

The All Wales Children and Young People’s Advocacy Providers Group¹ response to the recommendations of ‘Missing Voices: the Children’s Commissioner for Wales review of independent professional advocacy services for looked after children and young people, care leavers and children in need in Wales’

1. We welcome the Children’s Commissioner for Wales’ review and the opportunity to provide a response to the Recommendations of the report
2. We recognise the current challenges facing existing structures and arrangements and the need to redouble our collective efforts in recognition of the increasing pressures being placed on existing resources and services, which are threatening to undermine the shared vision of progressing towards a quality and equitable provision of independent advocacy services across Wales
3. We appreciate that the scope of the review and its terms of reference did not allow for a broader discussion on advocacy services for all vulnerable groups of children, including age disputed asylum seeking children, or of the commitment to deliver universal provision for all children and young people across Wales²
4. We have provided a response which builds on previous collective lobbying by advocacy provider organisations and Children in Wales to the NAFW Children and Young People’s Committee enquiries into advocacy services³, responses to Welsh Government consultations and the evidence a number of individual advocacy provider services gave to the CCfW review team during the course of the evidence gathering stage
5. We believe that there is now a need to create a momentum from this Review and identify real opportunities which exist for progress in this area.

¹ The All-Wales Children and Young People’s Advocacy Providers Group is a professional network managed and coordinated by Children in Wales.

<http://www.childreninwales.org.uk/areasofwork/advocacy/advocacyprovidersgp/index.html>

² NSF 2.6 http://www.wales.nhs.uk/sites3/Documents/441/EnglishNSF_amended_final.pdf

³ <http://www.assemblywales.org/bus-home/bus-third-assembly/bus-committees/bus-committees-other-committees/bus-committees-third-cyp-home/bus-committees-third-cyp-inquiry.htm>

Our 4 main areas for priority are for...

- A full debate and actions around Independent commissioning arrangements
- A funding formula to be developed and agreed
- A dedicated advocacy team within Welsh Government to drive forward policy and delivery, with a clear relationships and a strategic structure across all branches of Welsh Government, including health and social services, education, youth offending and safeguarding
- The publication of statutory guidance, a national outcomes framework and the development of a strategy for the promotion and marketing of advocacy provision for children, young people and the professionals who provide support.

Principally, there is the need to set out a clear and robust way forward with agreed priorities, timetable and a set of measurable outcomes.

There is also an urgent need to focus on ensuring that existing statutory duties placed on local authorities are being consistently met in light of the review's finding and the challenging economic climate.

The group would wish to be part of and included in discussions on the way forward.

Issues raised in the report	Recommendations for Welsh Government	Response
Lack of strategic leadership	Welsh Government should provide clear strategic direction to local authorities to ensure that all children who have statutory eligibility for independent professional advocacy wherever they live in Wales are able to access such a service through clear and consistent procedures and practice (Recommendation 15)	All children and young people who are eligible to receive independent professional advocacy support should be able to access such a service. Clear and robust strategic direction should be issued by the Welsh Government which sets out the duties and obligations placed on local authorities in this respect. CSSIW should ensure compliance through their

		inspection arrangements
	<p>As a matter of urgency, Welsh Government must publish statutory guidance, standards and an outcomes framework for delivering advocacy services for children and young people without delay. (Recommendation 23)</p>	<p>It is essential that all three strands – statutory guidance, revised national advocacy standards with an outcomes framework – be published as a matter of urgency. Consideration should be given to the Welsh Government commissioned 2007 report produced by Red Kite Consultancy which examined the requirements of Providers and Commissioners to comply with the existing national standards</p> <p>In respect of the delayed statutory guidance, we recognise that considerable changes have taken place at a local level since the release of the first draft guidance for consultation in June 2009 which will now require careful consideration. The financial landscape has also changed significantly with reduced or frozen budgets alongside an increasing Looked After Children and Children in Need population across Wales. Many local authorities are progressing on a regional basis in the absence of statutory guidance, yet in many other areas there is considerable delay causing workforce pressures. We believe that the existing draft guidance should be systematically reviewed to take into account both national and local developments and a clear timescale from review to publication from Welsh Government should be outlined and made public. The Statutory Guidance should include arrangements for both the delivery and commissioning of services.</p>

