

Welsh Assembly Government's Written Response to the Children and Young People's Committee's Report on Children and Young People's Advocacy

Executive Summary

This reports on the Welsh Assembly Government's response to the National Assembly for Wales Children and Young People Committee's report¹ (published in March 2008) on advocacy services for children and young people in Wales. The Committee considered the Welsh Assembly Government's proposals consulted on in summer 2007² to implement a new integrated service model for advocacy. The report makes 12 recommendations. The responses in this document must be considered along with the written statement³ by the Welsh Assembly Government published on 13 March 2008 that set out new measures to strengthen the voice of children and young people through the implementation of a *New Service Framework for the Future Provision of Advocacy Services in Wales*. The new Framework will comprise:

- a National Independent Advocacy Board (that will include young people);
- an Advocacy Development and Performance Unit within the Assembly Government;
- a National Advocacy and Advice Service offering a single point of contact **for all children and young people** to be operative in 2009-10;
- a local/regional integrated specialist advocacy service commissioned through Children and Young People's Partnerships – in accordance with the model set out in the Assembly Government's consultation in 2007

The Welsh Assembly Government welcomes the Children and Young People's Committee's thoughtful examination of this very important topic. The Welsh Assembly Government also welcomes its recommendations in particular in regard to developing a skilled and diverse advocacy workforce of both professional and lay advocates and the greater engagement of children and young people in the development and quality assurance of advocacy services. The Welsh Assembly Government's detailed response to the report's individual recommendations is set out below and will build on and complement the *New Service Framework* to be implemented over 2008 - 2010. In arriving at its decision the Assembly Government has given serious consideration to all the evidence and views provided by a wide range of stakeholders including the Children and Young People's Committee's

¹ Children and Young People Committee Report: Advocacy Services for Children and Young People in Wales (2008) accessible on ; www.assemblywales.org/bus-home/bus-committees/bus-committees-third-assem/bus-committees-thirdcyp-home.htm

² A New Service Model for Delivering Advocacy Services for Children and Young People, WAG (2007)

³ Written Statement by WAG, by Minister for Children , Education Lifelong Learning and Skills and the Deputy Minister for Social services (13 March, 2008) accessible on www.assemblywales.org

response to the public consultation in 2007, and most importantly, to the views of children and young people themselves.

The Welsh Assembly Government considers that the *New Service Framework for Advocacy* will significantly enhance the delivery of independent, high-quality accessible advocacy services. It will benefit all children and young people in Wales and represents a major step forward in delivering our commitment to the United Nations Convention on the Rights of the Child, by ensuring that we hear and act on what children and young people tell us.

The Welsh Assembly Government's Response

The CYP Committee recommends that:

Recommendation 1: *Through appropriate consultation, the Welsh Assembly Government should establish a centrally funded advocacy unit, with responsibility for commissioning advocacy services in local areas, and for commissioning specialist services at a national level for groups such as asylum seeking children. In commissioning services in local areas, the advocacy unit would take into account regional and local structures, geography and views of CYPPs.*

Agree in Part: An Advocacy Unit has been established within the Welsh Assembly Government and is responsible for commissioning a national advocacy/advice service available to all children and young people. Its other responsibilities will include; considering the need to commission specialist advocacy for groups such as asylum seekers; the development of a regulatory framework for advocacy services; development of national occupational standards for advocacy and provision of training for staff and others working with children, including children and young people themselves.

The nationally commissioned service will offer universal access to first line advocacy support accessible 7 days a week by telephone, text and email to provide support and advice on a range of concerns expressed by children and young people. The national service will make the necessary links with other support services such as Childline Cymru, NSPCC and where appropriate, will make referrals to the **local/regional specialist integrated advocacy services**. Issues referred to the service will be recorded by the Unit and reported and mapped to improve understanding of the problems children face and the information used to inform national, regional and local, planning and commissioning of children services. The national service and the functions of the Unit will be developed in consultation with **the National Independent Advocacy Board**. The Unit and the Board will be established without delay. Appointments to the Board will need to be consistent with the Assembly Government's public appointment procedures and the Public Appointments Code. Membership of the Board will include young people.

