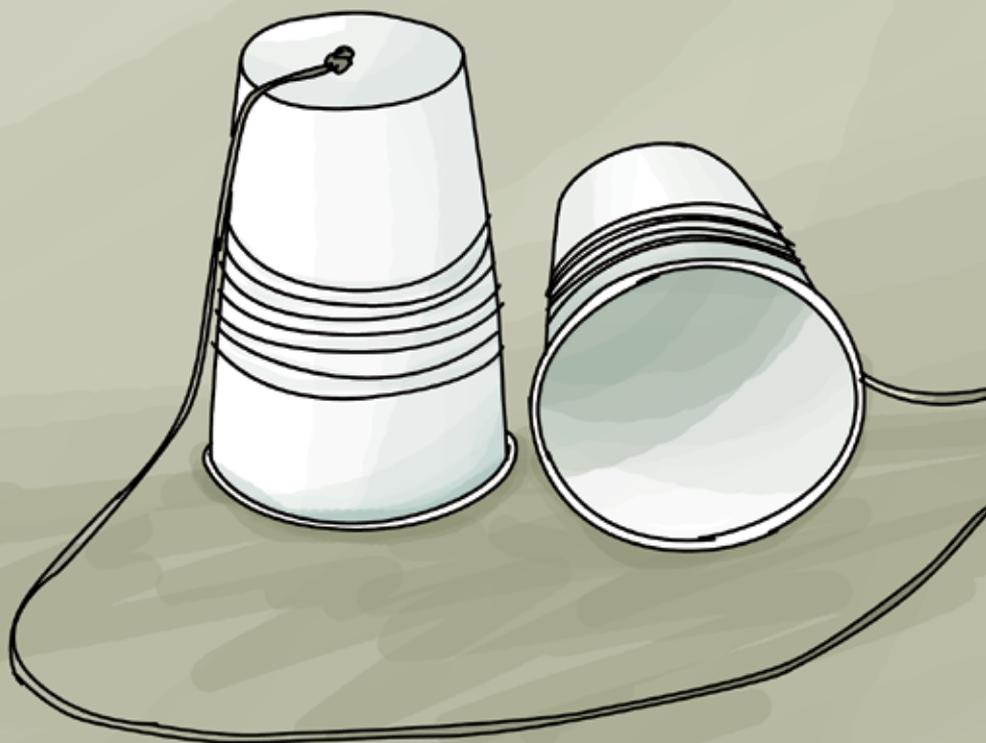


Missing Voices

**A review of independent professional advocacy
services for looked after children and young
people, care leavers and children in need in Wales**



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Foreword

by Keith Towler,
Children's Commissioner for Wales

I have used my powers¹ to review independent professional advocacy services for looked after children and young people, care leavers, and children in need in Wales.² I wanted to see whether and to what extent the arrangements are effective in strengthening and promoting the rights and safeguarding the welfare of children and young people. I have done this in response to the evidence I gathered during the course of interviewing young people for the report I published last year called 'Lost After Care'.³ Many children and young people did not know that advocacy services existed or that they had an entitlement to receive advocacy if they were being looked after by a local authority, were leaving care or were a child in need.

¹ Powers and functions derived from the Care Standards Act (2000) and the Children's Commissioner for Wales Regulations (2001)

² As defined in the Children Act 1989 and Children (Leaving Care) Act 2002

³ Children's Commissioner for Wales (2011) Lost After Care www.childcomwales.org.uk

There are times in the lives of all children and young people when they need the support of someone to help them speak out or speak up on their behalf. Children and young people will often turn to their parents, friends or other family members for this support, but for some children and young people this is not always possible.

Advocacy plays a critical role in enabling children and young people to safeguard themselves by exercising their rights, as outlined in the United Nations Convention on the Rights of the Child (UNCRC), and specifically in relation to having their voice heard when key decisions are being made. Local authorities are under a statutory obligation⁴ to provide an independent professional 'voice' or advocate, for every looked after child and young person, care leaver and child in need, who wants to take part or comment on decisions about their lives. An independent professional advocate should also be provided if a child or young person wants to make a complaint.

Some of Wales' most vulnerable children and young people remain unaware of their entitlement to have an independent professional advocate to represent their views. The focus of this review and report is upon the systems and processes that should be in place to ensure that independent professional advocacy is available for those vulnerable children and young people who require it. Wales has been on an advocacy journey for over 10 years, following the publication of the Waterhouse Report⁵, and yet it finds itself without a clear set of checks and balances to ensure that all children with an entitlement to advocacy also have a genuine opportunity to access it.

This situation cannot be allowed to continue and must be addressed as a matter of urgency. This review identifies a number of recommendations to reinvigorate national and local partners to get Wales back on track to deliver its aspiration for vulnerable children and young people. It is now time for strong leadership, accountability and systematic delivery of services to ensure that the commitment to children and young people's rights is translated into tangible and measurable outcomes.

These are challenges for all of us working for and with children and young people in Wales to ensure that we get it right for looked after children, care leavers and children in need. Our priority must be to deliver on the rights to which children and young people are entitled and to make sure that we safeguard them by giving them a voice. I call on you to engage with the findings of my review and focus on listening to children and young people and supporting them to have their voices heard.

Finally, I would like to thank all children and young people, Welsh Government, local authorities, advocacy providers and other key professionals who contributed to this review; their honest contributions are much valued.



March 2012

⁴ Under the Children Act 1989 and Adoption and Children Act 2002

⁵ Waterhouse, R (2000), Lost in Care

Key findings of the review

The Children's Commissioner for Wales carried out this review of independent professional advocacy service arrangements in Wales in 2011. It found that independent professional advocacy was being provided in all 22 local authorities. However, some of Wales' most vulnerable children and young people remain unaware of their entitlement to have an independent professional advocate to represent their views.

Looked after children, care leavers, and children in need in Wales who want the support and advice of an independent professional advocate to help them have their voice heard are being badly let down. Whilst many do receive an excellent service from independent professional advocates there are others who are missing out. National and local structures are supposed to be in place to ensure that all these children and young people can access independent professional advocacy services and benefit from them. The review has a number of key findings that are discussed in detail in the full report of the review and set out in brief here.

1. Children and young people who have not had contact with an independent professional advocate are often not aware what 'advocacy' means.
2. Professionals who work with vulnerable children and young people don't always recognise the benefits of independent professional advocacy and don't consider access as an automatic entitlement of the children and young people they work with.
3. The number of looked after children, care leavers and children in need accessing independent professional advocacy is much lower than we would expect even though the numbers of children in these circumstances are growing.
4. The commissioning of advocacy services varies in terms of criteria for access with an emphasis on looked after children and care leavers and less consistent provision for children in need, children with disabilities and those in the child protection and youth justice system. This means that eligible children and young people do not get equal access to independent professional advocacy services in Wales.

5. Children and young people have a right to know that they are entitled to the services of an independent professional advocate if they want one and to be given information to help them understand what an independent professional advocate can offer. The understanding of children and young people about their right to an independent professional advocate is often dependent on the knowledge, views and practice of a child or young person's social worker and the views and practice of a Complaints Officer.
6. There is a focus on advocacy provision for young people with an assumption that children do not need or cannot benefit from the support of an independent professional advocate.
7. Parents, foster parents and guardians do not get enough information about independent professional advocacy.
8. Corporate parents have a limited understanding of the statutory responsibility to provide independent professional advocacy to looked after children, care leavers and children in need. Corporate parenting panels do not routinely examine whether these services are being adequately provided to the children and young people they have responsibility for.
9. An understanding of and corporate commitment to the value and purpose of advocacy can play a significant role in encouraging access to independent professional advocacy for eligible children and young people. In local authorities where this is in place, it is supported by a commitment to quality assurance mechanisms and a positive approach to complaints and user feedback about service provision which respects the voice of the child or young person.
10. There is a lack of clarity and consistency about the way in which independent professional advocacy services are commissioned in Wales. Current reliance on short-term contracts is undermining stability of provision and the development of robust services.

11. There is independent advocacy provision in all 22 local authorities but the provision is inconsistent across Wales.

12. There is no strong strategic leadership by Welsh Government to make sure that eligible children and young people get equal access to independent professional advocacy services in Wales.

13. The National Independent Advocacy Board which was established by Welsh Government in 2009 has not been able to achieve its objectives or to provide a national strategic lead on advocacy in Wales.

14. The Welsh Government Advocacy and Development Unit that was established in 2009 has not fulfilled its intended remit, has not provided a framework to support a national strategic lead on advocacy in Wales and has seen its staffing levels reduced and evidence suggests its status has also been reduced.

15. Welsh Government issued advisory guidance 'Model for Delivering Advocacy Services for Children and Young People in Wales' in 2009. The advisory status of this guidance means that it has had an insufficient impact on the delivery of consistent independent professional advocacy services to eligible children and young people in Wales. A consultation draft of proposed statutory guidance on advocacy services for children and young people in Wales was issued in January 2011 but this has not resulted in new statutory guidance to date.

16. There is no annual or systematic monitoring, inspection or regulation of independent professional advocacy services for looked after children, care leavers or children in need in Wales.

A full list of recommendation can be found on page 68.

Introduction

Welsh Government guidance in relation to advocacy states that the interests of all children and young people are better safeguarded, supported and promoted by having a personal champion in the form of an advocate who can play an active role in their lives. The right of children and young people to be heard directly on matters that affect them is a key component of Welsh Government's approach to developing policy that is firmly grounded in the United Nations Convention on the Rights of the Child (UNCRC).⁶ Welsh Government has had a long standing commitment to provide access to effective advocacy services for vulnerable children and young people in Wales.

⁶ United Nations Convention on the Rights of the Child (1989) www.childcomwales.org.uk/en/rights/

Who can provide advocacy?

The role of an advocate can be fulfilled in a number of ways:

- **by the individual (self advocacy);**
- **by a family member or friend (informal or peer advocacy);**
- **by a professional working with the child such as teacher, youth worker, or care worker (formal advocacy);**
- **by an independent professional advocate (independent professional advocacy).**

An independent professional advocate is usually a paid, trained person who is qualified to help children and young people have their voice heard. Looked after children, care leavers, and children in need may not have the same access to support from family members as other children and young people and for these groups of children and young people it is vital that they have the opportunity of getting help from someone who can ensure their voice is heard.

Current arrangements to provide advocacy to children and young people in Wales

— Each of the 22 local authorities in Wales is required to provide access to an independent professional advocacy service that will provide statutory advocacy and broader support to assist certain groups of children and young people defined by legislation including looked after children, care leavers, and children in need.

— Within the 22 local authorities in Wales there are three main advocacy providers: Action for Children, National Youth Advocacy Services (NYAS) and Tros Gynnal.

— The National Independent Advocacy Board (NIAB) provides an independent strategic overview of the development and delivery of advocacy services in Wales with a remit to make recommendations to the National Assembly for Wales and Welsh Government.

— Universal access to advocacy for children and young people in Wales is provided by Meic a national information, advice and support helpline providing a single point of contact via telephone or text, 24 hours a day, 7 days a week funded by Welsh Government. This national service will make the necessary links to local regional independent professional services when a more specialist face to face service is required.

What is advocacy?

“Advocacy is a process which helps someone speak up for themselves, to access information and their rights and entitlement, and to get something stopped, started or changed.”

Welsh Government (2009)⁷

⁷ Welsh Assembly Government, (2009) A Guide to the Model for Delivering Advocacy Services for Children and Young People. Cardiff

Legislative and Policy Context of Advocacy in Wales

The Children Act 1989 first placed a statutory duty on local authorities to establish a procedure for considering complaints and representations by a child or young person who is being 'looked after' or 'in need'.⁸

⁸ Children Act 1989

- Section 24D – every local authority shall establish a procedure for considering representations (including complaints) made to them by... The children and young people for whom this legislation applies include Looked After Children, Care Leavers and Children in Need.

- Section 26D- Advocacy- (1) Every local authority shall make arrangements for the provision of assistance to persons who make or intend to make representations under section 24D and children who make or intend to make representations under section 26, (2) The assistance provided under the arrangements shall include assistance by way of representation.

In 1991 the UK Government ratified the **United Nations Convention on the Rights of the Child** (UNCRC). The Convention includes two specific rights related to the voice of the child:

— **Article 12:** You have the right to say what you think should happen when adults are making decisions that affect you, and to have your opinions taken into account.

— **Article 13:** You have the right to get, and to share, information, so long as the information is not damaging to yourself or others.

The importance and need for an effective voice for vulnerable children and young people was underlined by a series of damning reports into child abuse and protection. Jones (1999)⁹, Waterhouse (2000)¹⁰, and Carlile (2002)¹¹ emphasised the importance of listening to children and young people and of treating their views seriously as an essential element of safeguarding and importantly enabling children and young people to safeguard themselves.

The Waterhouse Report (2000) 'Lost in Care' in particular made a number of recommendations including:

— the establishment of the Children's Commissioner for Wales Office, part of whose remit would be to monitor the arrangements for children's advocacy and complaints;

— the establishment of a children's complaints officer in each local authority;

— the establishment of independent advocacy services.

