



Advocacy - A guide for professionals



getting young voices heard

Empowering children and young people
in care and in need and campaigning
for change to improve their lives.

Who is entitled to advocacy?

The Children Act 1989 (Section 26A) gives looked after children, children in need and care leavers a statutory right to advocacy when they are making, or wishing to make, a complaint or representation to a local authority. However, many children and young people seek

advocacy without wishing to make a formal complaint.

Revised Children Act statutory guidance supports this more general right to advocacy and is described in more detail in the section on Statutory Guidance overleaf.

Why is advocacy necessary when there is a social worker and other professionals involved in the care of the child?

All professionals are invaluable in seeking out the wishes and feelings of their clients, and in working closely with them. However, there may be times when the wishes and feelings of a child or young person are in conflict with what the professional considers to be in their best interest. Membership of a professional body will also bring certain constraints, including financial constraints, which may make it hard for a practitioner to fully support a child's wishes.

An advocate provides an entirely independent voice for the child and, even if the 'best interest' view prevails, the child or young

person will have had the valuable experience of having their wishes acknowledged and promoted by another adult.

In any service, the quality of practice can differ amongst professionals, and it is therefore essential that children have access to someone independent who can raise concerns if they are receiving inadequate care. The experience of advocacy can be empowering for children and young people. They often feel more confident to express their wishes and their entitlements when they have experienced an advocate doing so on their behalf.



What does an advocate actually do?

The practice of the advocate will depend on the needs of the child, but is likely to include phone calls and other correspondence with their social worker, supporting them at meetings and reviews, and helping them through the formal complaints process if they request this. Advocates may also refer children and young people to solicitors if a local authority is in serious breach of their statutory duties.

The advocate will ensure that the child understands their rights and entitlements, and is able to make an informed decision about the choices that are available to them. The advocate will not seek to influence the child or young person with regard to their decision making.

Advocates work in an open and transparent way, so will always tell children about any conversations they have had with professionals. However, they also understand that there may be times when it would be harmful, or inappropriate, for them to share particularly sensitive information which the professional needs to take time and care to communicate.

As a young person life is a roller-coaster, an advocate can help the changes be smoother.

What kinds of issues are raised by children and young people seeking advocacy?

The issues that are raised vary widely, but common concerns include:

- Wanted and unwanted placement moves
- Educational and financial entitlements for care leavers
- Contact with siblings and other family members
- Housing issues for care leavers
- A wish to become accommodated as a result of family breakdown
- A breakdown in communication with their social worker

What happens if a child discloses information which raises concerns about their safety?

Confidentiality is integral to the advocacy relationship and is important for establishing trust. Advocacy services also have safeguarding responsibilities to children and young people and these are clarified at the start of the advocacy relationship. The advocate will explain that

confidentiality would need to be breached in the event of serious concerns about a child's safety or the safety of another person. Wherever possible, any need to breach confidentiality would be discussed with the child prior to contacting Children's Services.

Who can refer a child or young person for advocacy?

Anyone can make the initial referral and many children and young people self refer. As it is a child-led service, work will only commence when the child or young person has made contact themselves and given the advocate their instructions. Each local authority Children's Service should have an advocacy provider. Voice offers a free National Helpline for any looked after child or child in need and can refer children to any provider in the country if we do not deliver the advocacy in their area.

“ I felt that my advocate was on my side, that she was going to help me. What I like about her is that she was honest and did not give me false hope. ”

What if a child or young person has a disability and is unable to communicate verbally?

Some advocacy providers, including Voice, have expertise in the provision of Non-Instructed advocacy. Article 12 of the UN Convention on the Rights of the Child states that children and young people who are not able to communicate clear directions still have the right to be involved in the decisions that affect them and to have their views taken into account when decisions are being made about their lives.

There are a number of different approaches which enable the advocate to work in a meaningful way with those who are non-verbal. This includes having a good knowledge of their rights and entitlements so as to ensure that these are not overlooked when decisions are being made.

How can professionals work in partnership with the advocate?

We are all working to support the well-being of the child or young person, and it is always positive when work can be carried out in an understanding, respectful and collaborative way, even if the advocate is putting forward requests which are contrary to the views and plans of the professional.

Working in partnership provides a helpful model of conflict resolution for children and young people, which they can then utilise in other areas of their lives.



“ It is because of my advocate that I am still in this country, have a decent house and am back at school. ”

Statutory Guidance Children Act 1989 Regulations and Guidance

Care Planning, Placement and Case Review 2010 - Consideration must be given to securing the support of an advocate if a child has difficulty expressing their wishes and feelings about decisions being made for them.

The IRO Handbook 2010 – Before every review, the IRO must ensure that the child is aware of their right to an advocate and that they understand how to access one, and the role that they can play.

National Minimum Standards for Fostering Services 2011 and National Minimum Standards for Children's Homes 2011 – The right to advocacy and the knowledge as to how to

access advocacy is enshrined in the National Minimum Standards. Children should be assisted to obtain an advocate if they want help to express their wishes, feelings and views in statutory reviews.

Care Leavers: Planning Transition to Adulthood for Care Leavers 2010 – It is recognised that advocacy will be particularly important when decisions are being made about a child's readiness to leave care. Independent advocacy can help ensure that children are able to communicate the help they will need for the future as they move towards greater independence.

Relevant Publications

- National Standards for the Provision of Children's Advocacy Services. Department of Health, November 2002.
- Get it Sorted, Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989. Department of Education and Skills, 2004.



getting young voices heard

Advocacy Helpline for Children and Young People

Freephone: 0808 800 5792

Email: help@voiceyp.org

Text: 07758 670369

Online: www.voiceyp.org

The helpline is open every weekday from 9.30 am to 6.00 pm and is free from landlines and most mobiles. If English is not a young person's first language we can speak to them with the assistance of an interpreter. If a young person can't speak on the phone we will try to arrange for them to meet an advocate in person.

The helpline is independent from social services and is confidential, unless there are safeguarding concerns.

Voice, 320 City Road, London EC1V 2NZ

Tel: 020 7833 5792 Fax: 020 7713 1950

Email: info@voiceyp.org



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www.voiceyp.org

Voice is the working name of Voice for the Child in Care. Registered Charity 1046207.