		<p>As an interim measure and to avoid further local delay, the Deputy Minister should reaffirm the expectations placed on local authorities to ensure that there is no further delay in implementing the Welsh Government’s vision.</p>
	<p>Welsh Government should disband the National Independent Advocacy Board with immediate effect. (Recommendation 24)</p>	<p>It is accepted that the remit and role of the National Independent Advocacy Board (NIAB) has not been fully fulfilled as had been anticipated upon its creation. The independence from and interface between NIAB and the Welsh Government has not always been clear and externally has appeared problematic. With NIAB operating at a strategic level, the lack of sufficient resources to exercise their powers at an operational level has meant that it was always difficult to see how the brief of the Board could be effectively achieved.</p> <p>The Welsh Government should now consider either disbanding or reforming NIAB into a structure which adds value and avoids any duplication, is fit for purpose and has a clear remit, set of priorities and measurable outcomes. There is scope to consider NIAB becoming an advisory body to the Welsh Government but any decision on its future should be considered within the broader discussion which has to now take place. This debate should cover the role of the Welsh Government itself, in particular the need for a dedicated advocacy team, and the role and powers of the CCfW over such matters.</p>

	<p>Welsh Government should re-establish a distinct Advocacy Unit focusing on advocacy, with a</p> <p>a) Strengthened remit to promote best practice and to ensure the delivery of a consistent service by engaging with and supporting local delivery against national standards across Wales.</p> <p>b) The work programme for the Unit to be developed and shared annually with commissioners, providers, inspectorates and the Office of the Children’s Commissioner for Wales. (Recommendation 26)</p>	<p>We believe there is a clear need for a distinct team within Welsh Government with responsibility for overseeing the development and delivery of independent professional advocacy provision and services in Wales. This dedicated structure should be well resourced and staffed appropriately. We would expect the discrete team to operate with colleagues in complimentary and related branches of Welsh Government. Formal structures and relationships should be developed with colleagues from child protection/safeguarding, Health, Education, poverty and youth offending, in addition to the broader children’s rights policy team and portfolio. This would reflect the cross cutting nature of advocacy and to help reinforce the interface with other policy areas.</p> <p>To aid this process, the Welsh Government should consider creating an Advocacy Programme Board which would provide an opportunity for Director Generals to engage together and give consideration to their roles in progressing advocacy and would report directly to the Deputy Minister with responsibility for this portfolio. It would also establish a system of shared ownership of advocacy across Welsh Government. This model is presently in place to take forward the poverty agenda.</p>
	<p>The re-launched Advocacy Unit should bring commissioners, providers and other key stakeholders to an annual meeting to examine progress against the national standards, to share best</p>	<p>Subject to the creation of a distinct and dedicated advocacy team within Welsh Government, an annual review could provide an opportunity to examine</p>

	<p>practice and to identify developmental goals that could inform improvement and take up of services. (Recommendation 27)</p>	<p>progress in relation to this agenda.</p>
	<p>Welsh Government should issue clear and definitive guidance on commissioning independent advocacy to local authorities. (Recommendation 11)</p>	<p>The arrangements around the commissioning of advocacy services across Wales should form a key component of the statutory guidance document as discussed in response to Recommendation 23.</p>
	<p>Welsh Government should give consideration to the development of a national funding formula to inform the hypothecation of a portion of the Social Services budget for independent professional advocacy according to locally identified need. (Recommendation 13)</p>	<p>Though it is accepted that this is a complex task, it is essential that a national funding formula is developed if we are to ensure there is equity of service provision across Wales. Consideration should be given to the historic decline of funding across Wales with the outcome determined by what is needed to ensure there is a quality service rather than what resources are deemed to be available. The discussion should be broader than the budget of social services, embracing the key role that other sectors, notably education and health, are required to play in transforming this agenda. We would see this work being undertaken or overseen by a dedicated advocacy team within Welsh Government and would be eager to be part of the discussions. Whether hypothecation is eventually achieved or not – the exercise will at the very least benchmark required funding levels for advocacy services.</p>
	<p>Welsh Government should provide a national framework to ensure that there is consistent promotion of information about advocacy across Wales. (Recommendation 19)</p>	<p>There is clearly a need for a national framework for the promotion of advocacy across Wales alongside a robust and sustainable marketing strategy with sufficient resources. Advocacy services should be</p>

