

Cymry Ifanc: Young Wales



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

A Guide to the Model for Delivering Advocacy Services for Children and Young People

(June 2009)

Audience:

- Children and Young People's Partnerships & sub-groups,
- Local commissioners in health, social care and education services
- Providers of advocacy services
- Children's Organisations
- Children and Young People
- Other interested parties

Contact: Telin.Gwynedd@wales.gsi.gov.uk, Advocacy Development and Performance Unit, Children and Young People's Strategy Division, DCELLS, Welsh Assembly Government – 01745 538766

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Summary

This document is a guide to the Welsh Assembly Government's new Model for Delivering Advocacy Services to Children and Young People in Wales. It sets out the purpose of the Model and what is required in preparation for new Measures, Regulations and Directions to be in place in 2010 which will reinforce the legal framework for the Model. Statutory Guidance will be produced at this time to support partners in implementing the Model. This will include guidance on commissioning.

This guide has been produced to provide information in preparation for the changes needed, and therefore, stakeholders might want to consider laying the foundations for these changes well in advance.

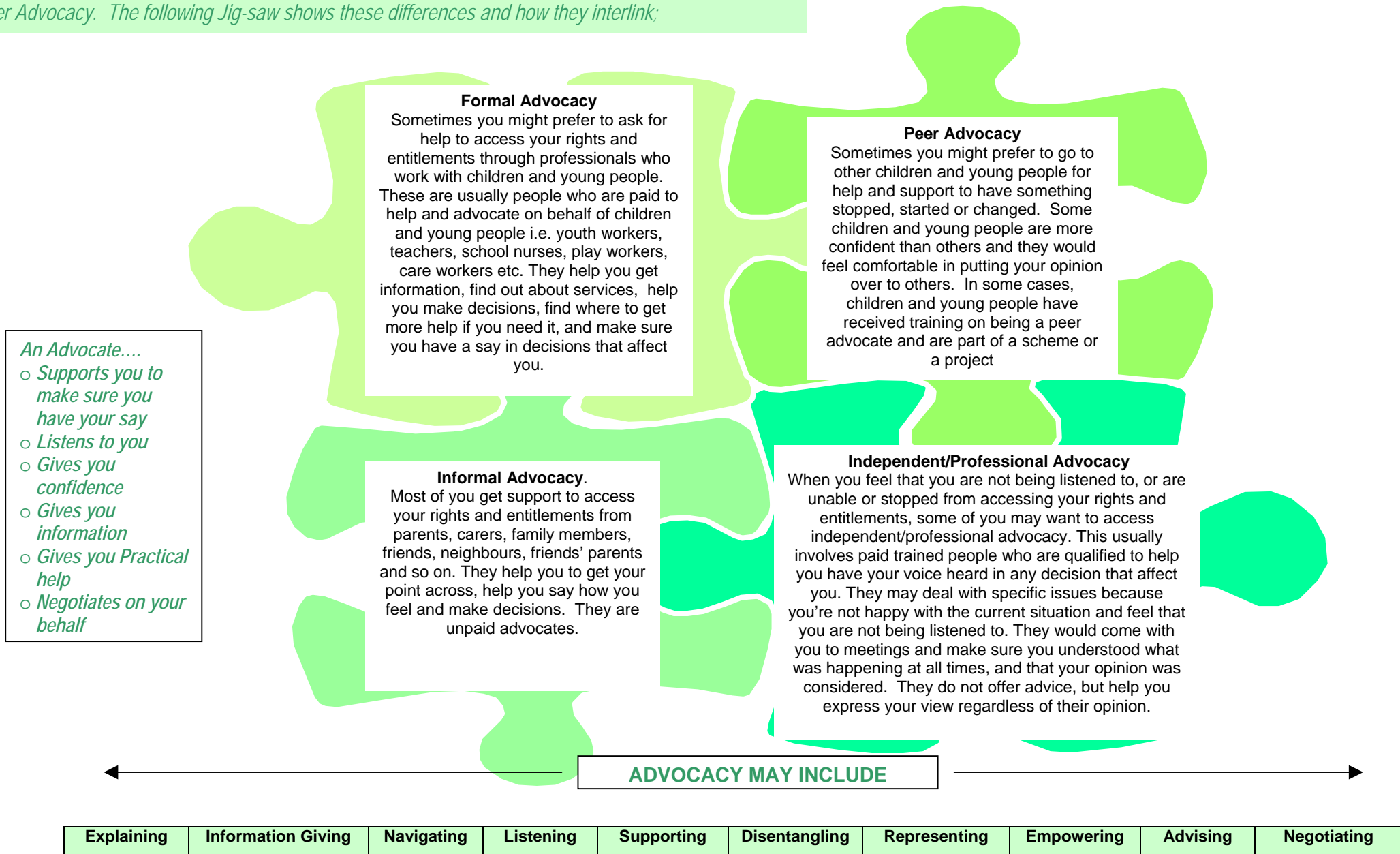
Advocacy can mean different things to different people, depending on experiences and understanding. Many think it is only to do with complaints. This is not always the case. Others think it is advice, but while advocacy may sometimes include some advice, it is more about listening and ensuring the views of children and young people are heard regardless if the advocate agrees or not. Advocacy is a process which helps someone to speak up for themselves, to access information and their rights and entitlements¹, and to get something stopped, started or changed. Annex 2 clarifies what advocacy means in the context of this document

The Advocacy Jig-Saw on the following page shows some of the various ways to access advocacy and the different ways of delivering advocacy.

