

# Telling Concerns Practice Guides Advocacy



Further copies of this practice guide - and of those in the same series dealing with Whistleblowing and Complaints - can be obtained from:

Children's Commissioner for Wales

Oystermouth House  
Charter Court  
Phoenix Way  
Llansamlet  
Swansea  
SA7 9FS  
Tel: 01792 765600  
Fax: 01792 765601

Penrhos manor  
Oak Drive  
Colwyn Bay  
Conwy  
LL29 7YW

Tel: 01492 523333  
Fax: 01492 523336

General email: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)  
Website: [www.childcomwales.org.uk](http://www.childcomwales.org.uk)

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## Introduction

The Children's Commissioner's Review of the operation of representations and complaints procedures, whistleblowing procedures and arrangements for the provision of children's advocacy services in social services departments in Wales was concluded and the report *Telling Concerns* was published in February 2003.

The report contained 25 recommendations on the provision of advocacy services to children and young people. These recommendations were intended to aid the significant and ongoing development of children's advocacy services across Wales.

The aim of this Practice Guidance is to disseminate the information and insight gained during the process of the Review and to identify practice, documents and procedures from local authorities which, we believe, it would be helpful to share.

We hope that local authorities who wish to develop their understanding and commitment to advocacy services for children in the light of *Telling Concerns* will find this practice guide useful.

## Advocacy – A Case Study

### Part One: Jenny

Jenny is 11 years old and her first language is Welsh. She has lived with her foster carers for nearly three months and likes them very much. She enjoys learning to play the clarinet and reading Harry Potter books.

One Monday at lunchtime in the schoolyard her friend Emyr was punched by an older boy. He started calling Emyr names, Jenny shoved him and he shoved her back. The lunch time supervisor intervened and the three of them were told off for fighting. Jenny tried to insist that she was defending her friend, but the supervisor said that they were all equally to blame.

Jenny's social worker, Tracey, was meeting her after school; she told Jenny off for fighting. Jenny tried to explain but Tracey just told her that if Emyr got bullied a lot she should think about finding a new friend.

The next day at school Emyr, Jenny, and the other boy were told that they would be kept in at lunchtime for a week for fighting. Jenny didn't think that this was fair.

Emyr invited her to his house after school, and without telling her foster carers where she was, she went home with him. Emyr asked Jenny if she could stay overnight and his parents contacted Jenny's foster carers to ask permission. Her foster carers were worried that Jenny had not returned home from school, and had contacted the social worker, who in turn had contacted the school, and the Police. They explained that Jenny would not have been able to stay anyway, because Emyr's parents had not been checked out. Emyr's parents were upset at this, and returned Jenny to her foster placement. Jenny was cross with her foster carers, and told them so. She was used to returning home from school late and that so long as it was before 7.00 ish that her Mum never minded. She felt restricted and cooped up.

A social worker and Police officer then arrived to see that she was all right. Jenny felt very embarrassed for herself, and Emyr's parents, and annoyed at all the fuss. Her foster carers said that she was thoughtless and had caused the fuss herself. Her foster carers said that she was to come straight home from school from now on, that Emyr was a bad influence, and that she was not to bother with him any more.

Jenny felt very fed up about the events of the week thus far and decided that she wanted to complain about it. She was unsure how to go about it though, and unsure whether anyone would listen to her.

## Does Jenny have access to an advocacy service?

The term 'advocacy service' is used in this practice guide to refer to a service representing a child or young person, that provides them with advice and support, and conveys their needs and wishes to the appropriate local authority.

All children and young people in Wales should eventually have access to an advocacy service. The report *Telling Concerns* reveals that children who were looked after were clearly seen as a priority for the provision of advocacy services and were offered a service in 21 local authorities throughout Wales.

### PRACTICE EXAMPLE – DENBIGHSHIRE COUNTY COUNCIL, FLINTSHIRE COUNTY COUNCIL and WREXHAM COUNTY BOROUGH COUNCIL (Joint SLA)

All children and young people receiving a service from the local authority are entitled to draw upon an advocacy service.

