

Child advocacy: setting national standards

In late 2002, the Department of Health (DoH) published *National standards for the provision of children's advocacy services*. The ten standards set out the core principles that children and young people can expect from advocacy services and provide a framework under which councils can plan, develop and review the practice of child advocacy. The standards are aimed at the staff and agencies commissioned by councils to provide advocacy to looked after children and those in need (including care leavers and disabled children). While the standards do not have the full force of statute, they should be complied with unless exceptional local circumstances justify variation. The implementation of the standards will be monitored by the DoH through the Quality Protects initiative.

ADVOCACY SERVICES

Advocacy services assist children and young people in resolving their concerns or complaints, providing independent and confidential:

- information;
- advice;
- advocacy;
- representation; and
- support.

THE STANDARDS

STANDARD 1

Advocacy is led by the views and wishes of children and young people

Assistance should be given only where the child or young person requests it and the advocate should only act upon the child's express permission and instructions, even if the advocate is in disagreement. Only in exceptional circumstances may this standard be broken, for example, where the child is in danger. An advocate should take the time to discover the child's feelings and should, where appropriate and only with the child's consent, seek the views of parents, carers, siblings, etc. Where there is a conflict between the child's wishes and those of others, the child's take precedence.

To enable children to make well-informed decisions, advocates should provide them with all the relevant information and should ensure it is appropriate to their age and understanding. Indeed, advocates should ensure no information they possess or action they take is concealed from the child. Advocates should help children communicate their views and should ensure that these are heard, understood and recorded in all decision-making affecting them.

STANDARD 2

Advocacy champions the rights and needs of children and young people

The advocacy service should be committed to promoting and securing the rights of children and young people. The service should keep an up-to-date and comprehensive referral list and should take steps to identify legal and specialist advisers who provide a good service.

Children should be allowed to represent their views directly to decision-makers and should be assisted with presentation and communication skills. The advocacy service should enable children to use informal or peer advocacy if they so wish. Informal advocates may include parents, carers, social workers or teachers. Peer advocates may include friends or relatives of the same age.

STANDARD 3

All advocacy services have clear policies to promote equalities issues and monitor services to ensure that no young person is discriminated against due to age, gender, race, culture, religion, language, disability or sexual orientation

In recognising that children and young people are not a homogeneous group, advocacy services should treat all children and young people fairly, equally and with respect. When publicising the service, steps should be taken to make contact with disabled children and children from black and ethnic minority communities. When seeking help from children to improve the service, effort should be made to achieve a representative balance of views from among those using the service. The staff profile of the advocacy service should also be relevant to the range of children using the service. Staff should be offered training in equal opportunities, the impact of policies on refugee and asylum-seeking children, awareness of disability discrimination and the increased vulnerability of disabled children to abuse.

Particular attention should be paid to the communication needs of disabled children and those with learning disabilities. The use of new technologies, multi-media or non-verbal communication may be required.

STANDARD 4

Advocacy is well-publicised, accessible and easy to use

Any child who may benefit from the advocacy service should know of its existence, what it can and cannot offer, and the means by which it can be contacted. To ensure that publicity is appropriate and effective, and that children of different ages and abilities can understand it, the views and advice of children and young people should be sought. The independence of the service should be emphasised. The service should also publicise its existence amongst relevant agencies and adults. These may include teachers, residential workers, foster carers, youth offender team workers, police officers and youth workers.

To ensure accessibility, the service should operate at hours convenient for children and young people. Where the service is un-staffed, there should be a 24-hour answer phone which explains how to get immediate help from other people and agencies. The advocacy service should be delivered in convenient, safe and private places. Provision should also be made for those unable to travel to the service.

STANDARD 5

Advocacy gives help and advice quickly when they are requested

Advocacy services should be aware that delays in responding to children and young people are likely to prejudice the welfare of the child and will reduce the child's trust and confidence in the service. To implement this standard, advocacy services are advised to set specified, achievable timescales, and to inform the child or young person of these. Where possible, the child or young person should be warned if a deadline is going to be missed. The child should also be regularly updated on what progress has been made on their case.

The advocacy service should make available clear information regarding what help it can, and cannot, provide. If the service is unable to help, it should refer the child or young person to another appropriate source of help.

STANDARD 6

Advocacy works exclusively for children and young people

Advocacy services should be funded and managed in a manner which ensures independence from the commissioning body. They should have a statement setting out this independence and how potential conflicts will be resolved. The statement should be available to advocates, young people and professionals and should be in a language and style suitable to each. The service should not

routinely operate in a place connected to the child's concerns. For example, it should not have its main office in a school.