¹ 7 Core Aims – Welsh Assembly Government's overarching aims for all children and Young People – based on the UN Convention on the Rights of the Child

ADVOCACY JIG-SAW

There are many different ways of providing advocacy, and many people who can be advocates. However, there is a difference between Informal Advocacy, Formal Advocacy, Independent/Professional Advocacy and Peer Advocacy. The following Jig-saw shows these differences and how they interlink;



INTRODUCTION TO THE MODEL FOR DELIVERING ADVOCACY SERVICES FOR CHILDREN AND YOUNG PEOPLE

This new Model for Delivering Advocacy Services has been developed following`

- a comprehensive review of advocacy services for children and young people across health, education and social care settings,
- a large-scale national consultation with children and young people about current advocacy and complaints arrangements²,
- findings and recommendations made in many reports listed in annex 5 and recommendations of the Children and Young People's Advocacy Task Group.
- a re-visit to the National Standards for the Provision of Children's Advocacy Services outlined in annex 6.

Collectively the findings from all these made it clear that there needed to be some **underlying principles** of good practice to this new Model for Delivering Advocacy Services. These are:

1. Advocacy to be more accessible to all children and young people, but especially those most vulnerable
2. Advocacy providers to have increased independence from the organisations commissioning the service.
3. Ensuring issues raised by children and young people are taken seriously
4. Ensuring issues raised by children and young people are dealt with as quickly as possible and effectively
5. Advocacy to be seen as contributing towards participation and accessing rights and entitlements
6. Advocacy to be promoted by raising awareness and understanding amongst children, young people and adults
7. The process and outcomes of advocacy to be clear to all
8. There needs to be a consistency and accessibility to high quality advocacy services across Wales

These underlying principles were considered and included when developing the new Model for Delivering Advocacy Services.

² Red Kite (2005) Report of Consultations with Children and Young People on New Arrangements for Complaints in Health, Social Care and other Educational Settings.

WHAT DOES THE MODEL FOR DELIVERING ADVOCACY SERVICES FOR CHILDREN AND YOUNG PEOPLE INCLUDE?

1. **Open-Access Advocacy** - Improved and increased **access for all** children and young people to advocacy of all kinds (see jig-saw on page 4), often called **Universal Advocacy**. This is a very strong message from many of the reports and research documents listed in Annex 4.

This will enable children and young people to access support to be involved and be heard in decisions that affect them i.e. support to navigate services or help in starting, changing or stopping something. This supports the Welsh Assembly Government's vision that access to advocacy becomes universal for all children and young people, as well as supporting the National Service Framework for Children, Young People and Maternity Services³ which states that independent advocacy should be freely available to all children and young people. This will be achieved by:

- 1.1. The Welsh Assembly Government's commitment to provide a National Advocacy and Advice Service to provide a single point of contact via telephone or text, 7 days a week for children and young people in Wales – to be in place in 2009/10. The Advocacy Development and Performance Unit is currently consulting with children and young people and compiling specific options for various aspects of this service. Children and young people have shown that they want to receive advice and advocacy through a variety of different ways such as text messaging, websites and information leaflets in information shops. These options will be considered as a priority for the National Independent Advocacy Board.
- 1.2. The commitment of many Children and Young People's (C&YP) Partnerships to further develop local/ regional **advocacy open to all children and young people**. Many C&YP Partnerships have identified the need to enhance and widen advocacy services for children and young people as a local priority. This should be developed locally with children and young people, and should be based on what children and young people say they need and prefer. The C&YP Partnerships will play an important enabling role in ensuring that effective cooperation takes place to ensure coherent development of this service. Currently, many models exist; some C&YP Partnerships fund Open-Access Advocacy Services through *Cymorth*⁴ whilst other local partners make commitments through the pooling of core budgets. The development and commissioning of Open-Access Advocacy Services should be considered alongside the commissioning of advocacy services for vulnerable children and young people (see section 2).
- 1.3. **Raising awareness** and improving understanding of advocacy, every child and young person's entitlement to access advocacy services and every adult's role as an advocate for children and young people. This is most effectively promoted locally through C&YP Partnerships and coordinated nationally through the Advocacy Development and Performance Unit (ADPU). The ADPU has been established within the Welsh Assembly Government to support the delivery of high quality and effective advocacy for children and young people.
- 1.4. **Training** courses on advocacy to be available for Formal Advocates i.e. adults who are paid to help and advocate on behalf of children and young people such as

³ <http://www.wales.nhs.uk/sites3/home.cfm?OrgID=441>

⁴ Cymorth – WAG Grant Scheme that funds preventative interventions

youth workers, teachers, school nurses, play workers, care workers etc. The ADPU will work with C&YP Partnerships to coordinate this regionally and locally.

1.5. **Training** to also be available for Informal Advocates⁵ if appropriate. This will be voluntary, and individuals not participating in the training should not be excluded or discouraged from advocating on behalf of a child/young person.