⁹ Jones A. (1996) *Report of the Examination Team on Child Care Procedures and Practice in North Wales*. London, HMSO

¹⁰ Waterhouse, (2000) *Report of the Tribunal of the Inquiry into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974, Lost in Care*

¹¹ Carlile Lord A (2002) *Too Serious A Thing: Review of Safeguards for Children and Young People Treated and Cared For by the NHS in Wales*,

Welsh Government published **'Working Together to Safeguard Children'** (2000)¹² which recognised the importance of listening to children in child protection conferences and made specific references to the need for advocacy provision to be established. The first independent **Children's Commissioner for Wales was appointed in 2001. In 2002, Welsh Government established a Task and Finish Group** to review advocacy services for children and young people in Wales and in **2003 National Standards for the provision of advocacy services were published.**

This year also saw the **Children's Commissioner for Wales undertake a review** into the arrangements for children's complaints and advocacy within local authority social services. The review report **'Telling Concerns'**¹³ concluded that implementation of many of the recommendations in Waterhouse in relation to complaints and advocacy was inconsistent throughout Wales and made a number of recommendations to address this. Responding to the Review in July 2003, the then Minister for Health and Social Services said:

"Making advocacy available to all children and young people in health, social care and education settings will ensure they are better safeguarded and can expose poor practice, unfair or abusive treatment and bullying. I want this service to be available to all children across Wales but I realise this is not going to happen overnight."¹⁴

The report recommended that the Welsh Government establish a children's Advocacy Unit to work in partnership with advocacy providers and local authorities to promote the sharing of best practice, develop guidance and provide training. This recommendation was accepted by Welsh Government who subsequently established the Advocacy Development and Performance Unit with its agreed terms of reference in 2004.

¹² National Assembly for Wales and Department of Health, (2000) *Working Together to Safeguard Children*, London: HMSO

¹³ Children's Commissioner for Wales, *Telling Concerns* (2003) www.childcomwales.org.uk

¹⁴ Welsh Assembly Government, Jane Hutt Minister for Health press release 24.7.2003

In 2004 Welsh Government published **'Children and Young People – Rights to Action'**¹⁵ adopting the UNCRC as the basis of policy making in this area. Since that time Welsh Government has adopted the UNCRC and associated protocols as the basis for all its work with children and young people.

The Children Act 2004¹⁶ imposed further duties upon local authorities to ascertain the wishes and feelings of children in need, and those who are looked after. When decisions were being made about their care authorities were required to give consideration to those wishes and feelings.

In 2005 Welsh Government published, **'Advocacy Services for Children and Young People in Wales'**¹⁷. Reflecting the concerns outlined in 'Telling Concerns' two years earlier the report identified patchy and inconsistent advocacy provision for children in Wales. **In 2005 Welsh Government also published 'Keeping us Safe'**¹⁸ a review into safeguarding of vulnerable children.

Together the combined messages from the reports and task group led the then Minister for Children, Education, Lifelong Learning and Skills to issue the following statement in 2007¹⁹:

"Our thinking has been moved on by the results of the consultation exercise and, in particular, by the strong message that all children and young people are potentially vulnerable and should have access to some level of advocacy. I am currently of the view that any new framework for delivering advocacy services should make some form of universal provision, as well as more specialist provision for particularly vulnerable groups. In this way, all children and young people in Wales, wherever they are, and whatever their circumstances, will be able to safely and straightforwardly access advocacy support."

¹⁵ Welsh Assembly Government, (2004) *Children and Young People: Rights to Action*, Cardiff: WAG

¹⁶ The Children Act 2004: <http://www.legislation.gov.uk/ukpga/2004/31/contents>

¹⁷ Welsh Assembly Government, (2005) *A Study of Advocacy Services for Children and Young People in Wales*, Cardiff: WAG

¹⁸ Welsh Assembly Government, (2006) *Keeping us Safe: Report of the Safeguarding Vulnerable Children Review*, Cardiff: WAG

¹⁹ Welsh Assembly Government Cabinet Statement on Child Advocacy Services: December 2007

In 2008 the **'New Service Framework for the Future Provision of Advocacy Services in Wales'**²⁰ was published. The main provisions of the new framework were:

— a National Independent Advocacy Board to provide an independent, strategic overview of the development and delivery of advocacy services in Wales and make recommendations and provide advice to the National Assembly for Wales and to the Welsh Government;

— an Advocacy Development and Performance Unit within the Welsh Government, with the key functions to commission, manage and monitor an All-Wales Advocacy and Advice Service and, in consultation with National Independent Advocacy Board, to develop the regulatory framework for the service and the occupational standards and training provision for staff working in the service;

— a National Advocacy and Advice Service providing a single point of contact via telephone or text seven days a week for all children and young people in Wales referred to as Meic;

— a locally/regionally commissioned Integrated Specialist Advocacy Service covering health services, social care services and education, with a particular focus on providing statutory advocacy and broader support to assist vulnerable children and young people.

In 2008 the National Assembly for Wales Children and Young People's Committee also reported on Advocacy Services for children and young people in Wales. The report made a total of 12 recommendations to Welsh Government nine of which were accepted, the remaining three being agreed in part or in principle. The Children and Young People Committee expressed disappointment that its final recommendation around the establishment of a centrally funded national advocacy unit with responsibility for commissioning independent advocacy services was agreed only in part. In its follow up scrutiny report in 2008 the Committee made a further five recommendations including the establishment of a telephone and text advocacy and advice service for children and young people.

Current guidance

In 2009 Welsh Government launched the advisory guidance 'Model for Delivering Advocacy Services for Children and Young People in Wales'²¹. The main provisions within the model are:

— advocacy services to be more accessible to all children and young people, but especially those most vulnerable;

— advocacy providers to be independent from the organisations commissioning the service;

— make sure issues raised by children and young people are taken seriously;

— make sure issues raised by children and young people are dealt with quickly and effectively;

— advocacy to be seen as contributing towards participation and accessing rights and entitlements;

— advocacy to be promoted by raising awareness and understanding amongst children, young people and adults;

— the process and outcomes of advocacy to be clear;

— needs to be consistency and equity of high quality services across Wales.

However, this guidance was only 'advisory' and has not been implemented consistently in all local authorities across Wales. In many local authorities advocacy is only available to those children who are statutorily eligible to receive it.

In September 2010, the National Assembly for Wales' Children and Young People Committee published a report 'Further Review of Developments in the Provision of Advocacy Services to Children and Young People in Wales'.²² The report highlighted key issues including concerns around spot purchasing, inspection and regulation and the general lack of progress in implementing the Welsh Government's advocacy model. Included were 13 recommendations for Welsh Government.

In January 2011 a consultation on proposed statutory guidance to replace the current 'advisory' guidance was issued (with the consultation period closing in April 2011). We are still awaiting the publication of the final statutory guidance.

²⁰ Welsh Assembly Government, (2008) *New Service Framework for the Future Provision of Advocacy Service for Children in Wales*, Cardiff: WAG

²¹ Welsh Assembly Government (2009) *Model for Delivering Advocacy Services for Children and Young People in Wales: Advisory Guidance*, Cardiff

²² National Assembly for Wales Children and Young People's Committee, (2010) *Further Review of Developments in the Provision of Advocacy Services for Children and Young People in Wales*

Research Approach

The Children's Commissioner for Wales' review of independent professional advocacy for looked after children, care leavers and children in need was launched in May 2011 and exercised the Commissioner's power to review and monitor the arrangements for the provision of advocacy through the powers and functions derived from section 73 of the Care Standards Act 2000. The purpose is to ascertain to what extent the arrangements are effective in safeguarding and promoting the rights and welfare of children and young people. The review has covered the delivery of advocacy arrangements by Welsh Ministers and local authorities in Wales and the terms of reference outlined the arrangements for the review. (Appendix 1)

The Children's Commissioner and his team conducted all the research and interviews. This report is informed by the views of children and young people, Welsh Government, local authorities, advocacy providers and other key professionals.

Looked after children, care leavers and children in need

The views of children and young people were gathered in a variety of different ways. We wanted to understand both the positive and negative experiences that children and young people had had in relation to advocacy. A number of methods were used:

- 457 looked after children, care leavers, or children in need completed a questionnaire seeking their views about advocacy. The questionnaire was completed either electronically via our website, or was sent in hard copy to our office;
- 10 focus groups attended by over 100 children were held between September and November 2011;
- the Commissioner met with looked after children, care leavers, and children in need at four different forums run by different local authority services between August and November 2011;
- anonymous information from Investigations and Advice casework files;²³
- the views and experiences of looked after children, care leavers and children in need who have met the Commissioner during his four years in post.

Welsh Government

Interviews took place with the following individuals:

- Deputy Minister for Children and Social Services;
- the lead Civil Servant with a responsibility for advocacy within their portfolio;
- the Manager of Welsh Government's Advocacy and Performance Development Unit;
- the Chair of the National Independent Advocacy Board;
- four Board members of the National Independent Advocacy Board including two young Board members;
- Chief Inspector for Care and Social Services Inspectorate Wales.

Local authorities

- all 22 local authorities in Wales completed a detailed questionnaire in relation to the provision of advocacy;
- eight local authorities were involved in the fieldwork undertaken for the review and provided interviews to inform the research. Interviews were carried out with a senior Social Services manager, an Independent Reviewing Officer, a Complaints Officer, an elected member with responsibility for children and young people, and from social workers working with children and young people. These authorities were chosen as a geographically representative sample with a mix of urban and rural areas across Wales.

Advocacy providers

Interviews were conducted with:

- Directors / Managers from Action for Children, National Youth Advocacy Service (NYAS), and Tros Gynnal Advocacy services;
- the Manager of Meic, Welsh Government's telephone information, advice and support service;
- the Director of SNAP Cymru;
- member of staff from User Voice.

Written information from a number of individuals from other current providers or ex providers was also submitted for consideration.

Key professionals

The following stakeholders contributed:

- Association of Directors of Social Services Cymru (ADSS Cymru);
- Welsh Local Government Association (WLGA);
- NSPCC;
- Barnardo's Cymru.

Interested members of the public and other organisations with an interest in the provision of advocacy services were also invited to contribute. Five such submissions were received.

²³ Children and young people can contact the Children's Commissioner for Wales Office if they are experiencing problems or difficulties that they have been unable to resolve elsewhere. Freephone: 0808 801 1000
Free text: 80800 (start your message with COM)

Understanding of Advocacy

4.1 Children and young people's understanding

Understanding 'advocacy'

One of the difficulties presented to the Commissioner during the course of this review is an understanding of the term 'advocacy'. Advocacy has a broad meaning and a large spectrum of services engaging with children and young people could potentially be seen to provide advocacy. It is important that all of those working with vulnerable children and young people understand and appropriately makes use of the different forms of advocacy.

Many of the children and young people responding to the review did not understand what the term 'advocacy' means:

"Never heard of it – it sounds like a disease."

"I know what it is cos I watch CSI Miami"

"An avocado?"

"I didn't know just by 'advocacy' what it meant. It had to be explained to me."

Social workers and other professionals reported that the word 'advocacy' on its own can be a barrier to accessing services but that generally children and young people understand the concept of being supported to have their say or to make a complaint. Social workers said that it was crucial to use examples and explain the role of an advocate when offering the service to children and young people, rather than focus on the term advocacy itself: **"We tell them what advocates do. Advocacy is a word they don't know."**

Understanding that advocacy is available

It is not acceptable that there are children and young people in the care system who do not know what advocacy is. There were significant numbers of children and young people contributing to this review who said they would like to have had contact with an independent advocate but who had been unable to do so.

Of the 457 young people who returned questionnaires a total of 128 young people stated that they had not been told about advocacy or that they had not been offered an advocate:

"I've been in care since aged 8 and I'm 17 now and I have never heard of it"

"I never knew about advocacy workers until I was 17. I wish I had known them earlier. They are a great resource"

"I was in care from age 12 to 16, and I lived in a bed and breakfast from 16-18, I became depressed and at 14 I was on medication. Sometimes I moved every two to three weeks. I never had an advocate"

These findings are consistent with cases brought to the attention of the Commissioner's Advice and Support Service. The Children's Commissioner has had similar experiences relayed to him when he has met with different groups of children and young people in contact with Social Services.

Improving young people's understanding

Young people had some clear ideas on the best ways of helping those entitled to an advocate to understand what that meant.

— Young people suggested that in order for the term 'advocacy' to be clearly understood it should be presented with a 'strap line' when used. One young woman suggested: ***"Advocacy – Somebody on your side. Someone who stands up for you;"***

— Advocates themselves are the best people to explain to children and young people the role of an advocate;

— Every child and young person entitled to an independent professional advocate should have this explained to them by an advocate at the point they gain entitlement.

KEY RECOMMENDATIONS:

1. 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.

2. All eligible children and young people should be allocated an advocate at the point at which they enter the statutory system. This advocate would be responsible for explaining their role to the child or young person.

4.2 Professionals' understanding

Professionals working with children and young people have a key role both in promoting access to, and understanding of, independent professional advocacy. They are often the gateway to a child or young person accessing an advocate.

Understanding 'advocacy'

Social Workers generally showed a good grasp of the principles of advocacy:

"Someone who can help support a child to get their views across in complex situations – empowers, challenges the system."

"The representation of children's wishes and views – advice and support to represent children's views if they don't want to attend (a review). Ensuring the child's voice is heard."

"To facilitate the child and young person's voice in situations where a child has a particular issue. It's to facilitate the representation of the child's views so they can be taken into consideration."

However this understanding was not always translated into a consistent referral process to independent professional advocacy services.

Understanding that advocacy is beneficial

Whilst professionals could articulate the principles of advocacy we were less convinced from the interviews with professionals that they had a clear understanding of the benefits of independent professional advocacy. This would appear to be borne out by low referral rates across the country and evidence from children and young people that they would like to have accessed such a service but did not know about it.

— Some children and young people were not offered independent advocacy because their social worker believed that they were already fulfilling that role: ***"No, I don't always offer an advocate; I am the advocate for these children"***.

— Some social workers didn't think that the child or young person would want an advocate, or that there were too many people involved with the child or young person already. In these cases, the young person themselves had not been given an opportunity to make a choice.