The Welsh Assembly Government does not support the recommendation that the Unit should commission local/regionally-based services. These are currently provided by local authorities and their partners in fulfilling their

statutory functions (Children Act 1989 and National Health Service (Wales) Act 2006

⁴) in the provision of advocacy for representations or complaints. The Assembly Government will take forward re-configuration of local services so that **specialist integrated advocacy services** will in future be planned and commissioned by the local authority Children and Young People's Partnerships. The statutory requirement for these services will remain with local authorities and their health partners and each partner will be required to collaborate in planning and commissioning integrated advocacy services as part of their duty to collaborate and plan provision under the Children Act 2004. It will also provide for advocacy to be developed alongside local participation and children's rights policies. In addition to consulting local stakeholders on their commissioning plans, the CYP Partnerships will also be required to consult the Unit and the Board.

The service will provide a single point of contact for children wishing to raise a concern or make a complaint about a statutory service or about other key decisions that affect their lives. The CYP Partnerships will be required to commission the integrated services through a third party independent sector provider. Providers will be regulated and registered with the Care and Social Services Inspectorate Wales (CSSIW) and advocates working in the specialist service will be required to register with the Care Council for Wales (the Council) and meet National Occupational Standards and qualifications. The new regulatory arrangements will be in place by 2011.

The CYP Partnerships will be provided with statutory guidance and complementary tools to assist them in developing effective commissioning arrangements for advocacy services. These will cover a common contract and standardised core service specification, service standards and contract monitoring and review. New protocols will build on those set up between All Wales Advocacy Providers, CAF/CASS Cymru and the Office of the Children's Commissioner for Wales.

The Welsh Local Government Association (WLGA) is also committed to supporting CYP Partnerships in implementation of these new arrangements, in particular in developing their commissioning role.

⁴ section 187(1) of the National Health Service (Wales) Act 2006.

Independent advocacy services for the purposes of section 187(1) are defined in subsection (2) as services providing assistance to individuals making or intending to make

- (a) a complaint under a procedure operated by a health service body or independent provider
- (b) a complaint under section 113(1) or (2) of the Health and Social Care (Community Health and Standards) Act 2003
- (c) a complaint to the Health Service Commissioner for England or the Public Service Ombudsman for Wales
- (d) a complaint of a prescribed description which relates to the provision of services as part of the health service; and
 - (i) is made under a procedure of a prescribed description; or
 - (ii) gives rise, or may give rise, to proceedings of a prescribed description.

This function is currently being carried out by the Community Health Council pursuant to regulation 22 of the Community Health Council Regulations 2004.

Regional Specialist Integrated Advocacy Services – A number of CYP Partnerships have expressed an interest in developing future advocacy services in collaboration with neighbouring CYP Partnerships. To promote this and in line with our Making the Connections⁵ policy the Assembly Government will encourage consortia CYP Partnerships to jointly develop and commission integrated advocacy services and will make available a one off grant towards the establishment of consortia arrangements. In addition, we will make available a limited independent consultancy service to assist in the design, commissioning, procurement and monitoring of integrated services.

Recommendation 2: *The Welsh Assembly Government advocacy unit should involve children and young people in determining which advocacy provider should be awarded a contract, except in exceptional circumstances. This recommendation would apply when the Unit was commissioning local, generic and specialist national services.*

Agree in Principle: Children and young people should be involved and have a say in the design and quality assurance of all services that affect them. This is particularly important for advocacy and as stated in the national standards⁶ (Standards 8 refers). Children and young people have an integral role in advising how the service can be improved and should be involved in the recruitment of advocates and other staff working to deliver and monitor advocacy's services. Under the *New Framework* both the Welsh Assembly Government's Unit and the CYP Partnerships, will be required to have effective systems in place to engage and facilitate children and young people's involvement in the development of advocacy services.

Recommendation 3: *The Welsh Assembly Government should ensure that the advocacy unit makes arrangements for the provision of a training programme for advocates, in a portfolio of nationally recognised skills (including, but not limited to, listening, understanding, relationship building, and counselling skills). Trainers might include former users of advocacy, and children and young people.*

Agree: The Welsh Assembly Governments Advocacy Unit in consultation with advocacy providers, the Board, the Care Council for Wales and Awarding Bodies will develop a national framework programme for the qualification, training and registration of advocates. This will include the development of National Occupational Standards (NOS), qualifications requirement for children's advocates and accredited training modules for front line staff, carers and others about children rights, participation and advocacy in line with the developing work to establish a UK Qualifications and Credit Framework (QCF) that will form part of the Qualifications and Credit Framework for Wales (QCFW). This will be taken forward alongside work to develop an independent advocacy qualification for those working with adults.