1.6. Welsh Assembly Government will **research and consider ways to support, promote and publicise** local/sub-regional/regional Open-Access Advocacy provision. This may be through websites, information, promotion, awareness rising, and a direct link to the Assembly Government's National Advocacy and Advice Service which will need to complement local arrangements and systems for referral, and make it easier for children and young people to access advocacy and easier for referrers to refer.

1.7. Children and young people will inform the work of the Assembly Government in a variety of ways, including representation on the National Independent Advocacy Board, and a further e-group of children and young people to advise. Children and young people must also inform the work of the C&YP Partnerships in developing local advocacy services.

2. **Integrated Specialist Advocacy Services** - Improved coordination and coherence of advocacy services for **vulnerable children and young people**⁶.

Currently many different services that work with vulnerable children and young people commission advocacy services to be available to certain children or young people. This new Model will provide a **single point of contact** by integrating these services to make them easier to navigate by vulnerable children, young people and those referring them, and easier to monitor for consistency of quality and effectiveness.

This will be achieved by:

2.1. Enabling **all advocacy services for vulnerable children and young people within a Partnership area to be procured (purchased)** through one lead agency in a coherent way, facilitated by the **Children and Young People's Partnerships** (C&YP Partnerships). The C&YP Partnership is not a legal entity and as such there will either be a need for one agency to be a lead agency to procure (purchase) or those partners involved will arrange to jointly procure the services. It is vital that children and young people believe and trust that the advocacy service they are accessing is truly independent from the service that they want to stop, start or change. This is a fundamental part of this new Model and is critical to ensure the trust of children and young people. It will result in children and young people having more confidence in the advocacy service due to its increased independence i.e. the advocacy service not being provided or procured directly and only by the service that the child or young person wants to stop, start or change.

2.2. Commissioning agencies within each C&YP Partnership will need to agree to pool budgets for advocacy service with partners.

⁵ See Advocacy Jig-saw

⁶ Annex 3 lists Vulnerable groups of children and young people who have a statutory entitlement to an advocacy service under current legislation;

- 2.3. C&YP Partnerships will be expected to facilitate **regional or sub-regional commissioning arrangements**, encompassing a number of partners. This will again increase the independence of advocacy services for children and young people as well as implementing policy set out in both 'Making the Connections' and the 'Delivering Beyond Boundaries' agenda⁷.
- 2.4. The C&YP Partnerships will be expected to provide robust **leadership, promote partnership participation and coherence** both across their local area and regionally or sub-regionally in order to facilitate the commissioning and delivery of integrated specialist advocacy services. This may involve building on or complementing existing regional commissioning partnership arrangements.
- 2.5. It is not assumed that the new Model will inevitably lead to a single provider of all advocacy across a region or sub-region, but services will need to be effectively co-ordinated to ensure appropriate and ease of access for children and young people, and a clear understanding by those referring to them. To best achieve this, we will expect a single point of initial contact – **a one stop-shop approach**. For example, one agency may become the first point of contact for a consortium of providers, or an advocate may be allocated to the child/young person to co-ordinate the link to other advocates. A co-ordinated approach across services will reduce the risk of children and young people being passed from one service to another when they have complex needs, or being lost in transition. There is an assumption that children and young people with complex issues involving more than one agency will be able to deal with a single advocacy provider.
- 2.6. The C&YP Partnerships will need to oversee the commissioning of the integrated specialist advocacy services from a third party independent sector provider, or a partnership / consortium of providers. As the C&YP Partnership itself is not a legal body, there will be a need to agree a main partner within the C&YP Partnerships to lead on the commissioning and procurement (purchasing) or decide other joint arrangements. Advocacy service providers will be expected to report to the C&YP Partnerships involved in the regional/sub-regional arrangement. While **monitoring and quality assurance will be led by the C&YP Partnerships**, all public services within the partnership area will have a continuing responsibility to work together to ensure the provision of accessible and high quality advocacy services.
- 2.7. The **Assembly Government will provide C&YP Partnerships with complementary (free of charge) tools** to assist in effective joint commissioning, pooling budgets, planning and procuring integrated specialist advocacy services. It is recommended that there will be a three year commissioning cycle flexible enough to extend or reduce (if necessary) to allow stability and continuity for the children and young people accessing the service. It is expected that children and young people will be involved in the commissioning process.
- 2.8. The Assembly Government will consider the viability and need for commissioning **specialist targeted advocacy services** on a national basis for specific groups of children and young people or/and those who have highly complex complaints/issues.

⁷ See Annex 5 for reference

2.9. 2.10 To deliver the Welsh Assembly Government's new Model for Delivering Advocacy Services for Children and Young People and specifically to implement the Integrated Specialist Advocacy Service, a number of legal changes will be required to enable commissioning through the appropriate partner service providers. Most of the changes needed can be achieved through secondary legislation⁸ but there is one area of advocacy, to support Special Education Needs (SEN) appeals and Disability Discrimination claims by children and young people themselves, where it is proposed that a new duty to provide access to specialist advocacy be imposed on local authorities through amendments to the law, made by an Assembly Measure⁹. Commissioning arrangements will also need to ensure that the provision of advocacy services for children and young people who wish to make a representation or complaint in relation to settings in health¹⁰ and social care¹¹ is included and that services are procured from an independent third sector advocacy provider.