Limits to the ability of a social worker to advocate for a child or young person

There is no doubt that a social worker can advocate for the children and young people that they work with. However, there are limits to this role:

— a social worker has a number of other responsibilities and obligations that may conflict with the role of being an advocate and they cannot be independent of the local authority. As a local authority manager said: ***"If a child has an issue with a social worker they are not going to go to a social worker with that issue, they have to have another independent route."***;

— Some social workers also have to consider what is in the best interests of the child or young person they are working with and this may conflict with what the child or young person wants. An independent professional advocate is therefore in a much better position to work with the child to represent their views, or support the child to represent their views.

One authority highlighted that social workers and foster carers provide advocacy but that the authority would always provide an advocate when there is conflict between the wishes and views of the child or young person and what is assessed as in their best interest. Many young people did report that they didn't agree with their social worker and that an intervention from an advocate had changed the actions and plans:

"I was unhappy about a decision that my social worker was making for me, so I contacted the advocacy service and they helped me get my opinion and feelings heard."

"Advocacy helped me because I was scared to have my own say till I had an advocate to help me make my point."

Improving the role of professionals

Professionals need to be enabled to gain a clear working understanding of independent advocacy and how it complements their own role as an advocate for the children and young people that they work with. As one senior manager said: ***“We need a clearer understanding of when advocacy that a social worker can do, needs to move over and allow an independent person to advocate”.***

All the fieldwork interviews highlighted the crucial role of the social worker in promoting and explaining advocacy to children and young people. It is important that this happens routinely and that social workers tell the children and young people they work with about advocacy and support them to have contact with an advocacy provider.

However a tension highlighted by managers and practitioners was the high number of professionals engaged with a child or young person and whether they would want another professional involved. Social workers were asked if they would tell a child they worked with about advocacy:

“It depends on the case, they have so many people involved in their case, and they don’t need or want anyone else!”

“15–24 yr olds – they make up their own minds. They already have too many suits involved.”

Some professionals appear not to be talking about advocacy with children and young people because they don’t think that they would want an advocate. This is a decision often taken without discussing the options with the young person themselves. This can be particularly true for children and young people with a disability. Children and young people with disabilities are not always enabled to access advocacy and assumptions can be made about some of the difficulties that they may encounter in communicating with an advocate. These difficulties must be acknowledged but they are not insurmountable and the presence of a trusting relationship makes overcoming such problems much more likely to happen:

“Children who have a range of communication difficulties need to build a relationship with their advocate and they have to be innovative in the way they communicate with the child. They have to be the child’s voice and not the parent or adult.” (Social Worker)

Local authority interviews with social workers from different teams made it clear that their knowledge about advocacy was largely gleaned from their Social Work degree and training courses and that few if any induction programmes for new staff included any input or contact with the independent professional advocacy provider, despite evidence to the contrary reported to this review from local authority questionnaires.

The review team has heard testimony from children and young people about the difference that advocacy makes in their lives and has been made aware how low their understanding is of advocacy in general prior to accessing a service. The Office of the Children’s Commissioner for Wales is therefore concerned that key professionals may have a role as gatekeepers of independent professional advocacy and can sometimes deny children and young people access to this service. It is vital that front line practitioners continue in their role of advocating for children and young people when appropriate and additionally ensure that they provide information and support to children and young people to access independent advocacy.

4.3 Corporate parents’ understanding

Meetings were held with the elected members with cabinet responsibility for children and young people in order to ascertain their knowledge and understanding about independent professional advocacy services within their local authority, and to explore with them how the corporate parent met and discharged this particular responsibility.

Understanding ‘advocacy’

The joint Welsh Government and Welsh Local Government Association guide for corporate parents²⁴ specifically addresses the issue of advocacy:

“Key question 9 – What advocacy or children’s rights services are available to looked after children? The importance of upholding the rights of looked after children and empowering them to have a voice in matters and decisions that affect their lives cannot be overestimated. Access to independent advocacy plays a part in safeguarding children and protecting them from harm and poor practice.”

All the cabinet members that the review team met knew about their local advocacy service but:

— their knowledge and understanding about the service varied considerably;

— generally there was a limited understanding of advocacy among the members and only a cursory understanding of what independent advocacy was available to their children and young people.

In some local authorities the review team was told more about the general children’s participation work of the authority rather than advocacy, and even though the team’s focus and questions were about independent advocacy, some councillors were interested in discussing other issues such as housing or education.

KEY RECOMMENDATIONS:

3. 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.

4. 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.

²⁴ Welsh Assembly Government and Welsh Local Government Association, (2009) , *If this were my child ... A councilors guide to being a good corporate parent to children in care and care leavers*

Corporate parents' scrutiny of advocacy provision

The corporate parenting guide recommends that the members should be asking specific questions of their staff to ensure that they are meeting their responsibilities towards children in regard to advocacy:

— **how and when are looked after children informed about the availability of advocacy and how can they access the service?**

— **in what circumstances are they able to access these services?**²⁶

However the review found that:

— advocacy featured as a formal part of the Annual Council Reporting Framework (ACRF) in only one of the 8 local authorities we visited;

— there were no other formal advocacy reporting mechanisms in place in the remaining authorities other than through the corporate parenting panel;

— there is wide variation in commitment to corporate parenting panels across authorities.

Improving the role of corporate parents

In one local authority the corporate parenting panel had been visited by their advocacy provider to inform them about advocacy. This is to be welcomed and efforts should be made to replicate this good practice across Wales. In most of the local authorities visited there was no evidence of members themselves being proactive in learning about advocacy neither were any training opportunities provided for them.

Elected members with responsibility for children and the chair of the corporate parenting panel need to be well informed of the legal responsibility they have to provide advocacy as well as the benefits that advocacy can bring to vulnerable children and young people. Corporate parents must see this service as a priority not only because it is a statutory duty but also as an essential indicator of the need to ensure that checks and balances are put in place to safeguard and promote the rights of the vulnerable children for whom they are responsible.

The absence of any formal reporting mechanisms in regard to advocacy is extremely worrying and we will look at this in more detail in the section on lack of regulation and inspection. The absence of a formal system does not remove the current responsibility that elected members have to assess their local advocacy provision.

KEY RECOMMENDATIONS:

5. Advocacy providers' quarterly reports to local authorities should be copied to all elected members to raise awareness of the service and 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.

6. Elected members must be well informed of the statutory responsibility they have to provide advocacy. All local authorities must provide regular training and information to elected members about advocacy.

7. 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.

4.4 Parents and foster parents' understanding

Parents, foster parents and guardians act as advocates for access to professional independent advocacy services

Parents and guardians often act as advocates for their children and young people and are seen as an important source of support. Professionals often depend on parents to assist them to ascertain the voice of their child or young person in reviews and other service considerations.

— 59% of the 457 children and young people who completed our advocacy review questionnaire said they would turn to their family or friends for help if they want help to have their say about decisions that affect them.

One foster parent told of the benefit of advocacy training where this was available: ***"I have been on advocacy training and advise all the children I have about advocacy."***

A young person explained how his foster carer had helped him to access advocacy when social services had not helped him: ***"Yeah no one from social services even asked me or offered me an advocate. My Granddad (foster dad) was the one who helped me with it none of you lot!!!"***

However, there are occasions when parents and guardians are not able to advocate on behalf of their child or when the child or young person themselves wants or needs independent help from outside of the family to have their say.

In a review of advocacy undertaken for the Welsh Government in 2005²⁵ it was noted:

"Most young people stated a preference for a 'professional' advocate in more formal situations (important meetings and decisions) and carers/family for more every-day issues. Key reasons given include the professional advocate's training and knowledge of systems, as well as their focus on the young person's wishes and feelings (no conflict of interest) and the provision of a confidential and independent service."

²⁵ A study of Advocacy Services for Children and Young People in Wales (2005) Cardiff: Cardiff University School of Social Sciences

The importance of access to professional independent advocacy services

Social workers and children have said that sometimes parents and guardians can consider advocacy as a threat or an intrusion into their area of responsibility. A social worker said: ***“I usually get a positive response from children and young people [to the offer of advocacy], but not from parents. Parents will say ‘absolutely not, we represent their views’. This is about negotiation with the parents then, trying to make them understand. It’s scary for them when they know someone else is going to talk for their child.”***

This conflict seemed even more apparent for children with disabilities as a disability social worker shared: ***“I raise it [advocacy] if there is some sort of conflict – parent’s view is not necessarily the child’s view.”***

“Helps to get children and young peoples’ views across – not the parent’s views. We need specialist services for this group of children if the child is unable to communicate.”

The review team were given an example of how effective independent professional advocates could be. They were told about a complaints tribunal where a mother was expressing the wishes of her disabled child but the advocate who had been working with the child disagreed with what she was saying. The parent, child and the advocate were able to work together, maintain a working relationship and the tribunal was confident that the views of the child were expressed. The social worker considered this to be effective, independent professional advocacy.

Improving the understanding of parents, guardians and foster parents

Advocates and parents can work successfully together with positive outcomes for the child if parental understanding of the role of an independent advocate is clear.

A clear understanding of independent professional advocacy is very empowering and if parents and foster parents are enabled to gain this understanding they will be much less threatened by advocacy and consequently much more likely to promote advocacy. A clear understanding of advocacy will enable them to judge when to seek additional help or to offer appropriate and timely encouragement to children to ask for an advocate.

KEY RECOMMENDATIONS:

8. Parents, foster carers and guardians should be routinely provided with clear information and training about professional independent advocacy.

9. The advocate allocated to a child or young person should be responsible for explaining their role to the child’s parent, foster parent or guardian.

Consistency of Access to Services Across Wales

One of the key findings of this review, which echoes findings from previous reports into advocacy, is that there is inconsistent service provision across Wales. The following section highlights those inconsistencies and why they may have developed. These issues are returned to in later sections.

The most recent Welsh Government statistics for Referrals, Assessments and Social Services for Children 2010-2011²⁶ provide information about numbers of children and young people receiving services from local authority social services. These statistics provide an indication of the numbers of children who would potentially be eligible for independent professional advocacy.

On 31st March 2011, Social Services in Wales were providing services for 25,856 children, (an increase of 3 per cent from the previous year.) Of these:

— 2,881 were on the child protection register,

— 5,415 were looked after children, excluding those on the child protection register, and

— 17,560 were children in need.

This represents a 5% increase in children on the child protection register, a 5% increase in looked after children and a 2% increase in children in need compared to the previous year. Therefore an increasing number of children and young people were eligible for independent professional advocacy during 2011-2012.

This increase in numbers comes at a time of severe financial constraint for local authority Children and Family Services who have to make difficult decisions about the continued provision of a whole range of services. Increasing numbers and decreasing resources are likely to impact upon the local arrangements that are made for the provision of independent professional advocacy.

From the responses to the review questionnaires, completed by 22 local authorities, and through the eight field work visits to local authorities, it became apparent that there are very different approaches to access processes and delivery of independent professional advocacy across Wales. The following is intended to provide the key information from the evidence submitted to the review with more detailed consideration about some particularly significant issues.

²⁶ <http://statswales.wales.gov.uk/index.htm>.

5.1 Eligible children and young people accessing independent professional advocacy

Each local authority was asked to provide details of the number of looked after children, care leavers and children in need who accessed independent professional advocacy during 2010-2011. Six local authorities were unable to provide the information for the following reasons:

- data not collected during the previous year;
- changes to the way in which data was recorded;
- the advocacy provider keeps that information;
- the contract has recently been changed.

From the data received from the 16 local authorities who provided information the numbers of children and young people accessing advocacy in 2010/11 stood as follows:

- 1,058 children and young people accessed independent professional advocacy;
- numbers varied from 7 in the lowest authority to 224 in the highest authority;
- the number of looked after children accessing independent professional advocacy was 608 ranging from 4 in the lowest authority to 122 in the highest authority;
- the number of care leavers accessing independent professional advocacy was 56, ranging from 0 in the lowest authority to 13 in the highest authority;
- the number of children in need accessing advocacy was 394, ranging from 3 the lowest authority to 159 in the highest authority.

There are significant differences between local authorities in terms of the numbers of eligible children and young people taking up their entitlement to independent professional advocacy services. The picture in relation to children in out of county placements²⁷ appears to be particularly poor. However, it was difficult to gather robust information about this as local authority staff were often unclear about advocacy arrangements for children and young people who were in out of county placements.

KEY RECOMMENDATION:

10. Local authorities should review local take-up of independent professional advocacy services by eligible children and young people in their area and investigate any patterns of low take up. This should include a similar review of arrangements for children and young people in out of county placements.

²⁷ Children and young people in foster care or residential care placements outside their local authority areas.

5.2 Locally imposed eligibility criteria

All local authorities reported that independent professional advocacy was available for all looked after children however:

- six authorities placed a lower age limit as to when services could be accessed ranging from 5 to 10 years old;²⁸
- two local authorities reported that they did not provide advocacy to those over 21 (despite the fact that they are eligible for ongoing support until the age of 25 if they are in education).

Some authorities apply different eligibility criteria in relation to children in need:

- one local authority did not provide this service for any children in need;
- four authorities imposed a lower age limit in relation to children in need who could access this service;
- three authorities imposed restrictions on the type of issue that children in need could access advocacy services for.

What was clear was that access to an independent professional advocate was not available to a number of vulnerable children and young people who may need to access such a service and who have a statutory entitlement to do so.

Potentially two young people from adjoining local authorities have the same circumstances and yet one would be entitled to access advocacy whereas another would not. For example one authority does not provide an advocacy service to children under the age of seven where as another does. A child's access to independent professional advocacy will in some cases depend upon which local authority they live in due to the variable nature of the service across Wales.