## What type of advocacy service is available to Jenny?

The report *Telling Concerns* comments:

*'Although there are many differing practices of advocacy it is possible to distinguish between three generic practices all of which are valuable in their own right:*

- i) Issue-based advocacy where an advocate assists a child or young person in making a particular complaint or representation.*
- ii) Relationship-based advocacy where an advocate acts on a long-term basis on behalf of a child or young person; this is particularly suitable for vulnerable children and young people.*
- iii) General-issue advocacy where advocates may lobby on behalf of groups or particular communities.'*

Jenny knew that somewhere in her room was a leaflet telling her about an advocacy service.

She had been given it when she came into foster-care, she would have thrown it away by now but last month she had gone to a really good party arranged by the advocacy service with a band and everything. Older children had told stories of how the advocates had spoken up on their behalf.

Now that she stopped and thought about it, she remembered Tracey explaining how the social workers and their managers had to listen if an advocate spoke out on behalf of children and young people who are 'looked after'.

## How did Jenny hear of the advocacy system?

It is important to ensure that children and young people hear of the advocacy service provided. Raising awareness of its services and inspiring confidence in children and young people is an important task for both the local authority and the advocacy provider.

Publicity should involve direct mailings, the production of general and targeted leaflets and the development of interactive web pages. This should be a collaborative effort between the local authority and the advocacy provider and ideally have the involvement of the children and young people themselves. Children and young people are best placed to decide how such information can be made accessible to them and their peers. Moreover, the process of designing such material can often act as a catalyst to the establishment of a community of interest, of benefit to both the children and young people and the local authority.

Further, children and young people themselves comment that direct contact from an advocate helps them to understand about the service, and enables them to feel more comfortable and confident about making contact themselves in the future. *Telling Concerns* showed that most children and young people who lived in residential placements had frequent and regular access and contact with advocacy services. Unfortunately, children and young people living with foster carers, or placed with their parents or family members, did not benefit from this level of contact.

### PRACTICE EXAMPLE – CAERPHILLY COUNTY BOROUGH COUNCIL

Caerphilly Council reported that they trained young people, who had previously been looked after, to help in visiting Looked After children and young people. They distributed the Looked After Information Packs and offered an introduction to the materials contained within the pack. The trained young people helped to inform the children and young people in care about their rights and where they can get help & support if they are not happy with the services that they receive from Social Services.

It is equally important that the employees of the local authority social services are informed of the advocacy service offered. Children and young people who are looked after are dependent on having informed and supportive adults around them, to safeguard their rights and promote their welfare. If adults, such as social workers and foster carers, are not themselves fully informed and comfortable with the role and mechanism of the advocacy service, it is questionable if they are able to fully encourage a child or young person to access the service if necessary.

Achieving this is not simply a case of making public information leaflets available to staff. While it is important that such material be available to employees it should not be seen as an effective substitute for a departmental statement of policy and of operational procedures. Furthermore, induction and in-service training should also be provided. This is where clarification of roles and potential tensions can be constructively discussed and aired.

*Telling Concerns* found no incidences of children and young people being involved in awareness training about the advocacy service to groups of staff. This could be an exciting and innovative opportunity.

#### **PRACTICE EXAMPLE - TORFAEN COUNTY BOROUGH COUNCIL**

Information displayed on notice boards in schools and Social Services Department offices.

Information contained in information packs for looked after children.

Advocacy discussed at Looked After Children Statutory Reviews.

Invitation to contact the advocacy service contained in all Looked After Children's invites to events.

Of particular concern are those children and young people of further marginalised groups in society. Children and young people are already marginalised by our society; those who have to contend with further pressures may have very specific or differing needs from others and these needs may not be apparent to a standardised service. The service itself must demonstrate an ability to respond to varied needs. There are particular implications for children whose first or preferred language is other than Welsh or English, and efforts must be made to meet all language and communication needs.

#### **PRACTICE EXAMPLE - BRIDGEND COUNTY BOROUGH COUNCIL**

The base of the local advocacy project, Bridgend Advocacy and Mediation Project has disabled access. The project is able to respond to younger children and children with disabilities, and has an outreach worker whose job it is to make contact with marginalised young people.

It took Jenny a long time to find the leaflet that evening. It had a telephone number on it but no-one answered, it was too late in the evening. The next day at school she had to pay one of the other girls so she could borrow her mobile phone.