3 Quality - Ensuring the **quality and consistency** of advocacy provided to children and young people. This will be achieved by:

3.1 Developing and promoting a **Nationally Recognised Qualification** for children and young people's advocates to ensure sufficient capacity, skills and experience. The ADPU will work with key stakeholders to develop the course materials for the qualification and gaining recognised accreditation on a National basis. The course materials will be underpinned by National Occupational Standards. There will be an element within the training and qualification on children's rights and participation. There will also be an element on different types of advocacy such as peer-advocacy and self supporting advocacy. Independent/ Professional advocates (those trained to be advocates) will be encouraged and supported to complete this training. Arrangements for the roll out of such qualifications and financial and time implications will need more consideration and will be detailed in a further paper.

3.2 The Assembly Government is currently considering the possibility of qualified advocates being able to **register with a professional body** who will regulate the workforce, monitor professional skills and standards. This will support the Children and Young People's Workforce Development Strategy in its promotion of common and transferrable skills for the children and young people's workforce.

3.3 The Assembly Government is re-visiting the **National Standards** for Advocacy Services which sets out the policies and procedures to be followed in recruiting, selecting, training and assessing suitable advocates who work with children and young people. Partnerships should seek to ensure that any advocacy service they procure meets or are working towards the National Standards, and this is to be monitored. The Assembly Government will revisit the National Standards and consider their use as a measuring tool to evaluate advocacy services. Further information on the National Standards is available in Annex 6

⁸ Regulations are Secondary Legislation which specify how a Measure or an Act will be implemented.

⁹ A Measure of the National Assembly for Wales (informally, an Assembly Measure) is [primary legislation in Wales](#). It is a law specific to Wales made in Wales.

¹⁰ An amendment to the Community Health Council Regulations 2004 is being made to make clear that CHCs will provide advocacy for people aged 18 and over. The intention is to then direct Local Health Boards to make arrangements for Children and Young People through C&YP Partnerships

¹¹ See – Section 26A of the Children Act 1989

3.4 Advocacy Services will need to be inclusive, actively involve children and young people about how the service operates, and where appropriate be delivered in the language of the young person's choice such as Welsh and other languages spoken in Wales, or bilingually (Welsh and English). Services will also, where appropriate, need to take into account the needs of children and young people who have other specific **linguistic, learning or cultural needs**.

3.5 It will not always be possible for a child or young person to choose their advocate, especially if they are accessing independent/professional advocacy services. However, it is imperative that a child or young person is able to change their advocate, without having to explain, if they are not happy or comfortable with them. The process to change an advocate should be simple and should not incur any consequences i.e. a delay in support or a lesser service.

4 **Involvement of children and young people** in the development of advocacy in Wales. This will be achieved by:

4.1 Including children and young people as **full members of the National Independent Advocacy Board** that will advise the National Assembly of Wales and the Welsh Assembly Government and influence the further development of advocacy in Wales

4.2 Having a **further e-group of children and young people** who will inform and provide opinions to take to the National Independent Advocacy Board. The Advocacy Performance and Development Unit will lead on this.

4.3 The general responsibilities of C&YP Partnerships to enable children and young people to participate in planning and review processes, which must include **involvement in the commissioning** of advocacy services.

4.4 Advocacy providers **informing the ADPU of issues raised** by children and young people to inform national, regional and local planning and commissioning. This could possibly be done through the current Advocacy Providers Group. The ADPU will liaise with various departments and services within and outside the Assembly Government to inform them of these issues and to make moves to resolve them strategically if possible.

5 **Evaluation of advocacy services** for children and young people to **ensure high quality, equity and effectiveness**. This will be done by:

5.1 It is essential that advocates evaluate their work with children and young people. The outcome of advocacy may not always be favourable to the child/young person and therefore the evaluation should include a focus on the process and if the child/young person felt they were truly part of this process and felt that they were listened to and their concern/opinion considered. An evaluation provides all stakeholders, including children and young people and advocates with information on how their service is working. The information can be used to identify what works well and areas for improvement. Feedback can also provide information on recurring issues affecting young people. Information of this kind should be used to inform policy and funding decisions. The ADPU will also have a role in disseminating good practice.

- 5.2 C&YP Partnerships and advocacy providers should consider the National Standards when commissioning, providing and monitoring services. Regional and sub-regional arrangements for evaluating advocacy services will need to be agreed. There will also be an expectation for the C&YP Partnerships to hold an evaluation of advocacy services, which could be done sub-regionally or regionally depending on the local arrangements, and the Assembly Government will expect C&YP Partnerships to evaluate contracts/service level agreements against the National Standards.
- 5.3 The Assembly Government will also hold an evaluation / progress of the implementation of the new Model possibly around the time of the next CYP Planning round. The National Standards will be used as a measuring tool for the evaluation. Further information on the National Standards is available in Annex 6
- 5.4 The Integrated Specialist Advocacy Service for vulnerable Children and Young People will be regulated under the Care Standards Act 2000 and inspected by Care and Social Services Inspectorate Wales (CSSIW). The ADPU will consult with regulatory bodies, including ESTYN, CSSIW and Health Inspectorate Wales (HIW), to consider the effectiveness of Open-Access advocacy services and the outcomes for children and young people within their overall framework for inspection.

