

“Having an advocate helped change my life”



Advocacy services for children and young people

Progress report – June 2020

Advocates4U
Your future, your dreams, your voice

A year ago, the Children's Commissioner for England published her second investigation of advocacy services for children and young people.¹ Her report made 10 recommendations for improving the availability and effectiveness of these vital services.

Advocates4U is the national campaign for stronger entitlements to advocacy for children and young people, and a government strategy for achieving this.² It is co-ordinated by Article 39 children's rights charity with Coram Voice, NYAS and the National Association of Independent Reviewing Officers. Our campaign name was created by Heather and Megan from Sheffield's Children in Care Council.

We have produced this progress report to chart national and local developments since June 2019 around ensuring children and young people's access to high-quality independent advocacy services.

Background

Two years ago, the Advocates4U campaign approached Tim Loughton MP, former Children's Minister and Chair of the All-Party Parliamentary Group for Children, with the idea of a parliamentary inquiry into children and young people's advocacy services. This led to him hosting a parliamentary roundtable chaired by the Children's Commissioner for England, Anne Longfield, in June 2018. Following this, the Children's Commissioner established an advocacy working group to develop a vision for the future of children and young people's advocacy services. Members of the Advocates4U campaign steering group played an active role in the Commissioner's working group.

Children's Commissioner's recommendations

The Children's Commissioner for England made the following 10 recommendations in June 2019:

1. Local authorities should be required to set out a clear strategy for a local offer for all children eligible to advocacy, showing how advocacy will be delivered and should work towards a highly visible, easily accessible universal advocacy service for children and young people up to the age of 25, which is able to provide rights information and effective assistance across different services and systems as well as signposting to specialist support when necessary.
2. Whenever there are concerns that a child or young person's rights may have been breached while in a residential setting and/or in receipt of a statutory service, the child or young person must be offered assistance from an advocate.
3. The patchwork of statutory entitlement to advocacy should be consolidated, to improve public and professional awareness and accessibility to these vital services. Government departments should ensure the function and importance of independent advocacy is consistently communicated in all statutory guidance concerning children and young people.
4. The Department for Education should consult with stakeholders to update the statutory guidance regarding advocacy (including the national standards), to produce comprehensive guidance on funding arrangements, commissioning, delivering and evaluating advocacy which covers all eligible groups.

5. Increased review of advocacy provision by all relevant inspectorates during inspections (Ofsted, etc.), to be informed by updated national standards and guidance.
6. Local authorities are already required to report on their management of complaints, including advocacy services. This duty should be extended, and advocacy data should be published, to allow for monitoring of the quality of independent advocacy.
7. Advocacy providers, including those commissioned to work in custodial institutions and health settings, should publish annual reports which (consistent with data protection obligations) outline the concerns raised by children and young people, the assistance offered by the service, and the outcomes achieved.
8. Advocacy providers should publish an independence statement which sets out to children and young people how the organisation and its advocates are independent from commissioners and service providers. This should in particular describe how and when senior managers will be involved in helping advocates act robustly for children and young people. Any conflicts of interest between the advocacy provider and the systems and services with which it has formal arrangements (including financial) should be identified in this independence statement.
9. Appropriate training should be a requirement for all advocates.
10. There should be a shared framework for measuring outcomes and impact of advocacy, informed by the Children's Commissioner's 2016 research. This should be co-produced with children, who should be an integral part of service design and evaluation.

The Children's Commissioner used her statutory power to require responses from central government and others to her recommendations.³ A link to the report, with a covering letter highlighting the relevant recommendations, was sent by the Children's Commissioner's office to all Directors of Children's Services in England.

Thank you

We are very grateful to the following advocacy services who generously shared information about their work with children and young people:

- Barnardo's Children's Advocacy and Participation Service in Wakefield
- Birmingham Rights and Participation Service
- NYAS advocacy service in the North East
- NYAS advocacy service in Hull and Yorkshire
- Newham Children's Rights Service

Thank you also to Sharon Martin, Chair of the National IRO Managers Partnership, who kindly updated us on their work to promote and support effective advocacy services.