Whilst all children and young people theoretically have access to independent professional information, advice and support from Meic, the national information, advice and support helpline set up by Welsh Government, this service is not able to provide face to face support should that be required. In such cases Meic will refer to local authority advocacy services. However they are not always able to do this because of the different criteria that local authorities apply to this provision.

²⁸ The age limit would appear to be imposed by the local authority rather than the provider as differing age limits applied to contracts that all three main advocacy providers had.

5.3 Spend on advocacy

All local authorities shared their expenditure on advocacy in the years 2010/11 and 11/12. The total spend committed to the provision of independent professional advocacy in Wales during 2011–2012 as reported by individual local authorities is £1,473,445.

However, it was not possible to compare expenditure across Wales as services were funding different levels of advocacy provision:

— there is a significant difference in the amount of money spent on individual contracts ranging from £22,583 to £227,159;

— whilst to some extent this relates to the size of the population of children within local authority areas there is no direct correlation between population, and to other factors such as geographical size or rurality;

— local authorities' expenditure is affected by the priority they give to this service.

For example the following figures on spend, and children accessing services, relate to information provided by local authorities that all commission services with the same advocacy provider. It would be reasonable to assume that the advocacy provider would provide a consistent model of advocacy across the three areas, and therefore costs per child would be similar:

— local authority A spent £100,000 during 2010/11 providing a service to 224 children at a cost of £446 per child;

— local authority B spent £ 53,000 during 2010/11 providing a service to 52 children at a cost of £1019 per child;

— local authority C spent £65,000 during 2010/11 providing a service to 29 children at a cost of £2241 per child.

Responses to questionnaires from all local authorities in Wales and information gleaned from interviews with local authorities and advocacy providers would suggest there is no consistent approach to determining how much a local authority should spend on advocacy services. Spend does not appear to be based upon the demographic need within a locality.

In order to ensure that all looked after children, care leavers and children in need are given a fair opportunity to access advocacy and to protect the quality of service offered, local authorities need to base a contract on the potential numbers of eligible children in the local authority. Authorities could use the Children in Need census published by Welsh Government combined with the existing looked after and care leaver statistics as a clear and consistent means of calculating appropriate funding levels for each area.

In terms of local authority Children and Family Services expenditure across Wales, the sum of £1.5 million for independent professional advocacy is relatively small. To date there appears to have been no monitoring or evaluation of these costs in terms of value for money at the local or national levels.

Local authorities appear to have been hampered in planning and commissioning services because there is still no clear and definitive commissioning guidance from Welsh Government and no agreed funding criteria means that this appears to have taken a different priority in each local authority. With the proposed changes to local authority partnership arrangements it is unclear where accountability for planning and delivering local services will exist in the future. It is likely that commissioning will become part of local authority Children and Family Services responsibilities as it has already become in many local authority areas.

5.4 Reduction in funding

The Office of the Children's Commissioner is concerned that a number of local authorities had reduced their expenditure on advocacy during the past twelve months. Of those who provided the information requested:

— four local authorities had reduced expenditure in this area;

— two had increased expenditure;

— nine had kept expenditure at the same level.

A further 7 authorities did not provide the review team with the information. Against a backdrop of an increasing workload it is crucial that services are at least maintained at their current levels. With the numbers of eligible children and young people increasing, shrinking or stand still budgets could have a detrimental effect on the quality and accessibility of the services offered. Providers are generally given a fixed budget to provide a service without numbers being specified in the service specification. This has resulted in some providers saying they were being asked to offer more for less: ***“There have been cuts in budgets whereby the same level of advocacy provision or more is required for less money.”***

One of the unintended consequences of this may be that advocacy providers are provided with a disincentive to promote their service because of capacity limitations imposed by funding arrangements.

One provider has had to make the difficult decision to reduce the advocate's hourly rate of pay in order to continue to provide the same service to a local authority who have cut their funding. This does not seem to fit with developing and raising the standards and professionalism of advocacy.

A National Independent Advocacy Board (NIAB) member expressed the serious concern: ***“That advocacy will slip down the agenda in the current financial situation.”***

5.5 Funding sources

Welsh Government Cymorth funding has been used by Social Services to fund the provision of advocacy for a number of years. The Children and Youth Support Fund provided targeted support to improve the lives of children and young people from disadvantaged families and the guidance in relation to the funding allowed for the funding of advocacy services.

However from April 2012 the Cymorth funding stream will be replaced by Families First funding. This seeks to improve family support to disadvantaged families by working on the structure, design and delivery of preventative and early interventions particularly for those living in poverty. The guidance issued to local authorities for how to spend Families First does not appear to allow for this fund to be used to support the provision of advocacy services.

Senior stakeholders spoke about the loss of the Cymorth Fund:

“When Cymorth pulled out, we just had our small pot of money – and this was all that was and is available”

“Integrated partnerships and Families First pushes advocacy into a more shadowy concept regarding funding”.

“We are currently jointly funded by Social Services and the Partnership. We will find a way to fund via Family First. Would not compromise the service but on another level we have had the rug pulled from under us to fund this service, we have to look for £...k. You cannot keep putting it back on local services to fund these services when there are no funds available to do so...there is no slack left to pick up!”

It is clear that whilst local authorities have the discretion in relation to how to fund independent professional advocacy there will continue to be differential provision throughout Wales.

5.6 Commissioning arrangements

The 2009 Advisory Guidance recommended a **‘3 year commissioning cycle which is flexible enough to extend or reduce to allow stability and continuity’**²⁹. However the ‘advisory’ status of the Guidance has led to inconsistent implementation across Wales. Four authorities have embraced Welsh Government’s 2009 advisory guidance and entered into longer term contracts. However many local authorities have short term contracts in place, with 16 local authority contracts coming up for renewal during 2012.

Local authorities identified a number of reasons for commissioning short term contracts:

— a lack of national strategic direction and delays in the publication of ‘Delivering Advocacy Services for Children and Young People 0-25’ in Wales;

— uncertainty about the changes to Cymorth funding, which has for some years funded independent professional advocacy services in many local authority areas.

It is clear from meeting local authorities that a number are currently exploring the feasibility of joint commissioning across local authority areas over the coming twelve months as contracts come up for renewal. Currently of the 22 Local Authorities in Wales:

— 13 authorities commission their own service;

— one authority jointly commissions their service with health and education;

— 8 authorities jointly commission a service.

There are a number of challenges for those authorities considering joint commissioning not least of which is marrying together differences in current provision, including the use of different advocacy providers: **“We are looking at collaboration but there are different contractual dates and we currently use different providers.” (Local authority manager)**

Whilst Welsh Government has given an indication as to the local authority areas that they would like to see jointly commissioning services, local authority managers have indicated that this may not always be practical.

It should not be assumed that joint commissioning will automatically of itself provide a more consistent service. In North Wales where joint commissioning has been achieved, one local authority provides an enhanced model of advocacy provision compared with its commissioning partners by funding a universal service through a separately funded contract with a different provider. Local authorities within a regional arrangement have said that even within a single contract the experiences of children and young people on the ground in those participating local authorities are different.

A number of issues were identified in relation to current tender processes:

— a lack of clear service specifications from commissioners and lack of clear information in responses to tender from providers were identified as problematic in terms of securing a fair and transparent tendering process;

— commissioners do not always receive the service model they expected to secure;

— providers believe that comparisons of responses to tenders do not take account of the costs associated with the provision of different types of advocacy;

— the tendering process itself and reliance on multiple short-term contracts makes considerable resource demands on providers;

— a lack of consistency in relation to who is responsible for the commissioning of services in each authority (see overleaf).

5.7 Who is responsible for commissioning local services?

In the majority of local authority areas the responsibility for commissioning and managing the independent professional advocacy service rests with the local authority operational or service managers, although within seven local authorities this responsibility was split between different individuals.

The following table describes the different titles of staff that are responsible for managing and commissioning independent professional advocacy within local authorities. Where a local authority has indicated that two different members of staff have responsibility for commissioning and managing the service both job titles have been included and there are a total of 29 job titles across 22 local authorities.

Responsible for commissioning and managing independent professional advocacy within local authorities

Head of Service	6
Service Manager	4
Operational Manager	3
Children and Young People's Partnership Coordinator / Commissioning Manager	3
Strategic Development and Commissioning Manager	3
Planning Officer / Complaints Officer	3
Policy and Planning Manager	2
Area Manager	1
Group Manager	1
Agreements Officer	1
Principal Officer	1

Whilst it is encouraging that responsibility for commissioning and managing independent professional advocacy is at an appropriate level of seniority within a local authority it can be difficult for anyone working outside of that authority to know who to contact in the first instance should there be an issue regarding the delivery or commissioning of that service. There were some local authorities where it was unclear who was in charge of advocacy and this was even more pronounced where partnership involvement had distanced the provision from social services.

²⁹ Welsh Assembly Government, (2009) *A Guide to the Model for Delivering Advocacy Services for Children and Young People*, Cardiff: WAG

5.8 Differing models of advocacy

Local authorities and advocacy providers explained two distinct approaches to the delivery of independent professional advocacy services:

— **Relationship based advocacy** requiring the development of a longer term relationship between advocate and child or young person and regarded as a more expensive model;

— **Issue based advocacy** providing a shorter and potentially less costly intervention.

Children and young people, social workers and the advocacy providers themselves said that children and young people are more likely to access advocacy when they have a relationship or the opportunity to build a relationship with their advocate. In a local authority where there had been an increase in the number of children and young people using the advocacy service the manager identified this as the result of a change in the model of advocacy offered moving from an issue based approach to a relationship based approach.

The review team was not presented with any evidence to suggest that in terms of outcomes one or other model was more successful than the other. However providers identified challenges in relation to competitive tendering if the local authority service specification did not specify the model required.

Most Service Level Agreements required providers to visit residential units within the local authorities and explain their services. One local authority's contract required that all the children and young people living in residential units had an advocate. The Independent Reviewing Officer in another authority actively promoted advocacy to children and young people living in residential care. As the statutory entitlement to advocacy resulted from the recommendation of the Waterhouse tribunal and Carlile review it is important that there is a legislative requirement for the provision and promotion of advocacy for children and young people living away from home in residential settings.

There were many examples of positive engagement of advocates and many authorities indicated that they would spot purchase specialist advocacy in individual circumstances for children and young people with additional needs. There was recognition of the need for advocacy providers to recruit advocates with specialist skills. There was a consistent message of the identified need for male advocates and younger advocates in a number of authorities. In two authorities the need was identified for all advocates to be bilingual Welsh speakers. Advocates with an ability to use a wide variety of communication methods would also be a significant advantage.

Currently the combination of different providers, different service offers, different budgets and different commissioning models is leading to a very inconsistent service across Wales.

The review also found that the nature of the competitive tendering process in this area of service had some negative impacts. One provider described this situation: ***“Because of the nature of competitive tendering, it prevents advocacy providers from working together as effectively and collectively as we could. Our ability to collaborate is informed by the market place we are in.”***

Currently providers are in a position where they regularly compete with each other for short term contracts and this impacts negatively on opportunities for collaborative working and the development of sustainable services.

Advocacy providers do meet with the Welsh Government's Advocacy Unit to explore these issues and have worked collaboratively with each other through Cywaith, the body set up to manage and deliver Meic. However evidence suggests that ongoing tensions between collaboration and competition for tenders remain.

KEY RECOMMENDATIONS:

11. Welsh Government should issue clear and definitive guidance on commissioning independent advocacy to local authorities.

12. There should be a consistent single point of contact within each local authority in relation to the commissioning of advocacy services.

13. 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.

Access to Advocacy

The Children's Commissioner recommends that in order to fulfil statutory obligations that every looked after child, care leaver and child in need should be allocated an advocate at the point at which they enter the system. Children and young people should then have the option of opting out of having an advocate once an advocate has explained to them what advocacy is and the child or young person has decided that they do not want this service.

The review found:

— that to a large extent access was dependent on a child, young person, or their social worker making a referral into the advocacy service;

— managers were confident that their staff would know about and actively promote and recognise the value and use advocacy;

— however a sample of social workers in the same local authority and who responded to the review were not consistently promoting independent professional advocacy.

Local authorities reported that they promoted advocacy services to staff through a number of means including: induction of new staff (16), policies and procedures (18), in-service training (18), attendance of provider at team meetings (15) in addition supervision between manager and social workers to raise awareness and the use of publicity materials were also cited.

Although local authority managers said that induction and in service training was provided in relation to advocacy, in over half the eight local authorities the review team visited the field social workers had not had this experience. In all of the 8 local authorities visited there were staff who had not had any formal training. Staff turnover in social work teams means that there needs to be a rolling programme of contact with advocacy providers and training opportunities. A number of social workers said they knew very little about the advocacy service that was being provided in their area.

Most local authority managers, Independent Reviewing Officers and Complaints Officers said that they were depending on social workers during their direct contact with children and young people to explain advocacy and to offer it to them. The relationship and trust at all levels between the local authority and advocacy providers was a significant factor in terms of referral to the service. An effective advocacy service is based on good partnership work, connections and good local communication and working relationships, all of which take time, effort and investment to develop.

Evidence from local authority interviews highlighted the need for all professionals to have an understanding of the different roles of people working with children and young people and the appropriate delivery and provision of services. Professionals need to be aware of the intended outcomes of advocacy support in ensuring that children and young people's voices are heard in decision making. There appears to be a reluctance to refer where there is no clarity about how the provider works with the individual children and young people and in some cases no clear understanding of the referral process:

"Advocacy feels like a secret service – What is it? – Who is it? How can we access it?" (social worker)

Another social worker said that there can be incorrect or negative perceptions of advocacy and advocates and that a working relationship could help to dispel these:

"The provider needs to have a relationship with the Department. We know what advocacy is and we know what our role is within the child's life and we do things that children don't want us to do and sometimes the perception is that advocates have an agenda that may clash with us and then it becomes a battle and not a cooperative working relationship. It may be an inhibitor a preventative factor, but if we were meeting them regularly and communicating then that may breakdown barriers."