The need for partners to work together jointly to commission and provide advocacy services is supported by the existing requirements set out in guidance¹² on Children and Young People's Partnerships and Plans. Consideration should be given to removing potential barriers by recognising:

- The benefit of investment of time to develop regional and integrated Commissioning Agreements that can deliver economies of scale;
- The benefit of investment of time in ensuring new services and approaches to advocacy provision to bed in effectively in order to sustain new development;
- The benefit of ensuring advocates complete the training and qualification in advocacy in ensuring delivery of a quality service
- The economies of scale to be achieved through enabling current advocacy services to cooperate.
- The benefits and economies of scale achievable through pool funding and delegate responsibility
- Promoting the culture change that is needed over a range of professionals and organisations working with children and young people to promote and raise awareness of advocacy.

To be aware of these challenges and to include and address them in planning is a first step to achieving them. Much of this work is already being done, especially in some

¹² Shared planning for Better Outcomes (WAG) - wales.gov.uk/topics/educationandskills/publications/guidance/sharedplanningforbetteroutcomes?lang=en

areas, and it is often a need for reorganisation of what is already provided, rather than the development of a whole new service.

There are many cross-cutting policy areas that need to be considered when implementing the Model. Some of these are listed in Annex 4. The Advocacy Jig-saw on page 14 also shows how other policy areas influence and are influenced by advocacy.

The level of advocacy support will vary depending on children and young people's individual circumstances, vulnerability, age and understanding as well as the nature of the concern. A range of approaches to advocacy and specialist skills are likely to be required, in particular for very vulnerable children and young people with a disability or learning difficulties. The new Model for Delivering Advocacy Services for Children and Young People is based on what children, young people and service providers have said, and we are confident that it will ultimately make a positive difference to their lives.

Annex 1 - BACKGROUND & CONTEXT

In January 2004, the National Assembly for Wales passed a plenary motion that formally adopted the United Nations Convention on the Rights of the Child as the basis of policy making in this area. Since this time, the Welsh Assembly Government has adopted the United Nations Convention on the Rights of the Child (UNCRC) and associated protocols as the basis for all its work for children and young people and now follows a rights based approach.¹³

For the purposes of policy in Wales the UNCRC is summarised in **7 Core Aims** for all children and young people aged 0-19 years, and to those aged 19-25 receiving services under Section 23C to 23D of the Children Act 1989 (care leavers) or youth support services under Section 123 of the Learning and Skills Act 2000. The 7 Core Aims form the basis for local Children and Young People's Plans that set out agreed priorities and actions to be taken to achieve them by service providers locally.

The 7 Core Aims are;

7 CORE AIMS	short version
1. Have a flying start in life	Our start
2. Access to good education and learning opportunities	Our skills
3. Good health, freedom from abuse and exploitation	Our health
4. Access to play, sport, leisure and culture	Our action
5. Be respected and listened to	Our voice
6. A safe home and community	Our safety
7. Freedom from poverty	Our future

Core Aim 5 aims to ensure that children and young people are involved and heard on decisions that affect them, that they are empowered and supported to understand situations and take an active part in them, ultimately to access their other rights and entitlements. Planning guidance and regulations on Children and Young People's Plans setting out their strategy for delivering the 7 Core Aims locally states.....

Children and young people must be able to influence the planning and provision of services affecting them. Ensuring children have a voice can best be achieved through a matrix of advocacy, participation and children's rights that is mainstreamed and at the core of all service planning.....All complaints should receive responses, and children and young people should have access to quality independent advocacy services in Welsh or English as appropriate.

Para 1.16 Shared Planning for Better Outcomes WAG September 2007

The National Service Framework for Children, Young People and Maternity Services (NSF), and the accompanying Self Assessment Audit Tool (SAAT), provides a basis for the planning and review of a wide range of services, including education, social services and health provision across the statutory and independent sectors. The NSF will contribute to the achievement of the Assembly Government's seven core aims for children and young people by improving quality and reducing variations in service delivery through the setting of national standards. Within the NSF one of the Key Actions states:

¹³ United Nations Convention on the Rights of the Child – Article 12, 13,14, 21, 22, 30. <http://www.unicef.org/crc/>

Key Action	Responsible Organisation
<p>2.6 Independent advocacy is freely available to all children and young people where and when needed and requested, in line with Welsh Assembly Government Standards</p>	<p>Local Health Boards NHS trusts Local Authorities Health Commission Wales Welsh Ambulance Service Trust</p>

While some children and young people will be confident and able to access their Rights and Entitlements, others will need varied support from family, carers, friends, peers, youth support worker etc. and some young people will benefit from an advocacy service.

The Welsh Assembly Government’s vision is that access to advocacy becomes an entitlement for **ALL** children and young people, especially the most vulnerable who will benefit from an effective advocacy service that will ensure they have a say in matters that affect their lives. Advocacy services can also safeguard the most vulnerable children and guard against poor practice.