*Quote on front page from:
Moss, C. (2011) Safeguarding looked after children through advocacy.
Looked after children's views on advocacy. NSPCC.*

Foreword from Anne Longfield, Children's Commissioner for England

Last year I published 'Advocacy for children: children and young people's advocacy in England', a report which investigated the provision of advocacy services in England. It found that too many children in the care of the state were not able to access the support they needed to make their voices heard and to challenge decisions made about their lives.

The report was an important step in highlighting some of the issues around access, quality and independence of advocacy services available to children and it made 10 recommendations, discussed in this progress report.

I welcomed the Department for Education's announcement in March this year of a consultation on the national standards for advocacy, as a first step in acting on the recommendations of my report and ensuring some of the key issues identified by my research are addressed.

I have also been pleased to see the work of the Advocates4U campaign group to drive forward the recommendations of the report, particularly on drafting a Bill which would consolidate children and young people's current entitlements to advocacy.

But there is still much more to be done. My Help at Hand team, which offers an advice and representation service for children in care, care leavers and children living away from home, continues to hear day in, day out from children who feel overwhelmed and ignored by the very system that is meant to protect and empower them. In spite of the vital importance of making children's wishes and feelings central to decision-making processes, which so affect their lives, too often their voices go unheard.

That is why this project is so important, and why I will continue to push for the recommendations of my report to be acted upon. We must all have the highest ambitions for the care system for our country's most vulnerable children. A first class system must place children's voices and a guaranteed offer of advocacy to children and young people at its heart.

KEY STATISTICS

By end May 2020, the 2019 report had been:

- Viewed 3,440 times on the Commissioner's website.
- Downloaded 1,543 times.

1

Local authorities should be required to set out a clear strategy for a local offer for all children eligible to advocacy showing how advocacy will be delivered and should work towards a highly visible, easily accessible universal advocacy service for children and young people up to the age of 25, which is able to provide rights information and effective assistance across different services and systems as well as signposting to specialist support when necessary.

In a fantastic development, on 2 March 2020, Children’s Minister Vicky Ford MP announced there would be a public consultation on a revised set of national standards for children and young people’s advocacy services and regulations during the year.⁴

We are hopeful that the revised standards will more clearly outline the responsibilities of local authorities to set out their strategy for ensuring that every child or young person who needs an advocate can have one. Meanwhile, individual services continue to promote the importance of advocacy across local authorities. For example, Newham Children’s Rights Service is supporting a group of young people to communicate their views and experiences to the local authority’s independent reviewing officer service. Young people have expertise and recommendations to share on what needs to be done differently, what needs to stop, and what should be started to ensure that their experience of looked after reviews is always positive. The children’s rights service is also working hard to ensure all new social workers joining the local authority are made aware of the importance of independent advocacy, and how referrals can be made on behalf of children and young people.

2

Whenever there are concerns that a child or young person’s rights may have been breached while in a residential setting and/or in receipt of a statutory service, the child or young person must be offered assistance from an advocate.

We will press for the revised standards (see recommendation 1 above) to include provision for proactive independent advocacy in situations and circumstances when children and young people are more likely to need assistance to be heard and to protect their rights – particularly in closed environments.

Many advocacy services already have arrangements to routinely visit children and young people in residential settings. For example, Birmingham’s Rights and Participation Service (RAP) visits every children’s home monthly. A report from the service is sent to senior managers after each visit. In addition, issue-based advocacy is offered to children and young people living in children’s homes, responding to their individual concerns and queries. During the COVID-19 lockdown, for example, visiting advocates from RAP helped children and young people living in children’s homes secure laptops and sports equipment.

All children admitted to West Lane Hospital (Middlesbrough) or Aycliffe Secure Centre (Durham) receive a dedicated advocacy service from NYAS. Newham Children's Rights Service offers is seeking to increase its capacity so it can offer information and support to 16 and 17 year-olds who are homeless. It also wants to be able to offer support to young people living in semi-independent and independent accommodation in addition to regulated children's homes.

Coram Voice's dedicated homeless outreach service is another example of proactive advocacy. This advocacy service provides support to homeless young people aged 16 and 17 and to young adults who should have been supported by local authorities as a child to gain leaving care status and entitlement to support until 25.