		<p>promoted through a variety of routes, for example social services, schools, health and third sector services</p>
<p>Lack of monitoring, inspection and regulation</p>	<p>Welsh Government should establish an appropriate and robust accountability mechanism in relation to advocacy within Government. (Recommendation 25)</p>	<p>This could be achieved through a cross government board of senior officials with a system in place for reporting back to Welsh Ministers and the NAFW. The advocacy team would also liaise with the reformed NIAB group, CCfW and the NAFW Children and Young People’s Committee</p>
	<p>A means of regulation and inspection must be established as a matter of urgency. Welsh Government and CSSIW should be tasked with incorporating advocacy in the regulatory and inspection framework for Children and Family Services and should establish a process to register advocacy providers. (Recommendation 28)</p>	<p>We are in agreement with this and advocacy providers would welcome an opportunity to engage in further discussions in relation to their part in any future inspection process.</p>
	<p>Welsh Government and CSSIW should consider placing a requirement on residential settings for children and young people to have arrangements in place for independent professional advocacy. (Recommendation 29)</p>	<p>All residential placements should have a responsibility to bring in an independent VISITING professional advocacy service, including private settings. A VISITING professional is essential to maintain independence from the setting and to ensure that all children and young people, including those most vulnerable placed away from home, have access to independent support.</p> <p>We would suggest that children and young people should not be placed in private homes if there is no independent visiting professional advocacy service available. All safeguarding boards in Wales should be aware of the status of homes in their area and cross border arrangements and information sharing in this</p>

		respect should also be in place and monitored.
	Recommendations for Local Government	Response
Lack of awareness, understanding and promotion of advocacy	The term 'Advocacy' is not easy for children and young people to understand and should always be presented with a clear explanation in words that can be easily understood. (Recommendation 1)	We agree that the term advocacy can prove problematic for some children and young people to understand. For this reason it is essential that a consistent and agreed explanation is provided which all children and young people can engage with. There is an opportunity for the Statutory Guidance to help address this alongside a sustainable promotion and marketing strategy and campaign.
	All eligible children and young people should be allocated an advocate at the point at which they <u>enter the statutory childcare system</u> . This advocate would be responsible for explaining their role to the child or young person. (Recommendation 2)	Children and young people have a right to be able to access support and information on advocacy. Yet we know that many do not take up their entitlement as they are not made aware that this support is in place and which they have a right to access. Whilst we support the intent behind this recommendation, we recognise that there is an ongoing challenge around how children and young people have an opportunity to access advocacy <u>voluntarily</u> without it being enforced or imposed upon them. Should we advance the notion that all young people be <u>offered</u> an advocate, this would safeguard the key principle, standard and indeed right, that children and young people can decide for themselves. However, we recognise that this can be problematic in that it places professionals in a 'gate keeping' role and relies on their knowledge, interpretation and inherently their views on the

