Service https://www.honeycombgroup.org.uk/about-us/