Government proposals to regulate supported accommodation,⁵ while subject to strong criticism for failing to ensure care for all children in care, include recognition of the importance of advocacy for teenagers in these types of placements. Similarly, although we are deeply opposed to the changes to children's social care law brought about by Statutory Instrument 445,⁶ we welcome the strong statement in the accompanying guidance (published May 2020) about the importance of advocacy – "The ongoing provision of advocacy for looked-after children is of absolute importance at present and, as such, local authority duties to provide it remain unchanged".⁷

The National Association of Independent Reviewing Officers (NAIRO) and the National IRO Managers Partnership (NIROMP) are working with the Department for Education, the Association of Directors of Children's Services and the Local Government Association, as well as with family judges, to try and improve the effectiveness of IRO services generally. As part of this improvement work, NAIRO and NIROMP are specifically addressing the importance of IROs raising awareness of the right to advocacy, and helping children in care and care leavers access such help.

The priorities laid out in NIROMP's strategic vision 2019-2022⁸ set out a child-focused plan to improve services. They focus on empowering children's voices and placing them at the heart of care-planning. Endorsed by the (now former) Children's Minister and the Children's Commissioner for England, NIROMP's regional networks cover the nine regional areas of England. Regional leads and their networks continue to work with local authorities and stakeholder groups to make advocacy services more visible and accessible. The 'Always Heard' and 'Help At Hand' national services are displayed throughout NIROMP's website, together with specific pages for young people, parents and carers. Section 2 of NIROMP's national guidance around COVID-19⁹ contains a helpful statement about children's continued entitlement to advocacy, how to access advocacy via the Always Heard safety net service and the Children's Commissioner's Help at Hand service.

Children in custody are among the most vulnerable children in the country. The Children's Commissioner recently started a new phase of monitoring advocacy services in young offender institutions and secure training centres, and will be reporting on this in the coming months.

3

The patchwork of statutory entitlement to advocacy should be consolidated to improve public and professional awareness and accessibility to these vital services. Government departments should ensure the function and importance of independent advocacy is consistently communicated in all statutory guidance concerning children and young people.

The Advocates4U campaign steering group has decided to sketch out a standalone Bill which consolidates children and young people’s current entitlements to advocacy. We recognise that such legislation is not a current government priority, and we will therefore concentrate our efforts on scoping out model legislation, which advocacy services can then discuss with children and young people. We plan to have a credible proposal by the end of this year.

In September 2019, Coram Voice launched *AdvoCat* a friendly cat cartoon character for children aged 11 and under as an accessible way to communicate what advocacy is. Six months later, in March 2020, Article 39 launched a powerful new video – *Always there for you* – which communicates the importance of advocacy through the experiences and reflections of six young people.¹⁰

4

The Department for Education should consult with stakeholders to update the statutory guidance regarding advocacy (including the national standards) to produce comprehensive guidance on funding arrangements commissioning delivering and evaluating advocacy which covers all eligible groups.

We are delighted that the Department for Education is pursuing this recommendation (see recommendation 1 above). The consultation is expected to be held during 2020.

Once the consultation on the revised standards is underway, a national strategy will be required to ensure they are properly disseminated – including to children and young people – and implemented across all settings. We will continue to press for cross-governmental co-ordination and action, and see the Children’s Commissioner for England playing an ongoing critical role in monitoring and promoting progress.¹¹ Very positively, following her 2019 report, the Children’s Commissioner received a number of enquiries from local authorities about best practice for commissioning advocacy services.

5

Increased review of advocacy provision by all relevant inspectorates during inspections (Ofsted etc.). Inspections to be informed by updated national standards and guidance.

Established advocacy services already engage with inspectors as a matter of course. For example, Birmingham's Rights and Participation Service, Coram Voice and NYAS advocacy services communicate directly with Ofsted during inspections of children's homes, to ensure feedback is provided about children's views and experiences.

Coram Voice's Always Heard national advocacy advice line and safety net reports quarterly to the relevant inspectorates on concerns around local authority provision raised by children and young people.

6

Local authorities are already required to report on their management of complaints, including advocacy services. This duty should be extended and advocacy data should be published to allow for monitoring of the quality of independent advocacy.