		<p>benefits (or not) of advocacy support.</p> <p>All professionals have a formal advocacy role and we believe that it is important that their role and that of Professional Independent Advocates is clearly defined so as to avoid any duplication and confusion amongst children and young people as recipients of their support. There is also an independence issue as professionals, such as social workers, are employees of the authorities which commission and resource advocacy provision.</p> <p>There is a need to put in a robust system to <u>offer</u> children and young people an independent advocate which we would anticipate would increase the uptake of advocacy support. We do not wish to move to a position whereby all children and young people would be provided with advocacy support regardless of whether this is needed or wanted by the child or young person. In addition to being a child-rights issue, it is also a time and resource issue. Potentially, there could be a key role for IROs and this should be explored further.</p> <p>Clearly more discussion is required and we would welcome an opportunity to give consideration to different solutions as different models and approaches are put forward.</p>
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	<p>All induction programmes for social workers and youth offending team staff should ensure that there is a clear understanding of the benefits and practice of independent professional advocacy. This should include a clear understanding of entitlement of such provision as a right for children and young people and an introduction to the Welsh National Advocacy Standards. (Recommendation 3)</p>	<p>We are in agreement with this and would see this being extended beyond social workers and YOT staff to the wider social care workforce, including children’s disability teams, health professionals, foster carers, residential care workers and staff within private care homes.</p>
	<p>Local authorities and advocacy providers must provide opportunities to raise awareness about the purpose of advocacy among all staff working with children and young people. This should include developing an understanding of how to access advocacy and working relationships with advocacy provider managers and advocates. (Recommendation 14)</p>	<p>Advocacy providers would welcome further opportunities to raise awareness about the purpose of advocacy among all staff working with children and young people and are routinely engaged in this as resources and capacity allows. There would be resource implications if advocacy provider services were required to extend this service without this impacting on operational work directly with children and young people. The availability of the newly developed accredited Formal Advocacy training will assist in raising awareness of staff working with children as well as helping to achieve an understanding of the inter relationship of the parts of the Advocacy Jigsaw.</p>
	<p>Local authorities and advocacy providers should establish appropriate operational procedures and protocols within a service level agreement for information to be provided to children and young people about advocacy services. (Recommendation 18)</p>	<p>We agree that there is a need for greater consistency and a unified approach across Wales to enable this to be realised. We believe that links could be made with Recommendation 19 as part of a broader national framework for Wales. Legal advice and guidance would be necessary and we would see this as a task that a dedicated advocacy team within Welsh Government could look to take forward.</p>

	<p>Elected members must be well informed of the statutory responsibility they have to provide advocacy. All local authorities must provide training and information to elected members about advocacy. (Recommendation 6)</p>	<p>We would support this and suggest that this work takes place alongside Recommendations 3 and 14. On-going training for elected members is essential to help reinforce their duties as corporate parents. We would welcome discussions with local authorities and the WLGA around the opportunity for providers to engage with this, more fully and routinely than at present.</p>
	<p>Parents, foster carers and guardians should be routinely provided with clear information and training about professional independent advocacy. (Recommendation 8)</p>	<p>We would support this and that this forms part of a package alongside Recommendations 3, 14 and 6. See response to Recommendation 14</p>
	<p>The advocate allocated to a child or young person should be responsible for explaining their role to the child's parent, foster parents or guardian. (Recommendation 9)</p>	<p>Aside from our earlier comments around the notion of an advocate being 'allocated' to a child or young person (Recommendation 2), we do have concerns around any consideration being given to a child's advocate having '<u>responsibility</u>' for explaining their role to the child's parents, foster parents or guardian. In our experience, many young people do not wish for their parent(s), guardian(s) or foster carers to know that an advocate is providing independent support and there can be valid reasons for wishing to retain confidentiality, including issues around potential safeguarding. A core principle of advocacy is that it is <u>child and young person led</u>, and it is our belief that this should be maintained and not be compromised in any way or form. Advocacy providers do currently engage with parents, guardian and foster carers and do provide both written and verbal information on their role so as to enhance and extend awareness and</p>

		<p>understanding of their services. However we do not support any element of compulsion for this to always happen and would look to the allocated social worker to provide this role as part of Recommendation 8.</p>
	<p>Advocacy providers' quarterly reports to local authorities should be copied to all children and family social services teams to raise awareness of the service and to inform staff how advocacy services are being used. There should be regular attendance at local authority team meetings by the advocacy provider to ensure a clear understanding of the local practice and process. (Recommendation 4)</p>	<p>Whilst we support this in principle, we would suggest that care is taken to ensure that confidentiality isn't compromised or broken and sensitive information is not shared. To avoid some information being shared which would result in the child or young person being easily identifiable, we would suggest that a version of the quarterly report should be circulated which captures aggregated numbers rather than the details. The Quarterly report could therefore be in 2 distinct parts, with one section for higher level management only and a second section for children and family social services teams</p> <p>As alluded to in our response to Recommendation 14, regular attendance at team meetings is fine in principle, but a resource issue at present. There would be further resource implications if advocacy provider services were require to attend more team meetings than at present without this impacting on operational work directly with children and young people. We would suggest that it is important to meet on at least a biannual basis</p>
	<p>Advocacy providers' quarterly reports to local authorities should be copied to all elected members to raise awareness of the service and</p>	<p>Building on our response to Recommendation 4, we would support all elected members being copied into</p>