⁵ Making the Connections; Delivering Better Services for Wales (2002)

⁶ National Standards for the Provision of Children's Advocacy Services ; NafW (2003)

Recommendation 4: *The Welsh Assembly Government should ensure that the national advocacy unit make arrangements for the provisions of training courses, through local providers, for potential lay advocacy, such as teachers counsellors, doctors, learning coaches, cooks and cleaners. The advocacy unit would provide training for local; providers themselves in training lay advocates. Lay advocates' training would never, however, be a pre-requisite for a potential lay advocate to raise concerns on behalf of a child or young person, and a lack of training would never exclude a potential lay advocate from acting in this role.*

Recommendation 5: *The Welsh Assembly Government should ensure that the advocacy unit provides training for local advocacy services, to assist them in coaching children and young people, using their services, to 'Self Advocate' and 'Peer Advocate' in the future.*

Agree to recommendations 4 and 5: It is important that children use an advocate of their choice. Advocates are not a homogenous group. Children and young people turn to a range of people with whom they have relationships to act as an advocate, to listen to them and to present their concerns. These include other children and young people who work as peer advocates or support self-advocacy.

The national advocacy skills and training framework (see recommendation 3) to be developed by the Advocacy Unit will include accreditation training modules for front line staff such as teachers, doctors, cooks, cleaners etc, as well as less formal induction training. It is envisaged that local training to support capacity of lay advocates will be voluntary and should never exclude an individual acting in a role of a lay-advocate.

Advocacy service providers have an important role in using their experience and knowledge to promote lay advocates in mentoring, sharing knowledge, information and skills. The National Standards for Advocacy and the National Service Framework for Maternity, Children and Young People's Services (standard 2.1) and participation programmes promote training on children's rights.

- **Recommendation 6:** *The Welsh Assembly Government should make arrangements for robust, independent inspection of the national advocacy Unit*
- *local services providing advocacy*
- *national service providing advocacy*

Agree in part: The *New Service Framework* will include inspection and governance arrangements. Both the national and local integrated services will be regulated under the Care Standards Act 2002 and inspected by CSSIW. Depending on the timing of the necessary amendments to the Care Standards Act, we will operate on an administrative arrangement in the interim.

It would not be appropriate, however, to extend inspections to include the Advocacy Unit. Regulation and inspection seeks to ensure the quality and safety of service and the skills of those people providing it. It also ensures that the experience and views of those who use the services are taken into account in inspection and any recommendation flowing from inspections.

The Unit will not be a service provider. It will be staffed by Welsh Assembly Government civil servants who will have the appropriate skills and experience. All civil servants are bound by the Civil Service Code, and their work is monitored through established Performance systems. The Unit will work with and support the *National Independent Advocacy Board*. The Board will have a strategic overview of the development and delivery of advocacy and make recommendations to the Welsh Assembly Government and the National Assembly for Wales.

Recommendation 7: *The Welsh Assembly Government should make arrangements for inspection of advocacy services to incorporate analysis of advocacy providers' skills (including, but not limited to listening, understanding, counselling and relationship building).*

Agree: Advocacy service providers and individual's skills will be monitored and measured as part of inspection and other performance and workforce measurement systems. The current NMS and statutory guidance for advocacy services under the Children Act 1989 set out the policies and procedures local authorities and their partners must follow in recruitment, selection, training and assessing the suitability of advocates who work with children [see also response to recommendations 1, 3 and 5].

A study of advocacy providers⁷ (those commissioned by local authorities to provide statutory advocacy) qualifications and skills in 2006 suggests that many already have a social work, teaching, nursing or youth worker qualification. It also reported clear policies for continuous development of advocates.

The future registration of advocates and a requirement to meet a National Occupational Standard and prescribed qualifications will ensure there is sufficient capacity, skills and experience in the service so that advocates can have a role in supporting children, training professionals and others on advocacy, participation and children rights. They also have a major role in championing a culture change across services so that the skills of listening, understanding, supporting and building relations with children to build their trust and confidence are mainstreamed.