We hope the revised regulations (see recommendation 1 above) will include reporting duties relating to the provision of advocacy services.

Following the Minister's announcement of consultation on the regulations, Article 39 reviewed existing duties to provide advocacy services and recently published an updated summary.¹²

7

Advocacy providers, including those commissioned to work in custodial institutions and health settings, should publish annual reports which (consistent with data protection obligations) outline the concerns raised by children and young people the assistance offered by the service and the outcomes achieved.

The 2002 national advocacy standards (statutory guidance) already require the production of annual reports. However, they do not explicitly require the publication of such reports, as recommended by the Children's Commissioner.

We are hopeful that the revised standards (see recommendation 1 above) will include an explicit requirement to publish annual reports. Meanwhile, individual services are already responding to this important recommendation: for example, it is now written into the contract of Barnardo's Children's Advocacy and Participation Service in Wakefield that it will publish an annual report. More broadly, the National Children's Advocacy Consortium¹³ is discussing with providers how to implement this recommendation across the sector before it becomes mandatory through the revised standards.

8

Advocacy providers should publish an independence statement which sets out to children and young people how the organisation and its advocates are independent from commissioners and service providers. This should in particular describe how and when senior managers will be involved in helping advocates act robustly for children and young people. Any conflicts of interest between the advocacy provider and the systems and services with which it has formal arrangements (including financial) should be identified in this independence statement.

In December 2019, Coram Voice held a national event for advocacy services at which securing the independence of advocates was debated. The Advocates4U campaign steering group is now making plans for a national seminar to explore different commissioning and funding options for children and young people's advocacy, with the aim of strengthening independence.

We are hopeful that the revised standards (see recommendation 1 above) will include an explicit requirement to publish an independence statement, as recommended by the Children's Commissioner. It is important, however, to recognise that many services already publish such statements, for example:

- All Barnardo's advocacy services have a statement on their materials, which informs children and young people that: ***"Our service is independent of all other services. We will not share your information with anyone else without your permission. The only time we would break this, is if you or someone else is at risk and we need to share to keep you or someone else safe ... Regardless of where our money comes from we only work for you. From time to time people within Barnardo's and those who fund us might want to check that we are doing a good job for you. If this is not Barnardo's we would let you know and give you the option to decline your file being looked at"*** [Emphasis in original].
- Coram Voice provides a confidentiality statement to all children and young people they work with. This stresses the independence of the organisation and lets children and young people know that information will not be shared without permission (unless there are safeguarding concerns).
- NYAS provides a written statement to children and young people they work with, which explains the independence of the organisation and how, on a case-by-case basis, the organisation may make key organisations aware of the child's situation – including through

making representations to Directors of Children’s Services, the Children's Commissioner for England and the Howard League for Penal Reform (which operates a dedicated advice line for children and young people in custody). The child’s permission for sharing information is always obtained in advance unless safeguarding action (referral to local authorities) is required.

9

Appropriate training should be a requirement for all advocates.

Article 39 secured funding to develop legal education training for advocates, and our new Programme Manager (Advocacy Services) took up post in January 2020. We have had to delay face-to-face training due to the COVID-19 restrictions. However, a series of online legal lectures were arranged in the interim and a monthly legal digest for advocates was launched in February 2020. These national developments complement established training provided across the sector. Coram Voice, for example, is funded to provide sector training on non-instructed advocacy, the law for care leavers and around young people’s rights if they are homeless. NYAS’s training team continues to provide accredited advocacy training to many organisations in the sector as well as self-employed advocates.

Many individual services already have qualification requirements in place, for instance Barnardo’s Children’s Advocacy and Participation Service in Wakefield requires its advocates to have a minimum Level 3 City and Guilds advocacy qualification within six months of taking up post. Birmingham’s Rights and Participation Service requires its advocates to have an advocacy qualification upon appointment, and to continue to undertake training relevant to their role such as children’s law, data protection, safeguarding and child sexual exploitation. The service’s recruitment process ensures advocates have a wide range of prior experience of working with children and young people and of providing advocacy in some form or other. All NYAS advocates are qualified in the specialist Level 3 qualification Independent advocacy with children and young people.¹⁴

10

There should be a shared framework for measuring outcomes and impact of advocacy, informed by the Children's Commissioner's 2016 research. This should be co-produced with children, who should be an integral part of service design and evaluation.

