



CORPORATE PARENTING BOARD
23rd September 2004

ADVOCACY FOR CHILDREN AND YOUNG PEOPLE

**BRENDA THOMPSON - EXECUTIVE MEMBER FOR
SOCIAL SERVICES AND HEALTH**

**JAN DOUGLAS - EXECUTIVE DIRECTOR OF
SOCIAL SERVICES**

PURPOSE OF THE REPORT

1. To inform Members of a new duty to provide advocacy for children and young people making representations or complaints under the Children Act 1989 and to set out the actions taken to fulfil this duty.

BACKGROUND AND EXTERNAL CONSULTATION

2. Central government is committed to ensuring that listening and responding to children and young people's concerns become an integral part of everyday practice. The national objectives for children's services reflect the requirements of the Children Act that local authorities actively involve users and carers in planning services and in tailoring individual packages of care (Objective 8). The Children Act also requires local authorities to ensure that effective mechanisms are in place to respond to representations and complaints made by children, young people and their parents or carers.
3. To enable children's voices to be heard, the government is promoting the development of independent advocacy services and the Department of Health has established "National Standards for the Provision of Children's Advocacy Services" (2002) that provide a framework for listening to young people. Young people from Middlesbrough participated in consultation activities organised by the Social Services Inspectorate in relation to developing these standards.
4. The Adoption and Children Act 2002 amended the Children Act 1989 and the Representations Procedure (Children) Regulations 1991 to impose a new duty on local authorities to provide advocacy services for children and young people making

or intending to make representations or complaints. The Department for Education and Skills has also published guidance, "Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989" (2004). These provisions came into effect on 1st April 2004.

5. These measures build on the core principles of the United Nations Convention on the Rights of the Child (1989) which require governments to listen to children and to protect and promote their rights. They also reflect the approach set out in Every Child Matters: Next Steps (2004) which puts children's views and wishes at the forefront of decision-making processes.
6. The regulations and guidance are intended to ensure that an appointed advocate is involved throughout the complaints process. The regulations also specify people who are not allowed to act as advocates, requirements on the provision of information to complainants and requirements for monitoring compliance with the regulations. It is the government's view, based on research, that involving advocates at an early stage can reduce the need for young people to use the complaints procedure at all.

WHAT IS ADVOCACY?

7. Advocacy is about:
 - empowering children and young people by enabling them to speak for themselves or by speaking on their behalf
 - empowering children and young people to make sure that their rights are respected
 - ensuring that their views and wishes are heard, fully considered and reflected in decision-making about their own lives
 - helping children and young people to achieve understanding and to participate in, and influence, decisions that affect their lives
 - offering information, advice, representation and support that is independent and confidential

(Adapted from "National Standards for the Provision of Children's Advocacy Services", Department of Health 2002)

8. Advocacy is about helping young people to make informed choices but not about pressurising or persuading. The young person is in charge of the process at all times. Advocates must put forward the views and wishes of the young person even if the advocate believes that this is not in the best interests of the young person.

PROVISION OF ADVOCACY

9. Since September 2000, the National Youth Advocacy Service (NYAS) has been contracted to provide advocacy services to children looked after and children in need. NYAS is an independent national organisation, which operates a freephone help line and provides confidential legal advice and representation.

10. Advocates are recruited and supported on a regional basis. They provide support over the telephone or by visiting the young person. Advocates help young people by:
- talking things over with them
 - helping them to sort things out by themselves
 - accompanying them to meetings and/or writing letters for them
 - going to see people on their behalf if asked
 - advising them about the different ways of dealing with their problems and what the consequences might be

INFORMATION FOR YOUNG PEOPLE

11. In relation to complaints, the children's Comments, Compliments and Complaints leaflet includes information about NYAS and other support organisations for young people. In addition, a copy of the NYAS leaflet is sent out with the letter of acknowledgement of receipt of a complaint from any child or young person. Staff also actively offer assistance to enable a child or young person to access an advocate where they are aware that they are making or are intending to make a complaint.
12. Information about NYAS is included in the information packs for children and young people that are issued when a child first become looks after. NYAS posters are on display in residential children's homes and in social services offices. Information about complaints and advocacy is given to children and young people at the time of their initial assessment and at subsequent review meetings.

GUIDANCE FOR STAFF

13. Guidance for staff in relation to the Comments, Compliments and Complaints Procedure is to be revised to take into account these changes and in the light of further guidance on complaints, which is expected to be published by the Department of Health in the near future.
14. A new policy and guidance document for staff in relation to Advocacy for Children, Young People and their Families is currently being developed and will be circulated shortly as a draft for discussion.

OPTION APPRAISAL

15. N/A

FINANCIAL, LEGAL AND WARD IMPLICATIONS

16. The National Youth Advocacy Service is under contract to provide advocacy services to children looked after and children in need from within existing budgets. The steps outlined in this document enable the authority to comply with legal requirements. This report will be of interest to all Members.

RECOMMENDATION

17. That the actions taken to ensure compliance with regulations are noted.

REASON

18. The recommendation is supported by the following reason:

The local authority is under a duty to provide advocacy services to children and young people making or intending to make a complaint under the Children Act 1989. The steps taken are intended to ensure that this duty is fulfilled effectively.

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:

“National Standards for the Provision of Children’s Advocacy Services”
(Department of Health 2002)

“Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989”
(Department for Education and Skills 2004)

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