In the local authorities where the social workers were able to refer directly to a named advocate there seemed to be a greater confidence and they were more likely to refer or even think of advocacy. One manager described the confidence she had in her advocacy provider based on knowing the advocates and the skills that they had demonstrated:

"I feel that they [the provider] have strong advocates for children who are excellent and in particular they have an advocate who can get to the bottom of what a child wants in a very skilled and sophisticated way."

In an authority, which had a long term positive working relationship and a lot of working contact with their advocacy provider, there was a clear understanding of roles and remit of the service and this was translated into a high referral rate to advocacy and a high uptake.

“There is a networking with people. Do not underestimate the networking that goes on and keeps things moving, people know people across different agencies, there is a personal touch. In a rural community it is about professional relationships and how you network with people and make relationships work. ..you meet a lot of the advocates, you know who they are – you have met them.”

It is important to note that this relationship was also one where the advocate was expected and enabled to challenge and there was no evidence that this relationship was one that compromised the independence of the advocacy provider. A service manager within the authority noted:

“There is a tension which is healthy – we are challenged too – it’s safe to challenge.”

In developing a positive working relationship, social workers often referred to the importance of having regular meetings with providers and opportunities to receive training and updates about advocacy, preferably from the providers themselves. There was a need to explain the mechanics of the advocacy service and raise awareness of the benefits of advocacy within social services teams. Professionals also said during the face to face interviews that this would create the opportunity to build a relationship with the providers.

“Providers visiting team meetings are critical. We need to build relationships between professionals and advocacy providers” (Children’s Services Manager).

Providers agreed with this view and were clear that leaflets and publicity alone did not dramatically improve take up. One provider told us that they needed to spend time in the authority getting to know staff and that: ***“If you’re not promoting you don’t get the take up.”***

They described a positive situation which led to a good level of referrals. The social workers knew them, they had been involved in training and interviews for social workers and there was a clear long term commitment which had enabled them to make this investment of time and money.

Some local authorities shared that they felt that they had developed a mature long term working relationship with the advocacy provider and that this had enabled them to embed advocacy in many aspects of their training and induction programmes across their children’s services as well as in every day practice. One provider had prepared a bespoke local toolkit for social workers. This was developed for and with one local authority but was something that they wanted to develop further and adapt for each region. This toolkit contains details of how they can make a referral and it contains a service outline so that all parties understand the local criteria.

In these local authorities advocacy was linked to the children’s rights and participation agenda and did not operate as a stand-alone service. Advocacy was seen within the context of the local participation strategy and illustrated a true commitment to placing the child at the centre and the importance of their voice and views. Advocacy was promoted through the wider participation structures such as the youth forum. Many authorities provided opportunities for looked after children and young people and care leavers to meet in groups and share views and experiences:

“It’s like with any service it evolves doesn’t it? You never sit back on your laurels and say we’ve done advocacy it’s something we have to be mindful of in developing it. I think we have quite a mature service – it is well used”

KEY RECOMMENDATION:

14. 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.

6.1 Protocols and triggers to access

During the local authority interviews managers and practitioners described a number of protocols and triggers which would promote access to independent professional advocacy services and assist children and young people in developing an understanding of it:

“Advocacy is always brought up at LAC reviews and spoken about. This is part of the paperwork.” One local authority manager confidently told us that: ***“It is woven through the work force and there are prompts worked in.”*** However a sample of social workers that the review team met in the same local authority were not consistently promoting independent professional advocacy despite the prompts in the review processes.

The review found that:

— Independent Reviewing Officers generally acted as a safety net and would revisit referral to independent professional advocacy in preparing children and young people for their reviews but these triggers did not always lead to children and young people accessing the service;

— notification systems and protocols have been set up in some areas when looked after children reviews are coming up and the advocacy provider prepared packs about advocates that Social Services staff send out;

— there was much less systematic promotion and triggers to promote and explain advocacy to children in need.

However the review team was told about a very positive example of promotion and provision of advocacy to disabled children:

“Advocacy for children and young people with disabilities is just there as their right and entitlement, they will automatically be informed about [advocates name] at a certain age, they have a choice whether or not they wish to participate in that process but it is there automatically, it is not something they have to seek out or something a Social Worker has to initiate.”

A social worker stated:

“We have a very important role, [in promoting advocacy]. Advocacy doesn’t mean very much to most young people, so it’s about having a one to one discussion with them to make sure they know that there is someone they can talk to.”

All 22 local authorities indicated that they had a level of independent professional advocacy provision that children and young people were accessing for support. In the course of discussions with children and young people, professionals, advocacy providers and stakeholders, children and young people’s experiences about how they were enabled to access independent professional advocacy varied and a number of barriers to access became apparent. This highlights the need for proactive engagement with children and young people about advocacy to ensure that barriers to access are minimised.

6.2 Leadership and commitment

Leadership and commitment by senior management and line managers within local authorities is an important factor in ensuring access to advocacy provision. A positive relationship between local authorities and advocacy providers with good communication channels was important in providing people with the confidence to encourage children and young people to access advocacy. A positive relationship and good communication is as important as the issue of independence in terms of access. Managers, practitioners and providers highlighted the need for trust and professionalism, a child centered approach and local delivery.

Importantly an understanding and corporate commitment to the value and purpose of advocacy played a key role in encouraging access. The demonstration of an understanding and commitment to the voice of the child as being important in decision making and the need for that voice to be heard was central to the promotion and access to advocacy:

“There is a positive management culture which supports advocacy. The culture from the top is very supportive; this is due to the change in Head of Service who has set the culture and tone which is very supportive.”

The review found that advocacy prospered where:

— there was leadership by senior officers in local authorities to promote a culture of the importance of listening to the voices and views of children and young people throughout their delivery of corporate services;

— a committed individual or team strongly believed in advocacy and had driven the agenda forward;

— there is local support from Managers and practitioners which is a significant factor and plays a role in the quality of service that is provided locally.

Examples of good practice were identified, for example one local authority described how they involve children and young people in all aspects of the advocacy service development and review. This included young people being involved in the tendering process, recruitment of staff and the development of publicity materials and information about advocacy.

KEY RECOMMENDATIONS:

15. 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.

16. 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.

17. Children and young people should be involved in all aspects of advocacy service development and review.

6.3 Children and young people make an informed choice

The National Standards for the Provision of Children’s Advocacy, first standard highlights that:

‘Advocacy is led by the views and wishes of children and young people; children and young people are given help only if they want it. It is very important that children and young people have control over the advocacy relationship.’⁶⁰

It is an essential element of advocacy that children and young people feel it is their service that they are being helped to express their own views and wishes. This is a way of working that should start as soon as someone begins working with a child or young person to help them develop an understanding of what advocacy is, whether they would like advocacy support and how to access it. The review found that:

— of the eligible children and young people who contributed to this review 28% had never heard of advocacy and had therefore not made an informed choice not to have advocacy;

— practitioners who promoted advocacy highlighted the reasons for children and young people not taking up the offer of advocacy was in part due to there being no concerns about service provision, that they knew that children and young people were happy and had no issues about service provision or that they preferred to talk to someone they already knew.

In areas where the children are enabled to hear about advocacy from the provider either on a one to one meeting or through a group setting the take up of advocacy is increased. The providers acknowledge that the biggest take up of advocacy occurs when they are enabled to meet with children and young people themselves and tell them about advocacy. Despite the fact that children and young people identify advocates as best placed to explain what advocacy is (see Chapter 4) in many local authorities, providers were not given the opportunity to explain advocacy until a child had consented to advocacy in principle.

Social workers reported difficulties in introducing children and young people to providers as this could only occur once consent had been gained from the child. This can act as a significant barrier. In one local authority children and young people had an opportunity to meet the advocates informally in a group setting to build relationships. One social worker told the review team about a child who had refused advocacy when it was being introduced to her by her social worker because they did not have a positive relationship. The social worker believed that this young person would have used advocacy if she could have learnt about it in an informal non threatening group setting by an independent person.

It is important therefore that opportunities for giving information to children and young people are regularly discussed between the local authority and the provider. The Independent Reviewing Officer’s role was seen as critical in ensuring that information is provided to children and young people and those discussions take place directly about advocacy.

⁶⁰ Welsh Assembly Government (2003) National Standards for the Provision of Children’s Advocacy Services <http://wales.gov.uk/caec/publications/childrenandyoungpeople/advocacy/advocacystandardsen.pdf;sessionid=Rz5KTGFFQs0166qwQqITDg1ZpGqCrlLnT8hf2wLHhGCSJqhHnt1W!-2045186729?lang=en>

In another local authority with a high take up rate they sent names of eligible children to the provider so that they can introduce themselves. A social worker said:

“As soon as a child becomes a LAC child... [the provider] is notified and they independently write to the child directly. That list of contacts is maintained. Even if they don't wish to have an advocate they will receive the newsletter so that they become aware of the benefits of advocacy.”

“When the child has a review they would be referred to the provider.”

However another authority believed that this practice contravened good confidentiality practice and the advocacy standards:

“We would not see it as good practice to give contact details of a child or young person to an advocate without the child making an informed choice whether they wanted an advocate or not. This would go to the social worker to make the introduction and without child's consent wouldn't pass contact details on.”

KEY RECOMMENDATION:

18. 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.

6.4 Publicity for children and young people

Children and young people had mixed views about the high reliance on leaflets to promote advocacy to children and young people. Some had enjoyed being part of groups that designed leaflets and publicity that was specifically for use in their locality but others said:

“Leaflets don't work”

“Not too keen on just getting a leaflet”

“It wasn't really (explained to me) I was just given a leaflet”

Young people felt that the publicity needed to be brought up to date and be prepared to use social media such as Facebook.

Some social workers said that all the children and young people they worked with knew about advocacy because there was a leaflet on advocacy in the looked after children pack that all looked after children and young people are given when they are first taken into care. Evidence provided to the Office of the Children's Commissioner for Wales in recent work with looked after children suggests that a lot of the information in these packs is not read or considered carefully by the children and young people.

Some local authorities and providers shared newsletters that went out regularly to all children and young people and this was a good model for sharing positive stories about advocacy and increasing awareness.

Providers spoke about the range of materials that they provide in different languages and formats and for different ages and abilities. They also told the review team about the need to invest resources to develop promotional materials not based on written communication.

KEY RECOMMENDATION:

19. Welsh Government should provide a national framework to ensure that there is consistent promotion of information about advocacy across Wales.

6.5 Perceptions of independence

It has been a goal and underlying principle of Welsh Government in their 'Guide to the Model for Delivering Advocacy Services to Children and Young People' (2009)³¹ that advocacy providers should have increased independence from the organisations commissioning the advocacy service:

“It is vital that children and young people believe and trust that the advocacy service they are accessing is truly independent from the service that they want to stop, start or change.”

The review found that:

— many local authority representatives confidently stated that their provider operated in an independent and child friendly manner;

— advocacy providers themselves have said that independence is a founding principle of their practice and they operate in a child focussed and child led manner;

— generally providers seem to be able to clearly explain and perhaps more importantly demonstrate independence.

Good practice examples were shared with the review where the involvement of the advocacy provider is crucial in the local authorities' quality assurance practices and they were welcomed as a critical and independent friend. Conversely the review team was provided with evidence that suggested that robust challenging of a local authority had led to a change in advocacy provider, and advocacy providers being warned that they were becoming too challenging.

Despite most evidence confirming the independent practice of advocates, we were told by some children, young people and professionals that, as advocacy is often perceived as being linked to social services, children and young people do sometimes question how independent it really is. One young person asked the provider:

“How can it be independent when the very people who you are challenging are the ones who give you your jobs? It doesn't feel right – it doesn't sound right.”

These fears are dispelled when the advocate actually starts working with children and young people and they begin to see positive outcomes from their meetings with the advocate and enjoy being able to express their views in a supported way. A young person who has used advocacy stated clearly:

“Advocates for individual children and young people ARE independent. Although they may have financial worries, they still do their job.”

KEY RECOMMENDATION:

20. 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.

³¹ Welsh Assembly Government (2009) *Guide to the Model for Delivering Advocacy Services to Children and Young People*, Cardiff: WAG

6.6 Children and young people's relationship with advocacy providers

Children and young people told the review team that when they meet advocates and hear about their services directly they are able to get a better understanding of advocacy.

The review team was told by children, young people and professionals that when a young person has used advocacy and has an existing relationship with the advocate and the service they are more likely to use it again:

"In my experience advocacy has been the best form of support I have had since being in care. It is nearly always the first place I go for advice as they are kind and friendly and actually take the time to get to know you."

"If I could give advice to any children, I would say always to have an advocate as if it wasn't for them I wouldn't have any contact with my family"

"Having an advocate has helped me as before I couldn't speak to no-one but now it's given me the confidence to say what I want to say."

A Local authority service manager confirmed this:

"What we find is once advocacy has been involved in one issue and a young child or young person see that this is something good they will often call on this again and dip in and out."

An Independent Reviewing Officer said that it is important when talking about independent professional advocacy with children and young people to present it as a people based service in order help to reduce some of the barriers. She said she always: ***"Uses the names of the people – not the labels."***

"It's about the advocate having time to build a relationship with the child. I don't see the role as representing them at a review; it's about representing them full stop." (Social Worker)

Where there is a high turnover of social workers there are situations where advocates have been a long term and consistent force in a child's life. This has happened even without the child or young person constantly working with the independent professional advocacy provider but rather being able to contact them when there was a need.