She had a conversation with a friendly woman on the phone. It was agreed that she would come down into town on Saturday into the centre and meet the person who would be her advocate.

This meant she had to explain to her foster parents what she'd done. They were shocked and a bit upset she hadn't told them earlier. Emyr was really worried when she told him what she was going to do but Jenny was determined not to change her mind.

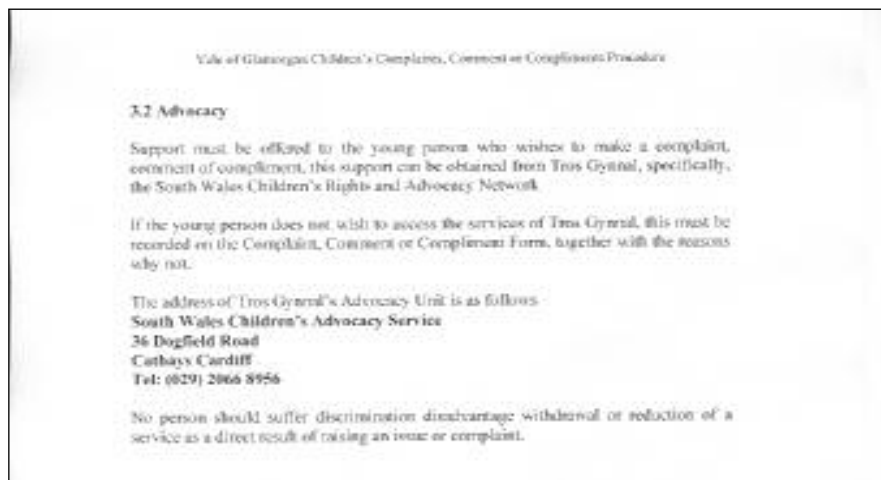
## How can Jenny contact the advocacy service?

Easy access to the advocacy service is vital. Children and young people may have restricted access to phones, stamps or transport and are easily discouraged from persevering with their concerns if they encounter difficulties. *Telling Concerns* found that the majority of advocacy services relied on referrals from professionals. Phone lines and postcard schemes had been developed but there was surprisingly little use of e-mail or web pages or sms messaging services.

### PRACTICE EXAMPLE – COUNCIL OF THE COUNTY BOROUGH OF THE VALE OF GLAMORGAN

Young people can access advocacy directly via a free phone/post service or in person. It is proposed that advocates will regularly visit younger children as they become Looked After, and disabled children/young people, at a convenient venue. Professionals and foster carers can refer with the child/young person's permission.

The Vale of Glamorgan's new complaints procedure states that advocacy must be offered to all children and young people who wish to make a complaint and if declined this must be noted.



Her advocate turned out to be a young man called Will. He was still learning Welsh, so he sometimes made mistakes but they had a lot of fun.

He explained that first he would raise the issue of her being allowed to stay overnight with friends, how she had felt about the way Tracey had spoken to her and also how she felt about having to come straight away from school and her feelings that she was hemmed in by her foster carers. Later he would help her talk to the school about the bullying incident.

He explained to her that everything she said to him stayed between them. He would only tell other people what she said if she agreed. The only exception to this was if Will thought that she or another child might be in danger of harm. But if Will had to break confidentiality he would always tell her what he had had to do. They both agreed that so far her case did not qualify for this.

### **Can Jenny access the advocacy service through the medium of the Welsh language?**

The intimate nature of discussion with advocacy services would indicate that the use of a young person's preferred language is essential – especially for younger children. The first contact with a service is particularly important in establishing confidence that they can provide a service that meets their needs. The children and young people involved in *Telling Concerns* said very clearly that an advocate should use the language *'that you like using best'*. Bilingually produced informational material and the use of translation services should be part of an overall programme of the development of a bilingual service.

#### **PRACTICE EXAMPLES**

##### **GWYNEDD COUNTY COUNCIL**

A wholly bilingual service is provided with bilingual advocates, and bilingual written materials.

##### **ISLE OF ANGLESEY COUNTY COUNCIL**

A bilingual service is available

### **Can Jenny's conversation with Will be confidential?**

Confidentiality is a clear area of concern for children and young people when dealing with adults. The National Standards on Advocacy Standard Seven states that the advocacy service should have "a clear confidentiality policy based on 'significant harm' and makes sure that everyone understands this policy."