Advocacy is part of a continuum of children and young people’s participation and involvement and should be seen as one of the support mechanisms in children and young people’s participation. It also promotes a culture of participative practices and encourages user feedback that can be incorporated into planning and service delivery to enhance the way services are provided.

Annex 2 - WHAT DO WE MEAN BY ADVOCACY?

There is substantial work to be done in promoting and clarifying advocacy and advocates' roles. This is as true amongst adults as it is amongst children and young people, and needs to be done on a National and Local level.

Advocacy is about speaking up for children and young people. Advocacy is about empowering children and young people to make sure that their rights are respected and their views and wishes heard at all times. Advocacy is about representing the views, wishes and needs of children and young people to decision makers, and helping them navigate the system.

National Standards for the Provision of Advocacy Services (2003)

Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinion taken into account

United Nations Convention on the rights of the Child – Article 12

Where people have their own voice it means making sure they are heard. Where they have difficulty speaking up it means providing help. Where they have no voice it means speaking up for them

Barnardos

National research and guidance consistently identifies that **all** children and young people's interests are better safeguarded, supported and promoted by having a personal champion in the form of an advocate who can support them and take an active part in their lives¹⁴. In most cases this is the Parent/s or Carer/s, but could also be another trusted person such as a teacher, social worker, youth worker or other professional or a friend, sibling, or other relative.

Children and young people are frequently unaware of their right to be heard when they want to change, stop or start something, or their opportunity to access an advocate to support them in doing so. The small numbers that are aware often consider that they have had a poor experience, and many are left confused about the process and outcome.

There are many different ways of providing advocacy, and many people who can be advocates. However, there is a difference between Informal Advocacy, Formal Advocacy and Independent/Professional Advocacy. The following Advocacy Jig-saw describes these differences;

¹⁴ National Standards for the provision of Advocacy Services (2003) Welsh Assembly Government – see annex 5

ADVOCACY JIG-SAW

There are many different ways of providing advocacy, and many people who can be advocates. However, there is a difference between Informal Advocacy, Formal Advocacy, Independent/Professional Advocacy and Peer Advocacy. The following Jig-saw shows these differences and how they interlink.

- An Advocate....**
- Supports you to make sure you have your say
 - Listens to you
 - Gives you confidence
 - Gives you information
 - Gives you Practical help
 - Negotiates on your behalf

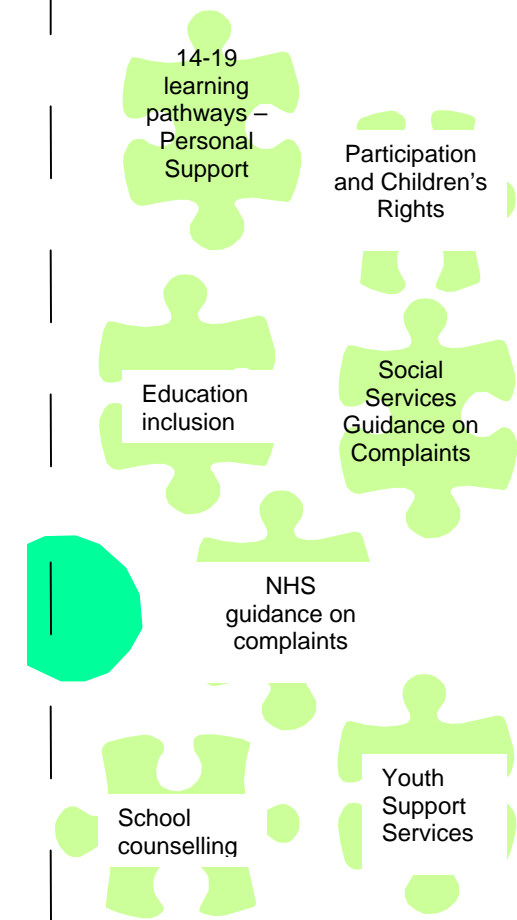
Formal Advocacy
 Sometimes you might prefer to ask for help to access your rights and Entitlements through professionals who work with children and young people. These are usually people who are paid to help and advocate on behalf of children and young people i.e. youth workers, teachers, school nurses, play workers, care workers etc. They help you get information, find out about services, help you make decisions, find where to get more help if you need it, and make sure you have a say in decisions that affect you.

Informal Advocacy.
 Most of you get support to access your rights and entitlements from parents, carers, family members, friends, neighbours, friends' parents and so on. They help you to get your point across, help you say how you feel and make decisions. They are unpaid advocates.

Peer Advocacy
 Sometimes you might prefer to go to other children and young people for help and support to have something stopped, started or changed. Some children and young people are more confident than others and they would feel comfortable in putting your opinion over to others. In some cases, children and young people have received training on being a peer advocate and are part of a scheme or a project

Independent/Professional Advocacy
 When you feel that you are not being listened to, or are unable or stopped from accessing your rights and entitlements, some of you may want to access independent/professional advocacy. This usually involves paid trained people who are qualified to help you have your voice heard in any decision that affect you. They may deal with specific issues because you're not happy with the current situation and feel that you are not being listened to. They would come with you to meetings and make sure you understood what was happening at all times, and that your opinion was considered. They do not offer advice, but help you express your view regardless of their opinion

Examples of Related and interlinked services policy areas



ADVOCACY MAY INCLUDE

Explaining	Information Giving	Navigating	Listening	Supporting	Disentangling	Representing	Empowering	Advising	Negotiating
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The different types of advocacy are not discrete and often the edges are blurred. A child or young person may choose to access more than one type of advocacy for one issue, or go from one type to the next until the issue is resolved.