The presence of a base within the local authority area can be an asset to promotion of the service and helps to develop relationships with both professionals and children and young people. Children and young people also said that they can identify with the service more easily; feel the service has more permanency when it has a local base. This base was often used to hold group meetings and activities and these were seen as a great way for children and young people to learn about advocacy. Groups contain a mix of children and young people who are regularly using advocacy and also have just begun to consider it. Consequently children and young people were much more likely to self refer because another young person has told them about it. The role and approach of the provider is central to the engagement of children and young people and in delivering outcomes.

However a small minority of children and young people said they had not been helped by an advocate:

"Didn't really do anything, just asked me questions, it was like being in court...saw them once or twice but there was no point in having one."

Children, young people, practitioners and managers also shared concerns regarding some advocates' practice:

— there is often not the option of a choice of advocates and if a child or young person does not get on with an advocate they may not be able to have a different advocate.

— some young people said that they only met their advocate just before their review and were not able to talk to them properly and prepare for this important statutory review.

There were many examples of positive engagement of advocates and many authorities indicated that they would spot purchase specialist advocacy in individual circumstances for children and young people with additional needs. There was recognition of the need for advocacy providers to recruit advocates with specialist skills. There was a consistent message of the identified need for male advocates and younger advocates in a number of authorities. In two authorities the need was identified for all advocates to be bilingual Welsh speakers. Advocates with an ability to use a wide variety of communication methods would also be a significant advantage.

Advocacy providers must continue to develop creative ways to raise awareness with children and young people about the role of an advocate, how to get in touch with an advocacy service and promote a choice of advocates.

6.7 Advocacy and complaints

Independent professional advocacy has got a strong link with the complaints process but should be seen as wider than just supporting children and young people wanting to complain.

— Complaints Officers in all eight of the local authorities who were interviewed confirmed that they tell a child or young person making a complaint about access to advocacy and usually send them a leaflet;

— in one local authority all complaints were supported by an advocate;

— some Complaints Officers and Managers felt that the link with the complaints process could be seen as negative and a barrier to accessing independent professional advocacy.

"Advocacy is sometimes seen as something that happens when a young person wants to make a complaint and something that is only introduced to them when they are already in the complaints process."

As this Complaints Officer said:

"Social workers should be promoting advocacy with the Foster Carers. To break down culture that complaints are negative. I see it as positive, we are a big organisation, we make mistakes, we can get better, do better and the children and young people and the organisation will benefit. We have to break down this culture."

A more negative perception was voiced:

"We're having too many complaints – you're being too successful – advocacy is creating too many complaints."

All children and young people should be enabled to express their views clearly about the service that they are receiving and this can sometimes lead to them making complaints. Giving feedback and making complaints are an important and vital way of evaluating and improving services both strategically and for individuals.

KEY RECOMMENDATION:

21. 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.

Strategic Leadership

7.1 Welsh Government

The national strategic lead for the provision of independent professional advocacy services rests with the Welsh Government. The National Independent Advisory Board (NIAB) appointed by Welsh Government and the Advocacy Unit based within Welsh Government provide this lead and the Welsh Government has the responsibility for issuing statutory guidance on the provision of advocacy services and sets the national standards.

In March 2009, the Welsh Government announced:

“The Advocacy Development and Performance Unit has been established within the Department for Children Education, Life Long Learning and Skills, and is now fully staffed with a head of branch, branch manager and branch administrator in place since January 2009. Its key functions are to –

- promote advocacy amongst children, young people and adults*
- promote and support the implementation of the Assembly Government’s Model for Advocacy Services for Children and Young People in Wales*
- consider options for developing and commissioning an all-Wales Advocacy and Advice Service for all children and young people*
- establish a National Independent Advocacy Board*
- report on advocacy standards and outcomes across Wales*
- support Children & Young People’s Partnerships to implement the new arrangement locally or/and regionally³²*

³² Written Cabinet Written Statement by the Minister for Children, Education, Lifelong Learning and Skills on 19 March 2009
<http://new.wales.gov.uk/about/cabinet/cabinetstatements/2009/cyp/?lang=en>

In June 2009, the membership of the National Independent Advocacy Board (NIAB) was announced fulfilling the promise made on 13th March 2008.³³

“The Government intends to put in place a New Service Framework for the Future Provision of Advocacy Service in Wales. The new framework will be implemented over the next two years. At the heart of the Framework will be a new National Independent Advocacy Board to provide an independent, strategic overview of the development and delivery of advocacy services in Wales and make recommendations and provide advice to the National Assembly and to the Welsh Assembly Government. The Board will have a key role in advising on the regulatory framework for advocacy services; promoting best practice and identifying and developing the evidence base. Critically, the Board will also advise Welsh Ministers on the commissioning arrangements for advocacy at national, regional and local level and publish an opinion on arrangements made by the statutory Children and Young People Partnerships to commission and secure the provision of integrated specialist advocacy services. The Board will also consider the existing statutory framework and advise on whether this should be amended to allow for the continuing development of advocacy services.”

Local authorities and providers have been in possession of Welsh Government Advisory Guidance since 2009.³⁴ The Welsh Government consultation document “Delivering Advocacy Services for Children and Young People 0-25” closed in April 2011. The final statutory guidance is yet to be published.

The consultation guidance refers to Welsh Government plans to revisit the National Standards and there is an expectation that a standards and outcomes framework will be published as part of the final guidance.

KEY RECOMMENDATION:

22: 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 will be directly informed by the views and experiences of children and young people.

³³ Written statement by Welsh Assembly Government 13th March 2008 by Jane Hutt, Minister for Children, Education, Lifelong Learning and Skills Gwenda Thomas, Deputy Minister for Social Services New Service Framework for the Future Provision of Advocacy Services in Wales <http://new.wales.gov.uk/about/cabinet/cabinetstatements/2008/nsffuture/?lang=en>

³⁴ Welsh Assembly Government (2009), *A Guide to the Model for Delivering Advocacy Services for Children and Young People*, Cardiff: WAG

7.2 Statutory guidance

All those questioned said that the provision of statutory guidance is key in presenting a clear strategic lead and helps to create consistency in service delivery. Statutory guidance needs to be thorough, practical and enforceable. A change of government and internal restructuring have been named as reasons for the delay in the publication of the statutory guidance and standards.

Some local authorities made direct reference to the advisory guidance when questioned about advocacy but others had not been using this as a working document and said they had been waiting for the statutory guidance. A senior local authority manager said that they have been waiting three years for the guidance and that there is no clear framework of expectations so there was no means of challenging practice or outcomes locally. Another local authority officer described the difficulties that the delay has caused them:

“Government guidelines on the new proposed advocacy service have not yet been received; we were expecting the information much earlier so that we would know how to proceed with a new tender in plenty of time.”

A provider also added that a local authority with whom they had a contract had expressed clearly to them that that they were doing the minimum and that this would only change when Welsh Government said that they had to.

An official from the Advocacy Unit responded:

“The advisory guidance was published in 2009 and about 50% (of commissioners) took up that advice. Others have been meeting statutory obligations but waiting to commission services until guidance was published.”

A senior Welsh Government official confirmed that:

“The biggest concern is to get it (statutory guidance) right and there have been a whole set of changes in the last months. The priority is to get it right rather than a particular date at the point where it can get out.”

One member of NIAB said in relation to the statutory guidance:

“We have tentative ideas of new forms of consortia to take on responsibilities in different areas. This is on hold (the statutory guidance) because of local government reforms. The wider political issues have stalled the process.”

A number of respondents spoke of the need to translate the guidance and standards into something that young people could understand. One of the providers we spoke to shared some thinking on the statutory guidance:

“Its disappointing the guidance has taken so long. Good to have advocacy national minimum standards, they are a real guide for advocates and social workers and puts into context what advocacy is. We need a document for young people that (based on the standards) sets out what you are entitled to, what you can expect and how you get it...no matter where you are in Wales...if its statutory this is what you get.”

The current position in respect of guidance has resulted in confusion and lack of certainty. Some commissioners of services are frustrated about the lack of statutory guidance from the Government whilst others are seen as using the advisory guidance as an excuse to not develop their service any further.

Evidence suggests that some providers feel the lack of guidance is a ‘smokescreen’ that just prevents the funding, and therefore the delivery of a comprehensive service, whilst others do the best they can whilst feeling exposed and vulnerable.

The advisory guidance has been found to be aspirational but impractical and it has not created a situation where local authorities are consistently working towards implementing the model across Wales. The absence of national statutory guidance puts all the key players, including NIAB and the Advocacy Unit, in difficulty.

The Children's Commissioner has already given evidence to the National Assembly for Wales' Children and Young People Committee on two occasions - in 2008 and 2010 - about advocacy as did many of the respondents to this review. The Children's Commissioner welcomed many of the recommendations the Committee made including the need for a clear national and strategic lead as well as guidance and inspection processes to be put in place that would lead to a more consistent and accountable service. However, having conducted this review those concerns have resurfaced. National strategic leadership over the past three years appears to have gone largely unseen and has resulted in a lack of confidence from those who commission and provide services.

Whatever the historic reasons for the delay in the publication of statutory guidance, standards and outcomes framework for delivering advocacy services for children and young people, must be published as a matter of urgency.

The publication of statutory guidance, standards and an outcomes framework to drive delivery of advocacy services for children and young people is central to driving up consistency. It should be informed by evidence and provide guidance on service specifications, commissioning models, funding sources, training and promotional requirements. Commissioners and providers would welcome publication without further delay so that their responsibilities with regard to the statutory provision of independent advocacy are clear as are the range of children who are entitled to receive the service.

KEY RECOMMENDATION:

23. As a matter of urgency, Welsh Government must publish statutory guidance, standards and outcomes framework for delivering advocacy services for children and young people without delay.

7.3 National Independent Advocacy Board (NIAB)

In relation to the role of NIAB, the evidence from its Chair and by the members for this review was robust, open and honest.

The review team was told that:

- the relationship between the Board and the Advocacy Unit resulted in some early confusion about role and functions;
- the terms of reference became clearer when the Chair was appointed in the second year of the Board's existence;
- there was a huge sense of frustration that the Board has not been able to fulfill its brief as set out in the terms of reference for the Board;
- members spoke about dysfunctional working relationships and anxieties about not being adequately briefed;
- there was some frustration also about NIAB's low profile;
- meetings with Welsh Government Ministers were set to take place twice a year but were 'ad hoc at present'.

Evidence presented suggested that the establishment of Meic is seen as a major achievement for NIAB and the Advocacy Unit but was also seen as something that has deflected the Board's attention away from its other responsibilities:

"The Board is now 2 years old and we are only now looking at operational realities (including) a mapping exercise".

The Board itself meets four times a year. The review team heard that:

- the contribution from members in between meetings was insufficient to maintain momentum;
- that agendas for the meetings were ambitious;
- that decision-making was poor in the first year but improved when the current Chair was appointed;
- that the skills and experience of some members were not sufficient to deliver the requirements of the role.

There were many comments about capacity and the pressures placed on the Board:

"A lot rests on (the Chair) of the Board and members have capacity issues and there is a lack of support from those who commissioned the role. This is unacceptable".

"You probably couldn't look back at minutes and see evidence of clear decision making... Minutes were dumbed down."

"It's not doing bad things but it is not achieving. I feel embarrassed".

Evidence suggests that the working relationship between the Advocacy Unit and the Board is something that has not always worked as well as it could have done. There is a feeling that Advocacy Unit staff are caught between two sets of responsibilities. Firstly, as officials of Welsh Government responsible to Ministers and secondly to the Board.

There is a lack of clarity regarding who is leading on what and some members felt their role as an independent board was being compromised or undermined. One young person on the Board said: ***'NIAB tries to do things to please people.' If you're independent you should do what you want.*** Another young member of the Board added: ***"Haven't thought of that (independence) before, the Unit and NIAB feel part of the same thing."***

Young people's involvement in the NIAB

— Members of the Board were pleased that young people were included in its membership from the outset;

— it was highlighted that the working practice of the Board was determined to function in a 'child and young person friendly way'.

It is clear from listening to the views of members that a lot of positives came from this way of working. However one member summed up a view shared by many of the members who took part in this review (including the young members):

"Good charring (happens) ensuring that all can contribute. However, the adult members predominate. The young members are not 'token' but can't contribute as much as the adults ... mainly decisions are taken by adult members and the young members go along".

Commissioners and providers' perceptions of NIAB and its role

Most of the providers knew about NIAB but did not know what it did at its meetings. Local authority commissioners had an even less understanding of NIAB's role. One local authority respondent, having just received a letter from NIAB on its mapping exercise, said they were not aware of the role and remit of the Board:

"Genuinely feel disappointed with NIAB. I'm not clear what they are doing and they have not met expectations... Communications are very poor".

"They appear very distant".

"Never heard of them...Are they value for money?"

"We have received a letter from NIAB yesterday. It's the first one we have received. It is not well thought out. No logo etc. It asks us to confirm their audit of services in our area. It was not well written. I have no idea how they got information in the first place. It was not provided by us".

Other comments from a local authority perspective concluded the relationship with NIAB was problematic or non-existent:

“The lack of a national steer is frustrating from a local authority point of view. Three years we have been waiting and there is no national framework in place...How can you have a Board with no national framework?...NIAB should have a higher profile but without standards it has no teeth”.

Welsh Government’s perceptions of NIAB and its role

The Deputy Minister for Children and Social Services told the Children’s Commissioner that NIAB have made a lot of progress but there is still more work to do. The Deputy Minister told us that NIAB has been effective in including children and young people in their work, that it has an independent role and that the: ***“terms of reference are there to facilitate this”.***

A senior official in the Welsh Government was clear that NIAB had: ***“achieved a number of key things. The helpline... clarification (and advice on) guidance and standards”.***

It was also highlighted that the Board is currently seeking to gain a clear picture of advocacy provision across Wales through a local authority mapping exercise and is developing a more strategic approach and regular contact with the Deputy Minister will be a regular part of the future structure.

