

NSPCC Cymru/Wales

Response to:

Delivering Advocacy Services for Children and Young People 0-25 in Wales

April 2011

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About us:

The National Society for the Prevention of Cruelty to Children (NSPCC) aims to end cruelty to children in the UK by fighting for their rights, listening to them, helping them and making them safe.

We share our experience with governments and organisations working with children so together we improve the protection of children and we challenge those who will not learn and change. We campaign for better laws and we educate and inform the public to improve understanding about child abuse.

Our services include the NSPCC Helpline, for adults worried about a child, and ChildLine, the UK's free, confidential helpline for children and young people.

As part of the NSPCC's Strategy to 2016 we are reshaping our services to be more innovative, distinctive and designed to capture and disseminate learning. Through providing cutting edge new services we hope to better understand the real issues and challenges in prevention, protection and the treatment of abuse.

The NSPCC strategy focuses on a number of key priority themes: Looked After Children, children under 1, children with disabilities, children from certain black and minority ethnic communities, physical abuse in high risk families and neglect.

In Wales, as part of our Looked After Children Strategy we have commenced work on Safeguarding Looked After Children Through Advocacy. This initiative aims to reduce the risks to looked after children through advocacy. External advocacy providers from across the UK are being invited to come together to identify, discuss and seek consensus on best practice in the safeguarding aspects of advocacy. Two two day summits will be held using an appreciative inquiry approach and we are happy to discuss the learning with the Welsh Assembly Government later in 2011.

1. Introduction and Overview

- 1.1 NSPCC Cymru/Wales welcomes this consultation document and applauds the Welsh Assembly Government's commitment to promoting children's rights and its goal of provision of universal advocacy services for children and young people. Universal services are non-stigmatising which makes them more accessible and so we also welcome the introduction of the Meic helpline service. We recognise that great progress has been made in the provision of advocacy services for children and young people in Wales and that this delivery model has the potential to ensure advocacy services in Wales are more comprehensive and more innovative than in other UK nations. As a result Welsh children and young people's views will be represented and heard and children and young people will be better protected from harm.
- 1.2 We are pleased that advocacy is seen as a strand of the participation agenda and that services are provided within a rights framework. We welcome the good practice section on involvement of children and young people but would urge you to make more reference to and better embed the Participation Standards into the document.
- 1.3 NSPCC Cymru/Wales has previously been concerned about the independence of advocacy services and 'spot purchasing' and we feel that this document addresses these issues. The document makes clear that services are to be provided by a third party independent provider and that a 'spot purchasing' approach is only to be adopted in exceptional circumstances. Additionally there is little reference to the funding of advocacy services and we would like to emphasise that there are real costs in providing effective independent professional advocacy services and it is essential that realistic funding is available to commissioners of these services.
- 1.4 However, we are very concerned about the complete absence of any reference to safeguarding in the document. A key finding from NSPCC's research¹ (2011) into child cruelty in the UK was that almost one in five 11-17 year old children has been physically attacked by an adult, raped or sexually assaulted or severely neglected during their lives. It is therefore essential that we all work together to stop child maltreatment and that everybody takes responsibility for protecting children and young people from abuse. We strongly recommend that:
- the safeguarding elements of advocacy are included in the final document
 - every child and young person in care in Wales is allocated an independent professional advocate to help safeguard them from further harm
- 1.5 We are also concerned about confusions caused by the layout of the document, that the document does not make clear exactly what and how advocacy services are to be delivered locally and that there is insufficient clarity on how children and young people will be told of their entitlement to advocacy and access routes.
- 1.6 As NSPCC Cymru/ Wales is no longer a provider of advocacy services in Wales, it is in a strong position to explore best practice in relation to safeguarding in advocacy services from an entirely independent perspective. We would therefore be happy to work with the Welsh Assembly Government in promoting and developing the safeguarding elements of advocacy policy and services.