	<p>to inform members of how advocacy services are being used. There should be regular visits by the advocacy provider to the corporate parenting panel to ensure a clear understanding of the local practice and process. (Recommendation 5)</p>	<p>Quarterly Reports to raise awareness of the service and to inform members of how advocacy services are being used. This information could also be utilised, as appropriate, as part of the on-going training of elected members as discussed in our response to Recommendation 6.</p>
	<p>Complaints Officers must continue to inform children and young people about how to make complaints and to offer the support of an independent advocate when making a complaint. (Recommendation 21)</p>	<p>We agree with this recommendation and believe that further dialogue should be undertaken with complaints officers as to how this could be best achieved in light of the lack of consistency across Wales, the extension of their roles in many areas and that not all officers have an exclusive children and young people's remit.</p>
	<p>Children and young people should be involved in all aspects of advocacy service development and review. (Recommendation 17)</p>	<p>The opportunity for children and young people to be involved in all aspects of advocacy service development and review is a core principle for advocacy providers. This should be at a local and national level and be underpinned by the principles of Article 12 of the UNCRC and the National Participation Standards for Children and Young People in Wales.</p>
	<p>Local authorities should ensure the elected member with statutory responsibility for children's services acts as a local champion of advocacy and provides strong leadership in this area. (Recommendation 16)</p>	<p>We would agree with this and can see the links with Recommendation 6.</p>
<p>Access to independent professional</p>	<p>Local authorities should review local take-up of independent professional advocacy services to eligible children and young people in their area and investigate any patterns of low take up. This should</p>	<p>We believe this must happen and should be taking place on a consistent basis. To aid this, Quarterly Reports could be routinely discussed with advocacy</p>

advocacy	<p>include a similar review of arrangements for children and young people in out of county placements. (Recommendation 10)</p>	<p>providers to look at patterns and trends.</p>
	<p>Local authorities and advocacy providers must promote the independent relationship between the commissioning process and the delivery of advocacy to individual children and young people. (Recommendation 20)</p>	<p>We believe this is a key area for further discussion and would wish to see robust consideration being given beyond this recommendation. Our concerns centre on the principle that at present, independence is compromised. Advocacy services may act independently but are not independent from the inconsistent commissioning process. <i>'Promoting the independent relationship'</i> is problematic if the relationship between the commissioning process and advocacy service is not independent to begin with. We are therefore disappointed that the Review was not able to provide some context and further discussion around this issue of independence and the potential for establishing an independent national centrally commissioning service and arrangement which would build on the reports and recommendations from the enquiries undertaken by the NAFW Children and Young People's Committee review into advocacy services and the CCfW enquiry 'Telling Concerns'. Proposed moves away from local authority commissioning structures to arrangements through Children and Young People's Partnerships did not resolve this issue and with the Welsh Government's 'simplification' agenda, partnership arrangements are currently in a state of flux.</p> <p>We believe that establishing an independent national</p>

		centrally commissioning service should be fully explored and that this area of work should now be urgently prioritised.
	There should be a consistent single point of contact within each local authority in relation to the commissioning of advocacy services. (Recommendation 12)	Notwithstanding our comments to Recommendation 20 above, we agree that there should be a single point of contact within each local authority for all advocacy matters. This named person has to be of sufficient seniority such as head of service to achieve consistency across Wales.
Lack of monitoring, inspection and regulation	Local authorities should ensure that advocacy is a standing item on all relevant scrutiny committees' agendas to ensure there is a robust advocacy reporting mechanism to assist corporate parenting. (Recommendation 7)	Agree, and for the context and outcomes of these discussions to be made publically available as appropriate.
	Recommendations for the Children's Commissioner for Wales	Response
Lack of consistent implementation of advocacy provision and lack of scrutiny of progress	The Children's Commissioner for Wales will commit to scrutinising the Welsh Government's progress in relation to the provision of independent professional advocacy services for looked after children, care leavers and children in need within a dedicated section of his Annual Report. This work to be directly informed by the views and experiences of children and young people. (Recommendation 22)	We would welcome this.

This response has been developed with contributions from

- Tros Gynnal Plant
- NYAS Cymru
- Voices from Care Cymru
- MEIC
- Children in Wales
- Action for Children

The All Wales Children and Young People's Advocacy Providers Group is managed and coordinated by



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