As far as possible, advocacy services should not be directly accountable to the management of any bodies exercising parental responsibility for the child. Thus, local council grants should be channelled through independent boards of management or voluntary organisations.

Once an advocate is allocated to a child, the advocate should not be changed unless requested by the child, or it is demonstrated that there is good reason for the change.

STANDARD 7

The advocacy service operates to a high level of confidentiality and ensures that children, young people and other agencies are aware of its confidentiality policies

Advocacy services should have a clear confidentiality policy based on 'significant harm', that is, a child's privacy is assured unless disclosure is necessary to prevent significant harm to the child or someone else, or disclosure is required by court order. The confidentiality policy should be explained to children and young people before their reasons for approaching the service are discussed. If information is passed on, the child should be informed.

The principle of confidentiality extends not only to the child's advocate, but to all staff working for the advocacy service. The keeping and disposal of all records should conform to data protection legislation.

STANDARD 8

Advocacy listens to the views and ideas of children and young people in order to improve the service provided

In accordance with Article 12 *United Nations Convention on the Rights of the Child*, the standards state that advocacy services should encourage the involvement of children and young people. Their views should be given due weight and they should be provided with feedback on how their suggestions have been used. Where children do wish to become involved, the advocacy services should offer them training and support and should, where appropriate, reward or pay them for their efforts. However, travel and subsistence should always be reimbursed, as should any additional costs incurred by the participation of disabled children. Payment should be made directly to children or their carers.

The guidance lists ways in which children and young people can become involved. These include:

- the recruitment of staff;
- staff induction, training and appraisal;
- joining management committees;
- acting as advisors to the advocacy service;
- producing and promoting publicity and information materials;
- joining consultation groups on policy, ethics and practice developments; and
- evaluating and monitoring the service.

STANDARD 9

The advocacy service has an effective and easy to use complaints procedure

To be fully accountable to children and young people, the advocacy service should have a well-publicised and accessible complaints procedure. The procedure should have informal and formal parts. Information should be provided so that children know what to do if they are unhappy with the service. The advocacy service may also wish to include information about the social services complaints procedure under s.26 *Children Act 1989*.

To investigation complaints, a suitable independent person should be appointed. He will decide whether to uphold the complaint and may recommend remedies. Any recommendations made should be carried out immediately, or within an agreed timescale. The child should be given feedback regarding the outcome of the complaint, as well as information on what to do if he is dissatisfied with the outcome. All complaints should be recorded, the data analysed annually and action taken where necessary.

STANDARD 10

Advocacy is well managed and gives value for money

Advocacy services should set out their legal constitution, powers, management structure and services offered in written form available to all. They should have clear financial systems which are audited, or independently examined, in line with legal requirements. They should keep track of their performance and produce an annual report. The views of children on how to improve the service should be regularly sought. Advocacy services should have clear written policies on:

- aims and objectives;
- equal opportunities;
- confidentiality;
- recruitment;
- staff conduct, supervision, development and appraisal;
- complaints procedures;
- whistle-blowing; and
- health and safety.

Data on the work of the service should be routinely collected, monitored and evaluated, with lessons learned for improvement and development.

All staff should have a clear understanding of their role, for whom they are responsible and to whom they are accountable. They should receive regular training and their progress should be appraised at least annually. When recruiting staff, safety checks should be carried out. These include criminal record checks through the Criminal Records Bureau, checks of lists maintained by the DoH and the Department for Education and Skills of those deemed unsuitable to work with children, and checks of professional registers. Identities should be confirmed through official documents and qualifications and references should be verified. At interview, the applicant's attitudes to children and acceptable behaviour should be explored. Those appointed to work with children should be subject to a probationary period.

CONCLUSION

The standards have been produced after a long period of consultation. Many of the original objections to the standards have now been addressed and voluntary agencies can begin to consider incorporating them into their working practices. The standards apply to all advocacy groups, whatever level of advocacy is being offered and whether it is offered by volunteers or by paid staff. This is likely to place a heavy burden of training on advocacy services. The requirement on local authorities to provide advocacy services for looked after children is strongly welcomed. However, without adequate funding both to run such services and train staff, it is likely that voluntary organisations will have difficulty in establishing the capacity to meet these standards.

The standards can be viewed at www.doh.gov.uk/childrensadvocacy/nationalstandards.pdf