In Informal and Formal advocacy children and young people choose their own advocate, someone they feel comfortable talking to and sharing their concerns. Many advocates do not realise that they are advocates or are advocating for the child or young person, they merely feel they are providing help and support. Others are in a position where they could be an advocate, but do not provide advocacy as they do not see it as part of their role. In these tiers, children and young people may often feel they need information and advice to understand their situation and support their decisions. There are clear linkages between advocacy and information and advice services. The Welsh Assembly Government supports the national information and advice project for 11-25 year olds, CLIC Online (<http://www.cliconline.co.uk>), which works closely with local information and advisory services.

In some cases, children and young people would prefer to be helped by other children and young people who they feel are more confident and able to listen and put their opinion across. This may be a friend or an older child/young person. In some cases, children and young people will have received training on being an advocate as they are part of a scheme or project.

Independent / professional advocacy service involves children and young people accessing advocacy with trained and/or qualified advocates, some of whom have specialist skills, knowledge and level of expertise when supporting for example; disabled children, children claiming asylum, children excluded from school and children with mental health or special educational needs. Children and young people may not always be able to choose their advocate in this type of advocacy, but they should be able to choose not to work with a particular advocate without giving a reason and without reprisal or a delay in service.

Children and young people often struggle to get answers to simple questions about what help or support they are entitled to. Advocacy and the participatory practice it embodies can change this and provide support at various levels so that children and young people feel empowered and have the confidence and are encouraged to speak out without fear or reprisal. Children and young people can be especially vulnerable when they have problems or feel that things are not going right, so ensuring that their concerns are put right quickly and effectively and reporting back to them regularly are essential ingredients of advocacy.

The type of advocacy support required by children and young people is varied, and will often depend on individual circumstances, communication needs, and the complexity of the situation or decision being made. Whether provided by professionals, volunteers, peers or other informal contacts, children and young people consistently tell us about the value that they place on advocacy support, from assistance in expressing a view to representation in relation to life-changing decisions¹⁵.

Listening and responding to children and young people should be an integral part of everyday practice and organisational culture.

¹⁵ A Pithouse et al, Cardiff University (2005) A Study of Advocacy Services for Children and Young People in Wales

Annex 3 - Vulnerable children and young people

The term ‘vulnerable children and young people’ as defined within a Legislative Competence Order Relating to Vulnerable Children and Child Poverty is:

- Any child in need (including disabled or very sick children).
- Children on the periphery of care, in care, or who have left care.

The following table shows groups of children and young people who have a statutory entitlement to an advocacy service (usually for specified reasons) under current legislation;

Vulnerable Children and Young People	Legislation regarding advocacy
<ul style="list-style-type: none"> • Children and Young People up to the age of 18yrs in care of NHS i.e. in Hospital or primary care (family doctor, dentist, etc) 	<p>-Statutory duty on the Welsh Ministers under Section 187 of the National Health Service (Wales) Act 2006 - provision of independent advocacy for people wishing to make a complaint about the health service</p> <p>Community Health Councils (CHC) in Wales already provide an advocacy service on behalf of the Welsh Ministers to anyone wishing to make a complaint. As part of other changes being proposed to the role of CHCs, they will continue to provide a complaints advocacy services for adults wishing to complain about an NHS service. Arrangements for children and young people’s advocacy will need to be made via the new Model through the Children and Young People’s Partnerships. The intention is to issue Directions to Local Health Board to require them to make these arrangements.</p>
<ul style="list-style-type: none"> • Children and Young People Leaving Care 	<p>Children (leaving Care) Act 2000 – all care leavers can access advocacy services in making representations about a local authority’s leaving care services</p>
<ul style="list-style-type: none"> • Children and Young People Looked After • Children and Young People in need which includes children and young people..... <ul style="list-style-type: none"> ○ with mental health problems ○ with a disability (within definition of Children Act 1989 opposite) ○ excluded from school ○ who are asylum seekers or refugees or unaccompanied minors ○ in refuge due to homeless status ○ who are homeless or in unsatisfactory accommodation ○ away from home in residential accommodation, schools, Secure Units and custodial settings or independent Hospitals ○ who are in the Youth Justice System ○ Who are young carers ○ Who have been or who are at risk of being abused or neglected ○ Who are school aged mothers 	<p>Children Act 1989 (section 26A) – provision of advocacy for representation or complaints by a child in relation to services received either as a looked after child or a child in need. A “looked after” child is a child who is either in the care of a local authority or is provided with accommodation under a local authority’s functions under part 3 of the Children Act 1989. Those children who are “looked after” are set out in section 22. A child “in need” is defined in section 17 as follows - ...</p> <p>(10) For the purposes of this Part a child shall be taken to be in need if—</p> <p>(a) s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority under this Part;</p> <p>(b) his/her health or development is likely to be significantly impaired, or further impaired, without the provision for such services; or</p> <p>(c) s/he is disabled,</p> <p>(11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part— “development” means physical, intellectual, emotional, social or behavioural development; and “health” means physical or mental health.</p>
<ul style="list-style-type: none"> • Children and Young People with Mental Health issues, including young people who are detained 	<p>Mental Health Act 2007</p>
<ul style="list-style-type: none"> • Children and young people with Special Educational Needs 	<p>Education (Wales) Measure (yet to be passed). This will extend the right of children and young people to have access to an advocate to appeal against the SEN tribunal decision in their own right</p>