It is vitally important that the confidentiality policy and the understanding of it are not the sole responsibility of the advocacy provider alone. The local authority social service must share in the promotion and understanding of this policy, both among its employees and children and young people receiving the service.



**PRACTICE EXAMPLE - RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CHILDREN'S ADVOCACY & REPRESENTATION SERVICE  
RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL AND NSPCC  
DRAFT PROTOCOL**

*2. CONFIDENTIALITY*

*The Advocacy Service is a confidential service to children and young people.*

*Confidentiality statement given to children and young people:*

*"We will not repeat things that you tell us to anyone unless you say it is O.K. – except if you or another child or young person is at risk of being hurt or harmed".*

*Where the Children's Advocate becomes aware of issues of a child protection nature, this information will be passed onto the relevant Local Authority with the full knowledge of the child or young person concerned.*

## Part Two: Resolution?

### How does Will proceed with Jenny's concerns?

Nine local authorities reported in *Telling Concerns* that they had a written set of policy and procedures regarding the provision of advocacy services for children and young people. It is important that both the advocacy provider and the local authority have a clear understanding of each others role and mutual expectations for the relationship.

#### PRACTICE EXAMPLES – LOCAL AUTHORITIES WITH A WRITTEN POLICY AND PROCEDURES ON THE PROVISION OF ADVOCACY SERVICES FOR CHILDREN

Blaenau Gwent County Borough Council  
Conwy County Borough Council  
Denbighshire County Council  
Gwynedd County Council  
Torfaen County Borough Council  
The Council of the Country Borough of the Vale of Glamorgan  
Isle of Anglesey County Council

### What is Will's role?

An advocate while functioning as an interface between the child and the local authority is also an interface between the advocacy provider and the local authority. Given the potential complexity of this situation, clarity of role is vital. The practice of advocacy itself must remain at all times directed by the child or young person themselves. This principle must be understood by all those involved.

#### PRACTICE EXAMPLE - BLAENAU GWENT COUNTY BOROUGH COUNCIL

It is stated in the Inter Party Agreement, that the service offered will be child-centred. Child centred in this context means the child has:

- Choice over accepting a need for advocacy.
- Control over the information that is shared (with provision that information which related to significant harm would need to be shared as outlined in All Wales Child Protection Procedures)
- Control over what action that they want taken
- Control over the pace of action, thus allowing space and time for the young person to form their views etc. Information is available to young people in order that they can make informed choices/ decisions.

Views on the range of experience, qualities and qualifications that a person employed as an advocate ideally needs differ according to the nature of the service offered and, to some extent, the advocacy provider. The ability to build a quick rapport with a child

to communicate effectively with, and on behalf of a child is as important as understanding the legal and procedural frameworks within which services were delivered. Local authorities should consider this issue when commissioning such a service.

Will and Jenny went to meet the Complaints Officer, to inform him of Jenny's concerns. The Complaints Officer was a man named Martin. Martin agreed that Will and Jenny would meet with Tracey in his office next week but before this, Will would send in a formal letter setting out Jenny's concerns.

Will wanted to know if he could see a copy of Jenny's care plan; Martin said he would ring Will to let him know if this was possible.

### **Is there an agreed protocol or policy on what information or personnel an advocate may have access to on behalf of their client?**

Without clear operational guidelines in the practice of advocacy, it is likely that difficulties will arise in relation to requests from advocates to access the child's personal file, to meet with senior members of the department staff or to conduct interviews with foster carers. The potential of such issues arising can be alleviated by establishing a prior understanding on the sharing of information

The meeting with Tracey went very well. Jenny was very nervous and was glad Will was with her. Tracey said that she wanted to listen to what Jenny had to say, and to hear how she felt about the situation and was sorry if she had upset Jenny when she had spoken to her previously. Tracey promised to speak to her foster carers about her friendship with Emyr, and also about some more free time for Jenny.

After Tracey had left, Martin explained to Jenny that Social Services had a duty to safeguard and protect the children they looked after. This was why Social Services had to check the home and family of anyone a child who is looked after, wanted to stay with over night This duty to safeguard and protect was more important than anything else and therefore Social Services were not going to change this rule.