2. Layout and Clarity of Guidance Document

- 2.1 NSPCC/Cymru Wales feels that the layout of the document is not as helpful as it could be and that it confuses different aspects of the vision, model and good practice elements. The document describes 5 elements of the model but we would recommend that it is laid out as follows:-
- The Welsh Assembly's vision for advocacy services (to include the Background and Context, principles and 'What do we mean by advocacy?' sections)
 - How advocacy services are to be delivered locally
 - Essential good practice elements (currently elements 3-5 – quality, evaluation and involvement of children and young people)
- 2.2 In particular, NSPCC/Cymru Wales does not feel that the document makes clear exactly what needs to be in place and delivered locally and also does not provide the necessary clarity about what Children and Young People's Partnerships have to deliver other than the 'Integrated Specialist Advocacy Service'. Informal and peer advocacy may occur naturally, but are there expectations that support and training be provided locally? The document on P.12, 1.5, states that Welsh Assembly Government and Children and Young People's Partnerships will work together to provide advocacy training for formal advocates who are working with children and young people. More information is needed on this and more details about how this will be funded. Is there also an expectation that being an advocate becomes a part of a professional's job description? Do statutory services need to include this as a responsibility in job descriptions?
- 2.3 Section 2 (Pages 13-15) makes clear that Children & Young People's Partnerships, through one lead agency, are to procure 'Integrated Specialist Advocacy Services' for vulnerable children and young people, but does not clearly define what is meant by the term and how it is the same or different to 'Independent Professional Advocacy Services'. The Section 'Commissioning integrated advocacy services' pages 19-24 give more detail than Section 2, but it is confusing as these sections are separate and also a little repetitive. Could these sections be merged into one section to give greater clarity about the service that is to be provided and how it is to be planned and procured?
- 2.4 This section also needs to make clear which groups of children as a minimum have a statutory entitlement to advocacy services. We think Annex 1 is clear but that it is not helpful for paragraph 2.13 to lay out advocacy needed to support SEN appeals and Disability discrimination claims on Page 15 and then on Page 23 layout the statutory responsibilities on Health and Social Services. We recommend that paragraphs are integrated and appear in just one part of the document so that it makes clear for whom, as a minimum, advocacy services are to be provided.
- 2.5 We are concerned that although looked after children are entitled to advocacy services, only Social Services statutory duty to provide advocacy services for children in need and care leavers is included in the text on Page 23. NSPCC Cymru/ Wales is aware that looked after children are at risk of further abuse and need safeguarding and protecting from institutional abuse (Gil 1982)², peer violence and sexual abuse (Barter et al 2004)³, abuse by parents and carers while placed at home (Wade et al 2010)⁴ and their own risky behaviour, including self harm and suicide.