Annex 4 – Links to Key Welsh Assembly Government Initiatives and Policy Areas

- Contribute to delivering the Assembly Government's 7 Core Aims for Children and Young people based on the UN Convention on the Rights of the Child.
- The Children Act 2004 which places emphasis on the Children and Young People's Partnerships as the vehicle for the planning and delivery of services for all children and young people from birth to 18 yrs, or to 25 yrs if they receive youth support services or are care leavers in certain circumstances.
- National Service Framework for Children, Young People and Maternity Services in Wales which sets standards to improve the quality of services that children, young people and their families have a right to receive
- Children and Young People's Workforce Development Strategy
- The Learning Country and Learning County II which sets out the Welsh Assembly government's vision for learning, the need to make sure all children reach their full potential, and policies to create the best environment for lifelong learning
- Contribute to implement the personal support element of the 14-19 Learning Pathways
- Section 29 of the Education Act 2002 to put in place procedures for dealing with complaints by pupils, where on occasion pupils may need the support of an advocate
- Complaints about the NHS Treatment and Care – A guide to making a complaint about the NHS in Wales
- 'Listening and Learning' : A guide to handling complaints and representations in local authority social services in Wales
- Youth Strategy as Youth Services are often involved in advocacy and supporting children and young people who need the support of advocates
- 'Common Core for Skills, Knowledge and Understanding'
- Children and Young People's Workforce Development Strategy
- 'Shared Planning for Better Outcomes'
- School Based Counselling Strategy

Annex 5 – Research taken into account when developing New Service Model for delivering Advocacy for children and young people

- **‘Lost in Care’**
Report on the Tribunal of Inquiry into Child Abuse in North Wales conducted by Sir R. Waterhouse. Department of Health (February 2000).
- **‘Too Serious A Thing’**
A review of safeguards for Children and Young People treated and cared for by the NHS in Wales by Lord Carlile. (2002)
- **‘Telling Concerns’**
A Report by the Children’s Commissioner for Wales. Review of the operation of complaints and representations and whistle blowing procedures. Arrangements for the provision of Children’s Advocacy Services. (2003)
- **‘The Clywch Report’**
Report of the Examination of the Children’s Commissioner for Wales into allegations of child sexual abuse in a school setting (2004)
- **‘A Study of Advocacy Services for Children and Young People in Wales.’**
Report by Andrew Pithouse et al, Cardiff University (July 2005)
- **‘Children Don’t Complain’**
Children’s Commissioner for Wales’s review of complaints, representations and whistle blowing procedures, and arrangements for advocacy services in local education authorities in Wales. (2005)
- **‘Red Kite Report on Consultations with Children and Young People’ - New Arrangements for Handling Complaints from Children and Young People in Health, Social Care and Schools – Children and Young People’s Consultation Framework Guide**
*Red Kite Research and Consultancy – (July 2005)
(Copies available from Advocacy development and performance Unit - Welsh Assembly Government)*
- **‘Making the Connections - Delivering Beyond Boundaries: Transforming Public Services in Wales’ -Welsh Assembly Government response and action plan to review of Local Service Delivery (November 2006).**
- **‘Keeping us Safe’.**
Report on the Safeguarding of Vulnerable Children. Review for Children and Young People. (2006)

Annex 6 - National Standards for the Provision of Children's Advocacy Services

The National Standards were developed to ensure that all advocacy services are of the highest quality efficiency and effectiveness.

The full version is available on

<http://wales.gov.uk/topics/childrenyoungpeople/childrenfirst/publications/advocacystandards/?jsessionid=CqLvJQdJJh2GslhMvCv98r2lc2m8v0L3R5mQnv1GjTcW1nyxy3hX!590164483?lang=en>

Below is a summary....

- | | |
|----------------|--|
| Standard One | Advocacy is led by the views and wishes of children and young people. |
| Standard Two | Advocacy champions the rights and needs of children and young people. |
| Standard Three | All Advocacy Services have clear policies to promote equalities issues and monitor services to ensure that no young person is discriminated against due to age, gender, race, culture, religion, language, disability or sexual orientation. |
| Standard Four | Advocacy is well-publicised, accessible and easy to use. |
| Standard Five | Advocacy gives help and advice quickly when they are requested. |
| Standard Six | Advocacy works exclusively for children and young people. |
| Standard Seven | The advocacy service operates to a high level of confidentiality and ensures that children, young people and other agencies are aware of its confidentiality policies. |
| Standard Eight | Advocacy listens to the views and ideas of children and young people in order to improve the service provided. |
| Standard Nine | The Advocacy Service has an effective and easy to use complaints procedure. |
| Standard Ten | Advocacy is well managed and gives value for money. |