The Children’s Commissioner hopes that the evidence in this review and the conclusions within it mark the end of a period of development for advocacy services and the beginning of the next phase.

It must be noted that a considerable amount of the early meetings of the Board were occupied with the development of Meic although this is mostly seen as a major achievement for Welsh Government. Attention has also been drawn to the fact that NIAB has issued one advisory note to Welsh Government about the loss of grant to a provider of advocacy to unaccompanied asylum seeking children which led to a positive outcome.

It is apparent from the evidence gathered that NIAB has not achieved its objectives and has not been providing a national strategic lead. The Children’s Commissioner for Wales shares the disappointment expressed by some board members about the slow progress made in relation to their remit. Other stakeholders in Wales also expressed disappointment and lack of clarity about the role and impact of NIAB:

“We are pushing them for leadership. There are no clear terms and remit and they should be leading on delivering the model and standardisation of services and this isn’t happening.”

Whilst it would appear there has been more urgency of late, the review agrees with the conclusion of one of its members when discussing their full remit:

“The Board is a long way off getting its hands on any of those issues and that was part of our reason for existing.”

The contribution that the NIAB has made has been significant but the review findings suggest there is no reason to continue with it in its current form given the lack of confidence it has inspired. In many ways the effort required to sustain it and bring its operations to an acceptable standard outweighs the benefit of having it.

Whilst recognising that this will come as a considerable disappointment to the Board the review recommendation is to recognise the contribution of the Chair and the members for their contribution and to ask Welsh Government to stand the Board down with immediate effect.

KEY RECOMMENDATIONS:

24. Welsh Government should disband the National Independent Advocacy Board with immediate effect.

25. Welsh Government should establish an appropriate and robust accountability mechanism in relation to advocacy within Government.

7.4 Advocacy development and performance unit

Nearly three years has passed since the Advocacy Unit was established. From 2009 to 2011 the Unit comprised three dedicated staff. The evidence given to this review has established that the functions of the Advocacy Unit are now part of a wider branch of officials based within Welsh Government. A distinct Advocacy Unit does not currently exist although its functions are understood by those within the branch. Although there is a benefit to embedding advocacy into a team looking at wider policy issues the loss of a dedicated advocacy unit does call into question the ability of officials to effectively drive forward a national focus on the delivery of advocacy services.

The establishment and development of Meic has undoubtedly been a significant and pioneering achievement for the Advocacy Unit. The Advocacy Unit has led and been involved in a considerable amount of work on Meic for which they are to be commended.

The achievement of this aim does however seem to have been at the expense of other work. It is apparent from evidence gathered in this review that there is a lack of support to local or regional advocacy commissioners and to providers of services which should be the role of the Advocacy Unit. Similarly it seems that little has been done on reporting or monitoring in relation to standards. It is also clear that there remains a wide variety of understanding about advocacy generally and the distinction between universal and independent professional advocacy, amongst children, young people and adults across Wales.

The in-depth interviews held with eight local authorities confirmed that none had had any contact with the Advocacy Unit or received any support or advice. None of the providers felt supported by or connected to the Advocacy Unit. Neither commissioners nor providers were clear about the current or previous role of the Advocacy Unit. The absence of a good working relationship reduces the ability to share information and undermines the Advocacy Unit’s ability to be recognised as a strategic lead agent. Many of the local authority Managers who took part in this review were mainly dependent on the advocacy providers themselves to give them a lead on how services should be shaped. They were the ones that were assumed by the local authorities to have the expertise. Although the vast experience, integrity and practical experience of the advocacy providers cannot be denied they are not in a position to fulfill this role on an all Wales basis.

The advocacy providers who took part in this review:

— knew of the Advocacy Unit because of their attendance at the Advocacy Providers Group hosted by Children in Wales;

— did not feel that the Advocacy Unit was giving a clear and robust strategic lead;

— identified the Advocacy Unit as well placed to collect and monitor statistics in relation to advocacy provision. This would have put them in a strong position to develop policy and advise on commissioning and best practice.

A provider said:

“If we want to feed information up to a strategic level it is done through Children in Wales. We would go to Children in Wales or the Children’s Commissioner for Wales for information –would not think of going to the (Advocacy) Unit.”

“We have less contact with the (Advocacy) Unit than we had before with the civil servants who were there before the (Advocacy) Unit was set up. There is no mechanism to share information”.

One provider, in their written evidence, stated:

“In the Guide to Model...(WAG 2009) point 2.7 states that the ‘The Assembly Government will provide Partnerships with complementary tools to assist in effective joint commissioning, pooling budgets etc. This would seem to be a vital role of the Advocacy Unit - as yet unfulfilled.”

They also noted that:

“The role and function of the Advocacy Unit has changed over time and moved quite considerably from the original vision laid down in Telling Concerns and discussed at the Welsh Assembly Government Advocacy Task and Finish Group. Most recently it has been writing policy and supporting the NIAB however it has now been absorbed into other government functions.”

As well as expressing disappointment that the promised functions of the Advocacy Unit had not been fulfilled another provider also expressed confusion about the current status of the Advocacy Unit having recently been told informally by an Official that the Unit no longer existed. There has been no formal announcement or description of the change from a dedicated advocacy unit to a new structure. One Director of a service said:

“I’m confused. I don’t know what is happening. No announcement. No notification received.”

Inspectorates also confirmed that they had not met with the Advocacy Unit or NIAB:

“Not formally. I have never met with them. That seems wrong. They could have had an active working relationship with CSSIW, Estyn and possibly HIW.”

Commissioners of services had a very limited view of the work of the Advocacy Unit:

“No formal contact with the (Advocacy) Unit. There is no framework of expectations so how could they challenge it? The Unit should be setting up the framework.”

An Official from the Advocacy Unit said:

“The (Advocacy) Unit was first set up as a stand alone Advocacy Unit in 2007, now its part of a department which covers participation and from May this year also includes empowering young people and now covers 10 policy areas ...No longer a Unit, now a branch with different policy areas”.

The review team was told there were eight full time equivalent staff in the branch covering advocacy, Office of the Children’s Commissioner for Wales, Funky Dragon, participation, children’s budgeting, the UN Convention on the Rights of the Child (UNCRC) and the Rights of Children and Young Persons (Wales) Measure, Children’s Bill, Four Nations work, positive images and pupil voice. The Advocacy Unit used to have three people focused solely on advocacy:

“No one works solely on advocacy alone now. There is a lack of capacity to support this work.”

However a senior Welsh Government official, in response to a question about whether the Advocacy Unit has implemented its remit, said that:

“We have put a lot of energy into that. Have agreed additional resources into the rights agenda.”

One member of NIAB summed up the position other members had expressed in response to a question about how the Board contributed to the Advocacy Unit’s annual work programme:

“No input. The (Advocacy) Unit has more responsibilities now and this is their excuse as well as personnel changes. We should not shape the work plan of the (Advocacy) Unit but they should provide an appropriate resource so that we can legitimately make demands on the (Advocacy) Unit to deliver. There has been a lack of professionalism.”

One member of the Advocacy Unit explained:

“There is no conflict of interest between the (Advocacy) Unit and NIAB. The (Advocacy) Unit provides financial and administrative support to NIAB. It’s important they (NIAB) are independent. NIAB should hold the Unit to account. NIAB can influence the Unit work plan through negotiation and the Unit doesn’t direct NIAB’s work. It’s all done through negotiation.”

Perhaps the most telling comment heard about the Advocacy Unit was from a member of the NIAB:

“There really isn’t an Advocacy Unit anymore...this is part of the downgrading of advocacy.”

In taking forward the recommendation to publish the statutory guidance the Welsh Government does need a vehicle to drive forward and develop positive change. This informs a review recommendation to re-establish a distinct Advocacy Unit focusing on advocacy, with 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. The work programme for the Advocacy Unit should be developed and shared annually with local commissioners, providers, inspectorates and the Office of the Children’s Commissioner for Wales. One of the functions of a re-

launched Advocacy Unit should be to bring commissioners, providers and other key stakeholders to an annual meeting to examine progress against the national standards, to share best practice and to identify developmental goals that could inform improvement and take up of services. The actions agreed for one year should be project managed to completion by the Advocacy Unit and reported on the following year.

KEY RECOMMENDATIONS:

26. Welsh Government should re-establish a distinct Advocacy Unit focusing on advocacy, with 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. The work programme for the Unit to be developed and shared annually with commissioners, providers, inspectorates and the Children’s Commissioner for Wales.

27. 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 practice and to identify developmental goals that could inform improvement and take up of services.

Regulation, Inspection and Monitoring

There was an expectation following on from Welsh Government announcements in 2008 and 2009 that the Advocacy Development and Performance Unit and NIAB would play a fundamental part in establishing a regulatory and accountability system for advocacy services in Wales.³⁵

The Annual Council Reporting Framework (ACRF) provides for a system of self assessment within local authorities. The Director of Social Services is responsible for producing an annual report detailing the Council's view of their current effectiveness and priorities for improvement. One of the functions of the ACRF is to generate a core set of information needed by the Care and Social Services Inspectorate Wales (CSSIW). CSSIW undertake a review and an analysis of the evidence underpinning the published ACRF to inform their inspection and review plan for the Council.

³⁵ March 2008 the Minister for Children, Education, Lifelong Learning and Skills and the Deputy Minister for Social <http://new.wales.gov.uk/about/cabinet/cabinetstatements/2008/nsffuture/?lang=en>

8.1 Operation of current arrangements

All stakeholders in this review were asked about inspection and regulation. The review team was told that:

— there are no formal regulatory and inspection arrangements to specifically consider advocacy or complaints on a regular basis;

— there are no performance indicators placed on advocacy provision and no enforcement powers related to advocacy.

A senior member of the Social Services inspectorate as well as the commissioners and providers of services confirmed that only occasionally is advocacy considered within the context of inspections into other aspects of children's social services and safeguarding. Advocacy providers described meeting with inspectors in some local authorities. However, they said that this was not consistent and could not be classed as a clear system of regulation or accountability as far as advocacy is concerned.

As well as some aspects of advocacy occasionally being considered within an inspection of local authority services, those who were questioned said that advocacy had been touched upon in connection with some recent thematic reviews and inspections carried out by CSSIW. For example, the 2008 and 2011 permanency planning inspections would have considered advocacy as a related issue, as would the reviews into Independent Reviewing Officers in 2009 and the work of Local Safeguarding Children's Boards (LSCBs) in 2009. There has also been an inspection of CAF/CASS Cymru in 2010 that looked at advocacy within court proceedings.

It became apparent during the course of this review that this work does not allow for a systematic inspection into the quality and availability of advocacy services nor does it amount to a check that authorities are meeting their statutory obligations. The commissioning process or service level agreements are not scrutinised outside of local council internal procedures. A senior member of the inspectorate told the review:

"We don't have within our system an arrangement to consider advocacy or complaints on an annual basis."

In relation to the ACRF the same inspector confirmed:

"We would note anything it says about advocacy and would look to substantiate anything we are able to about advocacy from what we have seen. But in the main we have to go looking for it."

All the providers who took part in the review outlined their concerns. Providers said that they felt vulnerable and frustrated as a result of not being subject to a regular inspection process. Some went so far as to express some disappointment that they were not systematically inspected or held to account:

"We have been interviewed as part of local authority inspections but have not been inspected in our own right as registration of advocacy services is not a requirement."

"No one really checks us as a provider. There is no inspection and we are not asked to prove that we are really safeguarding children and young people."

"We should be inspected. We would welcome it. It would be useful and ensure safeguarding."

The review team was told that the National Standards for Advocacy Services in Wales (2003) and the 2009 Advisory Guidance did not have any enforcement connected to it and a member of NIAB said:

"Advisory guidance is weak and woolly- wasn't clear on roles and responsibilities and duties."

Another key stakeholder said that calling the guidance advisory has meant that it is voluntary and in the current financial squeeze it will not become a priority:

"Advisory means you do it when you've got the money and when it's running down you do what you absolutely have to do."

The review team was informed that the expected statutory guidance will not have any specific links with inspection frameworks and similarly is not enforceable. An official said that there are no sanctions that Welsh Government can currently use to enforce the guidance and that they can only advise local authorities. A member of NIAB commented:

“I was shocked. I had thought that with statutory guidance going out that there would be inspection.”

Although it is the role of government to check whether statutory duties are being performed, members of NIAB and officials from the Unit said that there is currently no method of establishing whether this is happening. No performance indicators are set and no assessment is therefore made to measure performance or progress. An advocacy provider said:

“We are not held to account by the (Advocacy) Unit and the Board – we want this. They have very little idea what we do.”

A member of NIAB commented:

“Why bother having statutory guidance if it's just going to encourage people to do things.”

Another member of NIAB commented on their role in relation to responding to poor practice concerns:

“NIAB could write and flag up concerns but the terms of reference don't give NIAB that function. For example we didn't write to local authorities about spot purchasing even though there were concerns. Perhaps it should be the (Advocacy) Unit that takes concerns forward on behalf of the Board.”

Monitoring

Evidence gathered from the local authority questionnaires around how they monitor the provision of advocacy services in their area highlighted that:

— 17 local authorities monitored advocacy quarterly,

— 1 local authority monitored advocacy monthly,

— 1 local authority monitored advocacy annually,

— 3 local authorities monitored advocacy but did not specify the frequency.