3. How will children and young people be informed about their entitlement to an Independent Advocate?

- 3.1 We are very concerned that the document does not give any guidance about when and how children and young people will be informed about their entitlement to an advocate. Paragraph 1.7 on Page 12 states that the Welsh Assembly Government “will research and consider ways to support, promote and publicise” advocacy provision but we feel that this is woefully inadequate and that the document should include guidance on how Standard 4 (advocacy is well publicised, accessible and easy to use) is to be achieved.
- 3.2 Many looked after children do not know who to turn to when they feel distressed or unsafe. They have limited time and opportunity to speak to their social workers and many prefer to speak in confidence with someone who is not part of the system. When NSPCC was developing its strategy for looked after children, groups of looked after young people were asked what activities the NSPCC should prioritise. Besides strengthening inspection and monitoring of social services, foster and residential homes, they wanted an independent person to speak to in private, away from home and confidentiality was important. Knight et al (2006)⁵ found that young people rarely received any form of emotional support when entering the care system. Many looked after children are not made aware of their entitlement to advocacy and we believe that on entry to care, all children and young people should be provided with information about how to access the help of an independent advocate, how to make a complaint and how to contact ChildLine. All Social Workers and Independent Reviewing Officers should promote these services and be required to evidence how and when through case work and reviews this has been communicated to children and young people.
- 3.3 NSPCC Cymru/ Wales is concerned that it is not made explicit in the document that the provision of an independent professional advocate is to be offered to vulnerable children and young people who have a statutory entitlement to the service. We believe the default position should be the provision of an independent professional advocate. An independent professional advocate will listen and present the views and ideas of the child or young person, taking into account the complexities of their rights and needs, a concept that informal advocates may not fully comprehend/ understand. We believe it is essential that an independent professional advocate is offered to the child or young person together with a clear explanation of their role and purpose. If they are not keen on this for whatever reason, then other parts of the ‘jigsaw’ can be discussed with them.
- 3.4 ChildLine is a complementary service to that provided by Meic and an advocate, but ChildLine (2011)⁶ reported that 1 in 26 of all looked after children in the UK were counselled by ChildLine in 2009/10. This Casenote describes many of the concerns that looked after children discussed with ChildLine including ‘care plans that are not discussed with them; placement moves about which they are told rather than consulted; poor relationships with carers, social workers or keyworkers; and violence or abuse while in the care setting’. Many young people who contacted ChildLine talked about the abuse experienced while in care which included sexual abuse, physical abuse, emotional abuse and neglect. Independent advocacy is not a service that will be used by most children and young people in care but Dalrymple (2001)⁷ describes offering independent advocacy services as ‘the best possible option for children and young people to be heard when those responsible for their care and protection let them down’. NSPCC Cymru/ Wales would therefore urge the Welsh Assembly Government to allocate an independent professional advocate to every child and young person in care in Wales to help safeguard them from further harm.

4. Recommendations about where safeguarding should be included in the document (in its current layout)

- 4.1 Nowhere in section 2 is there any mention of the safeguarding elements of advocacy. We recommend that the safeguarding and protection of children is embedded in all policy areas and so this is an obvious omission when describing a service for the most vulnerable children and young people. Children and young people must have access to independent services that have a knowledge of and firm commitment to safeguarding practices in relation to vulnerable children and people. In 2.6 a 'one stop shop' approach will require consistency in relation to safeguarding practices across the range of agencies, together with an Information Sharing Protocol in place and operating effectively. Potentially one single advocacy provider will need to deal with children and young people with complex needs and therefore will require substantial training to fully support service users.
- 4.2 In section 3 it is essential that the 'nationally recognised Qualification' includes a safeguarding component to enable advocates to fully understand the complexities of children's rights and children's needs within a safeguarding framework. NSPCC Cymru/ Wales would welcome a professional/ regulatory body that would ensure that those professionals working with the most vulnerable children in Wales are safe and achieve the highest standards of service provision.
- 4.3 In Section 5 the Welsh Government's role in disseminating good practice can be assisted by work currently being undertaken by NSPCC, who are identifying good practice in relation to the safeguarding elements of advocacy and subsequently developing and testing new models of advocacy services.

References

- ¹ NSPCC (2011) *Child Cruelty in the UK 2011* London: NSPCC
- ² Gil, E. (1982) Institutional abuse of children in out-of-home care. In: R. Hanson (ed) *Institutional Abuse of Children and Youth*. The Haworth Press: New York.
- ³ Barter, C., Renold, E., Berridge, D. & Cawson, P. (2004) *Peer violence in children's residential care*. Basingstoke, Hants.: Palgrave Macmillan
- ⁴ Wade, J., Biehal, N., Farrelly, N. & Sinclair, I. (2010) *Research Brief: Maltreated children in the looked after system; A comparison of outcomes for those who go home and those who do not*. London: DCSF/DoH.
- ⁵ Knight, A. Chase, E. Aggleton, P (2006) Someone of your own to love. Experiences of being looked after as influences on teen pregnancy. *Children and Society*, 20: 391-403.
- ⁶ ChildLine Casenotes (2011) *Looked after children talking to ChildLine*. London: NSPCC
- ⁷ Dalrymple, J. (2001) Safeguarding young people through confidential advocacy services. *Child & Family Social Work*, 6(2), 149-160