The National Children's Advocacy Consortium is progressing this work, using the outcomes and impacts of advocacy identified in previous research for the Children's Commissioner as its starting framework.¹⁵

Coram Voice has been operating an outcomes framework developed with young people since 2012. This enables the organisation to not only understand the tangible differences advocacy makes to young people but it also measures the 'soft' outcomes and more holistic impact, such as increased confidence and personal empowerment.

Following the Children's Commissioner's 2016 work on advocacy impacts and outcomes for children and young people, NYAS co-produced an outcomes framework in 2016/17 with care experienced children and young people and Dr Mark Kerr from the University of Kent.

NYAS's outcomes framework demonstrates the value and difference independent advocacy has on the lives of some of the most vulnerable children and young people today. As well as illustrating the impact on individual lives, it clearly evidences collective change, which is incredibly important to NYAS as a children's rights organisation. What's more, the framework provides NYAS with key information on children and young people's views and feelings throughout its work with them.

Notes

¹ **Advocacy for children. Children and young people's advocacy in England** was published in June 2019. Earlier reports, published in June 2016, were: **Helping children get the care experience they need: Independent advocacy for children and young people in care**, which was accompanied by a children's version **Listen to us: Independent advocacy for children and young people in care**; and **Independent advocacy: Impact and outcomes for children and young people**, commissioned by the Children's Commissioner and produced by the Centre for Children and Young People's Participation at the University of Central Lancashire in partnership with the National Children's Bureau Research Centre. All reports are available on the Children's Commissioner for England's website.

² The Advocates4U three campaign goals are:

- The development of a national strategy for children's right to independent advocacy in England, framed around what children value and want from their advocates.
- To enshrine in law the right to an independent advocate for all children and young people (up to age 25) receiving or seeking care or support from the state.
- To ensure every residential institution where children are looked after by the state has a system of independent visiting advocates to inform children about their rights and provide support when necessary to ensure these rights are upheld.

³ Section 2C(3) Children Act 2004.

⁴ The announcement was made at a Parliamentary reception to celebrate 30 years of the United Nations Convention on the Rights of the Child, organised by the Department for Education, Children's Rights Alliance for England (part of Just for Kids Law), Equality and Human Rights Commission and Unicef UK.

⁵ The Department for Education ran a consultation on unregulated accommodation between 12 February 2020 and 3 June 2020, with an extended deadline of 23 June 2020 for care experienced people.

⁶ Statutory Instrument 445 is the Adoption and Children (Coronavirus) (Amendment) Regulations 2020. These made substantial amendments to 10 sets of children's social care regulations, which came into force on 24 April 2020. Over 50 organisations and many hundreds of care experienced people and social workers oppose the changes, and Article 39 is seeking a judicial review.

⁷ Department for Education (May 2020) Coronavirus (COVID-19): guidance for children's social care services.

⁸ <https://smad6740.files.wordpress.com/2019/07/niromp-strategic-vision-priorities-2019-22-pdf-1.pdf>

⁹ <https://smad6740.files.wordpress.com/2020/05/covid-19.-guidance-for-independent-reviewing-officers-and-iro-managers.doc.pdf..pdf>

¹⁰ The video can be seen here: <https://article39.org.uk/advocacy>

¹¹ Section 2 Children Act 2004 empowers the Children's Commissioner for England to investigate the availability and effectiveness of advocacy services for children.

¹² <https://article39.org.uk/rights-to-advocacy>

¹³ Senior managers from the main providers of advocacy services in England and other invited organisations. Coram Voice and NYAS currently co-chair the Consortium.

¹⁴ This is the OCN accredited qualification.

¹⁵ The Centre for Children and Young People's Participation at the University of Central Lancashire in partnership with the National Children's Bureau Research Centre (June 2016) **Independent advocacy: impact and outcomes for children and young people**. Report produced for the Children's Commissioner for England. See especially pages 68-69.