Recommendation 8: *The Welsh Assembly Government should involve children and young people in developing a free advocacy phone and text service for children and young people. This phone service should be free to mobile telephones, as well as land lines. In addition to listening to callers' concerns, this service would be able to provide callers with information on*

⁷ All Wales Advocacy Provider Audit of Qualifications/Skills of Advocates (June 2006)

advocacy providers able to help with their particular concern. This service should be available 24 hours a day.

Agree: Children and young people will be represented on the Board and involved in all developments of the *New Service Framework* for national, regional and local services. It is envisaged that the national service will be available 7 days a week through a variety of means including phone, text messaging and e-mail. The national service will include systems for referral and direct contact with local/regional integrated advocacy service providers that can offer more specialist support or can deal with issues that need to be resolved locally. The Assembly Government's Advocacy Unit will work with other support services such as Childline Cymru and NSPCC to avoid duplication or confusion in boundaries of service support and to scope the demand, viability and benefits of a 24-hour service.

Recommendation 9: *The Welsh Assembly Government should involve children and young people in developing advertising for its free advocacy phone and text service for children and young people. This advertising should explain what advocacy is, and how it can help children and young people*

Agree: Involving children and young people in the development of materials is in line with the principle requirements of the current National Minimum Standards (NMS). Standards 3 and 4 require that advocacy services are well publicised, and promote equality. NMS emphasise the benefits of involving children and young people in the design of material and innovative methods of access, in particular to provide a range of communication methods for disabled children and those with learning difficulties. The service will also need to be provided bilingually; and take account of the needs of children and young people whose first language is not Welsh or English.

Recommendation 10: *Through service level agreements, set by the advocacy unit, the Welsh Assembly Government should ensure that children and young people would normally have choices about the identity of their advocate.*

Agree: This is currently promoted through NMS and guidance. It will be strengthened in new statutory guidance to the CYP Partnerships on the development of integrated advocacy services [see response to recommendation 5]. Over time the service and capacity of individuals who are trained (as professional or lay advocates) should increase the opportunities for children and young people to choose their advocate.

Recommendation 11: *Through service level agreements, set by the advocacy unit, and through training and inspection, the Welsh Assembly Government should ensure that comments made by children and young people are kept in confidence by their advocate, unless to do so would endanger a young person to potential harm. A policy definition of 'significant*

harm' and immediate danger is provided by the Children's Commissioner for Wales' Confidentiality policy, Annex 3

Agree: Advocacy is only effective if children and young people are confident that advocates are acting exclusively on their behalf. Confidentiality, honesty and trust are vital parts of a relationship between the advocate and the child or young person. NMS and guidance currently set out the requirement for advocate services to have clear confidentiality policies based on significant harm that are consistent with Local Safeguarding Boards' statutory requirements⁸, procedures and the law. It is vital that confidentiality policies are expedited to all children and young people who use the advocacy services. It is also essential that all services and the policies of Local Safeguarding Boards and other bodies and individuals operate within the context of the statute and guidance in Safeguarding Children; Working Together under the Children Act 2004 and within the legal definitions of section 31 of the Children Act 1989 and extended policy definition.

Section 31 (10) states that:

“where the question of whether a harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child”.

The Welsh Assembly Government will issue revised statutory guidance later this year to take into account more recent developments in law and practice in particular the review of LSCBs regulation and guidance. In the new guidance LSCBs will be encouraged to include a representative from local advocacy services on the list of bodies from which they may wish to co-opt partners to sit on local Boards.

Confidentiality safeguards will be included in regulation and practice under the New Framework and is essential to assure children and young people that their privacy is respected and there should be no disclosure of information, unless lack of disclosure suggests significant harm, or is required under a court order. In such cases advocates would be expected to explain to the child or young person the reasons for disclosure and to record their actions and reasons for it in writing.

Recommendation 12: *The Welsh Assembly Government should instruct the advocacy unit to normally commission advocacy services on three year contracts, with the opportunity for extensions, to ensure stability and continuity.*

Agree: It is envisaged that the future commissioning of advocacy services at national / regional and local level would be on a three year commissioning cycle in line with the statutory 3 year cycle for Children and Young People's Plans⁹ and will be flexible to extend or reduce (if necessary) the length of a contract. A standardised specification and common contracts for CYP

⁸ Safeguarding Children: Working Together Under the Children Act 2004 (2006)

Partnership's commissioning of advocacy services should assist in securing stability and continuity.

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