**Practice Guidance**

**Advocacy**

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| **Title:** | Practice Guidance – Advocacy |
| **Effective From:** | 05.06.2023 |
| **Practice Note:** | This Practice Guidance has been developed in order to explain what advocacy is, why it is important, the role of the Independent Advocate, and Dudley’ advocacy offer. |
| **Authorised by:** | Senior Leadership Team  Children’s Services, Dudley Council |
| **Review date:** | 05.06.2024 |

**What is advocacy and why is it important?**

Children and young people have lots of ideas about how their needs can be met, how they are cared for, and what would make life better for them. They are often willing to share their views, but professionals need to be genuine in their response to show they are listening and incorporating their views into assessments and plans.

People who work with children such as family support workers and social workers are very good at understanding their views, feelings and wishes. However, sometimes, children and young people may need an independent person to support them to express themselves, especially where they are not happy with the service they have received, or they have a different opinion to the adults that care for them and are working with them even when working in their ‘best interest.’

Advocacy can be empowering for children and young people. They often feel more confident to express their wishes and their entitlements when they have experienced an advocate doing so on their behalf.

**Types of Advocacy**

There are two common forms of individual advocacy - informal and formal advocacy.

When people like parents, friends, family members or a professional support a children or young person to express their views this is called informal advocacy.

Informal advocacy requires a mapping exercise to be undertaken to understand the relationships in the child’s network. The completion of either an Eco map or genogram allows relationships to be explored and understood allowing the most appropriate person to provide informal advocacy to the child or young person.

For example, a child may identify a school teacher to represent their views at a Child Protection Conference. Another example of informal advocacy could be a child identifying their mother’s friend to support them attend and express themselves at a Child in Care Review.

Formal advocacy more frequently involves a paid independent advocate being provided for someone.

**What is an Independent Advocate?**

An independent advocate is a person employed to provide children with information and advice, advocacy, representation and support to ensure their wishes and feelings are heard, understood and taken seriously by agencies making decisions about them.

Independent advocates are focused solely on the child or young person’s views. They act exclusively for the child or young person and are free of any conflicts of interest.

**What does an Independent Advocate actually do?**

What an independent advocate does will depend on the needs of the child, but is likely to include phone calls and other correspondence with their allocated worker, supporting them at meetings and reviews, and helping them through the formal complaints process if they need this.

The advocate will work in an open and honest way ensuring that the child understands their rights and entitlements, and is able to make informed decisions about the choices that are available to them. The advocate will not seek to influence the child or young person with regard to their decision making.

**Who can have advocacy?**

The Children Act 1989 (Section 26A) gives looked after children, children in need and care leavers a statutory right to advocacy when they are making, or wishing to make, a complaint or representation to a local authority.

However, many children and young people seek advocacy without wishing to make a formal complaint. Revised Children Act statutory guidance supports this more general right to advocacy and is described in more detail in the section on Statutory Guidance.

**What if a child or young person has a disability and is unable to communicate verbally?**

Article 12 of the UN Convention on the Rights of the Child states that children and young people who are not able to communicate clear directions still have the right to be involved in the decisions that affect them and to have their views taken into account when decisions are being made about their lives.

Where children and young people have specific needs, consideration should be given to providing them with a service that meets their needs. There are a number of different ways in which advocates can work in a meaningful way with those who are non-verbal. Some advocacy providers have expertise in the provision of Non-Instructed advocacy.

What is important is that the advocate has a good knowledge of child or young people’s rights and entitlements, ensuring that these are not overlooked when decisions are being made.

**What happens if a child or young person expresses information that raises concerns for their safety?**

Confidentiality and establishing trust are very important in the advocacy relationship. Advocacy services also have safeguarding responsibilities to children and young people and these are made clear at the start of any advocacy relationship.

The advocate will explain that confidentiality would need to be breached in the event of serious concerns about a child’s safety or the safety of another person. Wherever possible, any need to breach confidentiality would be discussed with the child prior to contacting Children’s Services.

**Statutory Guidance**

The [**Children Act 1989**](http://www.legislation.gov.uk/ukpga/1989/41/section/24D) gives the right to looked after children to make representations and complaints to the Local Authority regarding their care arrangements. ‘Looked after children’ means those who are in care by agreement of a parent or under a court order.

This is further reinforced in the [**Adoption and Children Act 2002**](http://www.legislation.gov.uk/ukpga/2002/38/section/119) which places a duty on Local Authorities to assist looked after children who want to make a complaint. This duty is interpreted in the [**Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004**](https://www.legislation.gov.uk/uksi/2004/719/made) to mean that the Local Authority**must**provide advocacy services to looked after children who wish to make a complaint about their care.

[**Government Guidance**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf) states that consideration should be given to securing an advocate for any looked after child who has difficulty expressing their views.

The [**IRO Handbook**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/337568/iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf) places a duty on an IRO to make a child aware of their right to advocacy; it also states that advocacy is an option available to children in care whenever they want to have such support and not just when they wish to make a complaint.

There is no legal right to have an advocate attend a Child Protection Conference. However, child advocates are included as one of the accepted professionals to attend a Child Protection Conference. This is reinforced in the Government guidance [**Working Together to Safeguard Children**](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2).

**Dudley’s Advocacy Offer**

Dudley has a contract with Barnardo’s advocacy service who predominantly provide advocacy for children and young people who are care experienced and live with foster carers, in residential homes or secure units or are care leavers.

The service is made up of a Project Worker, an administrator, supported by a Team Manager.

Their aim is to support children and young people in:

* Getting their point of view heard.
* Talking about issues which affect them mainly with social services, health or education;
* Attending meetings- they can go with them or help them to write letters;
* Put forward their views and wishes;
* Only act when they say so;
* Be open with them;
* Treat everyone fairly ­

Barnardo’s advocacy service advise children and young people that the things that they share will be private between them and the project. They will only tell someone else if the child/young person agrees, or if they think that they or someone else may be seriously harmed.

There is a leaflet that can be shared with children and young people to explain the above so that they have an understanding of what advocacy means and how it will help them. (Please see appendix 1). This is important in order for them to be able to provide informed consent.

If you are working with a child/young person who is subject to a child in need/child protection plan, and feel that this service would be of benefit to them, this can be obtained through a spot purchase. In order to progress this, you would need to attend resource panel in order to receive approval, and then make the referral as detailed below.

**Referring for Advocacy**

In order for the child or young person to access the service, they must agree to the service and a referral form must be completed (please see appendix 2). It is very important that **consent** is obtained as the service cannot be provided without this or it may delay the service in being provided.

For further information or a discussion about the service, Barnardo’s can be contacted on:

Freephone:0800 157 7913

 Or telephone: 01384 411722

Email address:

dudleyadvocacy@barnardos.org.uk

**Relevant Publications**

* [National Standards for the Provision of Children’s Advocacy Services. Department of Health, November 2002](https://article39.org.uk/wp-content/uploads/2019/02/National-advocacy-standards-Nov-02.pdf)
* [Get it Sorted, Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989. Department of Education and Skills, 2004](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273899/providing_effective_advocacy.pdf)

**Appendix**

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