Jenny thought this rule was a bit over the top for just one nights stay but she thought Martin had been very fair about the whole thing.

Jenny and Will had a long conversation after the meeting. Jenny now wanted to make sure that the school understood that Emyr had not been fighting. She had, but only because Emyr had been bullied.

## **Can Jenny use the advocacy service to raise her concerns with other local authority departments or agencies?**

In *Telling Concerns*, eighteen local authorities reported that this happened or could happen. The next ambitious but necessary step is for local authorities to enable their advocacy services to develop links with external agencies, perhaps the most immediate being health.

### **PRACTICE EXAMPLE - BRIDGEND COUNTY BOROUGH COUNCIL**

Bridgend Advocacy and Mediation Project is located within wider Youth Focus Social Inclusion Arena. Therefore Advocacy Services can be used to make representations to any local authority service or any other agency.

Will and Jenny went to a meeting with the Headteacher of Jenny's school. He advised Jenny not to get involved in fights but promised her that in future the school staff would listen to any allegations of bullying before they gave out punishments. He gave Will and Jenny a copy of the school anti-bullying policy, which Jenny had not known about. Now Jenny would know what she should do.

## **Can Jenny also be represented by a *lay advocate*?**

There will of course, be differences between the practice of professional advocacy and that of laypersons. These differences will be both a reflection of the different role of the advocate and of the different relationship between the advocate and the local authority, and these differences, in many cases, will be both necessity and appropriate.

Advocacy at heart is about enabling the voice of the child to be heard and, if children and young people choose to have a family member, friend or peer to represent their views, then this option should be supported, and, if necessary facilitated by the advocacy provider.

Jenny was very glad the whole thing was over but she was also pleased that she had stood up for herself and that things had worked out. She said thank-you to Will for all his help and he promised to thank Martin for her too.

Emyr was staying at her house that night. He was very impressed with everything she had done, so that was OK.

## Part Three: Lessons Learnt

Six months later Jenny got a phone call from Will. The advocates were putting together an issue report for the local authority. Will wanted to know if he could use her story. In her last visit to the advocacy centre Jenny had been asked if she minded filling in a questionnaire about her experiences. Jenny had written quite a lot on the form and she had signed her name although she didn't have to.

Will asked her to come to the presentation of the report and speak. Jenny decided not to do this but she was happy for Will to use her questionnaire.

### **Will Jenny's concerns have an impact on the development of policy for other children?**

The process of learning from the issues that arise through advocacy is invaluable, thus the service can be improved for all children and young people and not only those individuals fortunate enough to be heard. Advocacy services may have a profoundly beneficial effect on the lives of the clients they serve and can also change the experiences of a far wider community group of children and young people.

#### **PRACTICE EXAMPLE - TORFAEN COUNTY BOROUGH COUNCIL**

All staff involved have a feedback session after complaints investigations are completed.

An action plan is drawn up identifying work required within agreed timescales and identifying person responsible.

Outcomes inform Service and Operational Delivery plans and in turn the Children Service

### **Will Jenny's experience in using the advocacy service have an impact on provision?**

Regular review of advocacy services is essential. The needs of children and young people and the focus of social services may change. Regular communication between the service provider and social services is important if a quality service is to be delivered.

In *Telling Concerns* two local authorities reported that they involved children and young people in review arrangements, and a further two reported a desire to do so in future. The very purpose of advocacy is to enable the voices of children and young people to be heard. Involving children and young people in the review of their own service

should be an immediate and obvious way to ensure that the service is performing the task for which it was designed.

## **PRACTICE EXAMPLE - RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **Service Specification**

#### **Rhondda Cynon Taf Children's Advocacy and Representation Service**

##### *15. Service Review*

*15.1 The service will be reviewed on an annual basis and will be subject to an audit visit by a representative of the Authority.*

*15.2 The following reports will be provided on a quarterly basis and made available to the advisory group at least 1 week before meetings:*

*15.2.1 Management Report*

*15.2.2 Financial Report*

*15.2.3 Service Activity Report*

*15.3 One week in advance of the annual review meeting, an annual report will be sent to the Commissioning Officer, Children and Young People's Service. A business plan or a service portfolio will accompany the annual report for the following financial year, which will include a development action plan.*