Monitoring generally took the form of a meeting with the provider and relevant officers of the local authority and was usually reliant on the provider submitting a report for the period in question. It was encouraging to learn that the majority of local authorities were monitoring advocacy on a quarterly basis and that they reported that the views of children and young people were involved in this process. Providers and commissioners both confirmed that the monitoring procedures are generally looking at compliance with the Service Level Agreement (SLA) and these generally undertaken by the same people who drafted the SLA. As a consequence, it was said there is generally no external level of quality assurance.

The Deputy Minister told the Review:

“I think we have to modernise regulation and inspection. We are committed to that in ‘Sustainable Social Services’. It needs to become part of the quality and delivery process. (There is) no point just flagging it up as a statutory responsibility.”

It is clear there is no annual or systematic inspection or regulation for independent professional advocacy services for looked after children, care leavers or children in need. This review has concerned itself with access to services and has not looked at the quality of the services provided. The regulation and inspection of a service has both practical and financial implications but the evidence in this Review points to the need to establish one to drive practice improvements and to improve access and outcomes for children and young people.

The National Standards for the provision of children's advocacy services in Wales have laid down a clear set of good practice guidelines against which advocacy provision could be measured in Wales. These standards were welcomed and were expected to become an important part of advocacy development, monitoring and quality assurance. However, it appears that no one has been given any responsibility for measuring advocacy practice against these standards as they are voluntary and not enforceable. A number of stakeholders said during the course of this review that the standards should be revisited and updated but even in their current format they could form a good clear baseline for advocacy provision across Wales.

A means of regulation and inspection must be established as a matter of urgency to progress advocacy to a level where we can be confident of its quality and reach. Inspectors need to be given the opportunity to shine the light on both good and poor practice to inform practice development and improvement. Welsh Government and CSSIW should therefore be tasked with incorporating the inspection of advocacy services within the regulatory and inspection framework for Children and Family Services and should establish a process to register advocacy providers.

The Children's Commissioner for Wales is acutely aware that the CSSIW and other inspection budgets are being stretched and that any new inspection responsibilities need to be fit for purpose and either have funding linked to it or be integrated systematically into a current framework. As the current inspection frameworks are looking to become more integrated and aligned, with a view to developing an outcomes framework, there are opportunities to incorporate advocacy. We know advocacy can have a clear and positive effect on an individual's outcomes and wellbeing. It is an important element of empowering and hearing the voice of children and young people who find themselves in difficult and vulnerable circumstances.

The inspection process is an established means of collecting data and consulting with a wide range of managers, practitioners, service users and carers and all of this information is crucial to effectively measuring advocacy practice within Wales. Inspectors are the evidence gatherers and this is clearly an aspect of advocacy development in Wales that we are sorely lacking.

The ACRF is a valuable self assessment tool for local authorities and each year their production prompts a fieldwork visit from the CSSIW. It is clear though from the evidence received that advocacy features in an inconsistent way in ACRF reports. A newly developed and distinct Advocacy Unit in supporting local delivery against national standards could play a useful role in assisting local authorities to develop a systematic self assessment checklist so they can see how children and young people are accessing independent professional advocacy. It would also serve to ensure that corporate parents within each authority take an annual active interest in how vulnerable children and young people are getting their voices heard. The Welsh Government should develop, and agree in consultation with the WLGA, a robust reporting mechanism within the ACRF that Directors of Social Services and Corporate Parenting Panels can use to self assess local advocacy provision.

KEY RECOMMENDATIONS:

28: 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.

29: 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.

Conclusion

Looked after children, care leavers, and children in need in Wales who want the support and advice of an independent professional advocate to help them have their voice heard are being badly let down. Whilst many do receive an excellent service from independent professional advocates there are others who are missing out. National and local structures are supposed to be in place to ensure that all these children and young people can access independent professional advocacy services and benefit from them.

This review has highlighted the shortcomings of current provision. Services are not effectively promoted to all those they should be reaching. They are not well understood by children and young people and the professionals working with them. There is an inconsistent funding and resourcing of services across Wales. They are ineffectively regulated and inspected, and the early commitment and enthusiasm from Welsh Government to provide a beacon of excellence in relation to this key service has waned and faltered in recent years.

This situation cannot be allowed to continue and must be addressed as a matter of urgency. This review identifies a number of recommendations to reinvigorate national and local partners to get Wales back on track to deliver its aspiration for vulnerable children and young people. It is now time for strong leadership, accountability and systematic delivery of services to ensure that the commitment to children and young people's rights are implemented.

Advocacy plays a critical role in enabling children and young people to safeguard themselves by exercising their rights, as outlined in the UNCRC, and specifically in relation to having their voice heard when key decisions are being made about them. Wales has been on an advocacy journey for over 10 years, following the publication of the Waterhouse Report, and yet it finds itself without a clear set of checks and balances to ensure that all children with an entitlement to advocacy have a genuine opportunity to access it.

Currently, there are legislative opportunities that provide the perfect opportunity to address the concerns outlined in this review. The Deputy Minister for Children and Social Services is sincere in her determination to create the best social services and safeguarding systems for our most vulnerable children and young people. As the Social Services Bill and the Children and Young Person's Bill develop and Local Safeguarding Children's Boards are reformed, careful consideration is needed on how to maximise these opportunities to create systems where we can be confident that children and young people are being offered and are receiving independent professional advocacy when they need it. Welsh Government should use the legislative opportunity that exists to place the inspection framework for advocacy services on a statutory basis.

This review reminds us that the Welsh Government's policy commitment for children and young people in itself is not enough. It is crucial that children and young people experience tangible benefits in the delivery of the policy and legislative commitments and that they have a positive impact on their lives. Actively engaging and listening to children and young people is vital in understanding whether we are achieving our ambitious aspirations for them.

Recommendations

I have used my powers and functions derived from the Care Standards Act 2000 and the Children's Commissioner for Wales Regulations 2001 in undertaking this review. The recommendations require Welsh Ministers and local authorities to respond and report progress within three months of the publication of the review.

Keith Towler,
Children's Commissioner
for Wales

Issues raised in the report

Lack of strategic leadership

Recommendations for Welsh Government

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)

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)

Welsh Government should disband the National Independent Advocacy Board with immediate effect. (Recommendation 24)

Welsh Government should re-establish a distinct Advocacy Unit focusing on advocacy, with 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. 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)

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 practice and to identify developmental goals that could inform improvement and take up of services. (Recommendation 27)

Welsh Government should issue clear and definitive guidance on commissioning independent advocacy to local authorities. (Recommendation 11)

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)

Welsh Government should provide a national framework to ensure that there is consistent promotion of information about advocacy across Wales. (Recommendation 19)

Issues raised in the report	Recommendations for Welsh Government
Lack of monitoring, inspection and regulation	<p>Welsh Government should establish an appropriate and robust accountability mechanism in relation to advocacy within Government. (Recommendation 25)</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>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>
Lack of awareness, understanding and promotion of advocacy.	<p>Recommendations for local authorities</p> <p>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)</p> <p>All eligible children and young people should be allocated an advocate at the point at which they enter the statutory childcare system. This advocate would be responsible for explaining their role to the child or young person. (Recommendation 2)</p> <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>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>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>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>Parents, foster carers and guardians should be routinely provided with clear information and training about professional independent advocacy. (Recommendation 8)</p> <p>>>></p>

Issues raised in the report	Recommendations for local authorities
Lack of awareness, understanding and promotion of advocacy	<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>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>Advocacy providers' quarterly reports to local authorities should be copied to all elected members to raise awareness of the service and 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>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>Children and young people should be involved in all aspects of advocacy service development and review. (Recommendation 17)</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>
Access to independent professional advocacy	<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 include a similar review of arrangements for children and young people in out of county placements. (Recommendation 10)</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>There should be a consistent single point of contact within each local authority in relation to the commissioning of advocacy services. (Recommendation 12)</p>
Lack of monitoring, inspection and regulation	<p>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)</p>
Lack of consistent implementation of advocacy provision and lack of scrutiny of progress	<p>Recommendations for the Office of the Children's Commissioner for Wales</p> <p>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)</p>

Appendix TERMS OF REFERENCE

Review of independent/professional advocacy for Looked-after Children, Care Leavers, and Children in Need (as defined by Section 17 of the Children Act 1989)

Definitions

Independent/professional advocacy:
See Advocacy Jigsaw (Welsh Government) for definition
<http://wales.gov.uk/docs/caecd/publications/090803guide/deliveringadvocacyservicesmodelen.doc>

Looked after children: see Children Act 1989 for definition
<http://www.legislation.gov.uk/ukpga/1989/41/contents>

Care leavers: see Children (Leaving Care) Act 2000
<http://www.legislation.gov.uk/ukpga/2000/35/contents>

Children in need: see Children Act 1989 for definition
<http://www.legislation.gov.uk/ukpga/1989/41/contents>

Rationale for a review

The Commissioner and his staff have had it brought to their attention that not all Looked-after Children (LAC), Care Leavers, and Children in Need (CIN) are able to exercise their statutory right to an independent advocacy service.

During the course of interviewing children for our report into the transition from care to independence (due to be published in summer 2011), from casework that our investigation and advice service have been involved with, and from discussions and conversations that we have had with advocacy providers we know that provision of advocacy for LAC, Care Leavers and CIN is inconsistent across Wales.

This review will focus upon the provision of independent/professional advocacy for LAC, Care Leavers and CIN although it is likely that lessons learnt from this review may have wider significance for children in other settings.

Powers of the Children's Commissioner for Wales

The Commissioner has the power to review and monitor arrangements for the provision of advocacy through powers and functions derived from Section 73 of the Care Standards Act 2000 (see Appendix 1).

The review must be for the purpose of ascertaining whether, and to what extent, the arrangements are effective in safeguarding and promoting the rights and welfare of children and young people.

Information Gathering

Under regulation 3 of the Children's Commissioner for Wales Regulations 2001 (see Appendix 2), the Commissioner can request from the organisations under review any information he considers necessary to:

- review and monitor arrangements in relation to advocacy, and
- assess the effect of the failure of any person to make such arrangements (see Appendix 2).

The Commissioner may request such information from a number of persons (see Appendix 2).

Principal Aim

The Review will cover the advocacy arrangements of the following:

- Welsh Ministers, and
- Local authorities in Wales.

Terms of Reference

- 1) Gather and present the views and experiences of children and young people who are entitled to independent/professional advocacy support, enabling them to contribute towards the recommendations of a formal report.
- 2) Analyse the legislative and policy context for advocacy for LAC, Care Leavers and CIN in Wales.
- 3) Review the commissioning and national and local funding arrangements for independent/professional advocacy provision for children across Wales' 22 local authorities.
- 4) Identify strengths and weaknesses in relation to the current provision of independent/professional advocacy support for LAC, Care Leavers and CIN.
- 5) Provide an independent review of the national structures that have been set up to support and develop the provision of independent/professional advocacy services for LAC, Care Leavers and CIN.

6) Produce a formal report reflecting the views and experiences of LAC, Care Leavers and CIN in relation to access to and provision of independent/professional advocacy, setting out the Commissioner's findings, conclusions and recommendations for stakeholders involved in the review.

7) Monitor the recommendations contained within the report.

Methodology

A project team including the Commissioner and staff drawn from his team will undertake the review and will:

- 1) Meet with and obtain the views of LAC, Care Leavers, and CIN who are statutorily entitled to independent/professional advocacy support.
- 2) Establish a reference group of young people to advise and input into the review including the recommendations for the formal report.
- 3) Map out all legislation, policy and guidance relating to the provision of independent/professional advocacy services for LAC, Care Leavers and CIN in Wales to include a comparator analysis with other UK countries.
- 4) Map out existing independent/professional advocacy provision for children and young people in the looked after systems across Wales' 22 local authorities including an historical review of spend on provision.
- 5) Take evidence using a structured format with key staff from Welsh local authority areas focusing upon key components of Welsh Government's National Standards for Children's Advocacy, including:
 - i. Senior Social Services Manager
 - ii. Social Workers for LAC, Care Leavers and CIN
 - iii. Advocates and Managers of independent advocacy providers
 - iv. Independent Reviewing Officers
 - v. Elected members with responsibility for children and young people

6) Gather evidence from local authority Social Services departments through dissemination of structured questionnaire.

7) Review the role, function, and performance of the Welsh Government's Advocacy Unit through an analysis of current and previous work plans, interviews with Advocacy Unit staff, and senior civil servants responsible for this function, and feedback from professionals who work with children.

8) Review the role, function, and performance of the National Independent Advocacy Board through an analysis of its terms of reference, annual work plan, minutes of meeting, and structured interviews with board members.

9) Conduct a sample of interviews using a structured format with independent/professional advocacy providers.

10) Conduct a series of structured interviews with elected members and national politicians who have a responsibility for / interest in the provision of independent/professional advocacy services.

11) Conduct a series of structured interviews in relation to independent/professional advocacy with ADSS, WLGA and relevant non governmental organisations.

12) Prepare a formal report setting out the findings, conclusions, and recommendations of the Commissioner and send to the First Minister, the libraries of the National Assembly for Wales and the Houses of Parliament, and the organisations whose arrangements or failure to make arrangements have been reviewed.

13) Prepare a draft report and share a copy with the bodies being reviewed. They will have an opportunity to respond by correcting any factual inaccuracies and to respond to recommendations. Responses may be taken into account in preparing the final report.

Timescales

April - October 2011: Evidence gathering
November - December 2011: Analysis of information
January 2012: Peer review
February 2012: Publication of review findings, conclusions and recommendations.

ENDS



0808 801 1000 / 80800*
post@childcomwales.org.uk



@childcomwales
www.childcomwales.org.uk

Write to us:

Children's Commissioner for Wales
Freepost RRGL XLYC BHGC
Swansea SA7 9FS

* Text us for free (start your message with COM)