

THE NATIONAL STANDARDS FOR THE PROVISION OF CHILDREN'S ADVOCACY SERVICES 2002

- 2.1 The *National Standards for the Provision of Children's Advocacy Services*, issued as section 7 guidance in November 2002, set out standards for the commissioning and delivery of advocacy services. The standards provide a framework for the planning, development and review of advocacy practice at all levels. In implementing this guidance, local authorities with social services responsibilities should ensure the standards are followed.
- 2.2 The purpose of advocacy in complaints procedures is to ensure that children and young people are given assistance when making or intending to make a complaint and that is the focus of this guidance. Of course, the role of advocacy is not limited to assisting children or young people when they wish to make a complaint. We know that children's interests can be promoted more effectively by having a personal champion in the form of an advocate who can help children and young people ensure their views and wishes are heard at all times. Advocacy in its broader sense is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision making about their own lives.
- 2.3 As the National Standards set out, advocacy services provide independent and confidential:
- Information;
 - Advice;
 - Representation; *and*
 - Support.
- 2.4 The National Standards spell out the core principles which should inform the delivery of advocacy services
- advocates should work for and with children and young people;
 - advocates should help children and young people to raise issues and concerns about things they are unhappy about;
 - advocates should value and respect children and young people as individuals; *and*
 - advocates should ensure that children and young people can understand what is happening to them, can make their views known and, where possible, exercise choice when decisions about them are being made.
- 2.5 An advocacy service must ensure that independent advocates provide appropriate assistance to the child, taking into account their age, means of

communication, language, sex, race, religion, sexual orientation, health or disability. The advocate, when representing a child or young person, should be able to communicate effectively in a way the child is happy with.

ENABLING CHILDREN TO ACCESS ADVOCACY SERVICES

- 2.6 Many children and young people describe complaints as problems not being sorted out. The emphasis of this guidance is on providing help and assistance and ensuring that independent advocacy is available quickly when requested.
- 2.7 Regulation 4 says that where a local authority receives from a child or young person representations made under section 24D or section 26 of the Children Act 1989, they must provide him or her with information about advocacy services and offer him or her help in obtaining an advocate. They must provide the same information and help where they become aware that a child or young person intends to make representations under section 24D or section 26. When a child or young person says that a complaint is about to be made, the authority should ensure that help and assistance is offered and given if a child or young person would like an advocate to speak for them.
- 2.8 Some children and young people may already have an advocate before they reach the stage of a complaint. Responses to consultation indicated that the vast majority of concerns and problems that children share with advocates are resolved “informally”. However, the complaints officer (or children’s complaints officer if applicable) should act as a “back- stop” in checking that a young person has been put in touch with an advocate and is happy with the level of support they are receiving. If this is not the case, the children’s complaints officer or equivalent officer should:
- inform the child about their rights to advocacy;
 - ask the child if an advocate is wanted;
 - provide help and assistance about how to find advocacy services; • offer the child or young person help and assistance.

Guidance on Providing Effective Advocacy Services for Children and Young People 11 Making a Complaint under the Children Act 1989

- 2.9 The child or young person should be asked if it is important to them if the advocate shares the same race, culture, gender, religion, disability and/or sexual orientation as themselves. The local authority should take such matters into consideration when making arrangements for the provision of advocacy services. Services should ensure that wherever possible they can meet the preferences of children and young people.

- 2.10 The local authority should provide the child or young person with information about advocacy services. This will usually be the name, telephone number and contact point for the service. If the child so requests, the complaints officer or equivalent officer should make initial contact with the advocacy service on their behalf.

CHILDREN OR YOUNG PEOPLE PLACED OUT OF THE LOCAL AUTHORITY AREA

- 2.11 Local authorities when placing children out of the local authority area should ensure that arrangements are in place for the child or young person to access advocacy services when making the placement. There are different ways local authorities can achieve this. For example, the local authority may make arrangements with their contracted advocacy provider to support children placed out of area. Alternatively, local authorities may wish to come to an arrangement with the local authority where the child or young person is placed.

CHOICE FOR THE CHILD OR YOUNG PERSON

- 2.12 There will be times when children and young people will wish to choose their own advocate, for example, a relative, teacher, carer, friend or family member. Children and young people may select anyone of their choice as an advocate although there may be reasons why the person chosen by the child should not agree to take on the role, for example, there might be a conflict of interest. Children and young people should be helped by the complaints officer, children's rights officer or equivalent officer to understand the choices open to them and the differences between the options. For example, the child should be helped to understand the differences in the kind of support available and be helped to make an informed choice between "informal" advocacy provided by a relative or friend and a professional advocate provided under the arrangements made by the local authority.
- 2.13 The child or young person should be given an opportunity to meet an advocate and agree the arrangement before the advocate's appointment is confirmed and any information shared with them. The child should understand that they have the right to choose an advocate whom they feel comfortable with and the local authority should take reasonable action to accommodate a child's wishes. Equally, if the child or young person requests a change in advocate the local authority should take steps to facilitate this.
- 2.14 Where a child chooses their own advocate, the local authority may facilitate support and advice to help the individual to effect the role of an advocate. For example, the local authority should consider providing information about the *National Standards for the Provision of Children's Advocacy Services*.

- 2.15 Where advocacy services are provided in-house, a child or young person may nevertheless feel more comfortable if they are enabled to use an advocate who is not an in-house advocate of the local authority. In any event, the local authority should proactively provide information about alternative sources of help. If the child prefers to use an advocate who is not provided in-house then the local authority should consider the request carefully and think about what steps it might take to meet the child's wishes.

PUBLICITY ABOUT ADVOCACY SERVICES

- 2.16 Section 26A(5) of the Children Act 1989 requires local authorities to give such publicity to their arrangements for the provision of advocacy services as they consider appropriate. Section 26(8) also requires local authorities to give appropriate publicity to their procedure for considering representations.
- 2.17 Many children and young people told us that they are not aware about how to make a complaint. Local authorities must have robust communication and publicity mechanisms to ensure children and young people, including those with additional communication needs, are aware of their right to advocacy when making or intending to make a complaint. The *National Standards for the Provision of Children's Advocacy Services* set out the Government's policy for publicity about children's rights and advocacy services. The Government wants local authorities to:
- inform children and young people about advocacy and children's rights services if they intend or wish to make a complaint;
provide help and assistance when children and young people want an advocate to speak for them.
- 2.18 When a local authority first become aware that a child or young person wants to make a complaint, they should provide age-appropriate materials about children's rights and advocacy services and talk to the child or young person to explain these materials, answer any questions and ensure that they understand their rights. The range of materials available should include texting, Minicom and the use of symbols for children and young people with learning difficulties. Publicity should include translation into the child's first language where appropriate.
- 2.19 As set out in the *National Standards for the Provision of Children's Advocacy Services*, appropriate materials and methods should be developed for children with little or no communication and those without literacy skills. Local authorities may wish to develop electronic methods of communication.

- 2.20 Publicity materials about making a complaint and information about children's rights/advocacy services, appropriate to the ages of children and young people, should be given to all young people when they are first assessed as being in need and again when they become looked after. For children looked after, this should be recorded in the child's care plan and checked at every review by the Independent Reviewing Officer. Complaints publicity materials should include information about advocacy and children's rights services and be kept under regular review. Age-appropriate publicity materials should be accessible for children and young people with disabilities.
- 2.21 Local authorities should have a programme of regularly updating information and publicity on advocacy services to staff and foster carers to ensure that new staff and carers are able to inform children and young people properly of the support they can access.

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