

Consultation on the New Service Model for delivering advocacy services for children and young people.

Consultation response from Children in Wales.

Children in Wales is the national umbrella organisation in Wales, bringing organisations and individuals together. Its role is to make the United Nations Convention on the Rights of the Child a reality in Wales. Children in Wales also fights for sustainable quality services for all children and young people, and special attention for children in needs, as well as ensuring children and young people have a voice in issues that effect them.

Children in Wales has over 180 members, including the major voluntary children's agencies, professional associations and local authorities, as well as many smaller community groups. Children in Wales works in partnership with the National Children's Bureau in England and Children in Scotland, and internationally with the European and International Forums for Child welfare.

This response draws on comments from the Policy Council meeting held in early July, and from individual members and member organisations collated during three regional consultation events.

General Response

The key question that still remains is whether the proposed model provides sufficient independence for advocacy providers. This is particularly true in the severe cases rather than in the majority of situations where advocates for children work.

The debates have consistently been around this issue from the inception of the provision of advocacy services in both Wales and England and there is still concern that regional commissioning is no different to local area commissioning - ie a regional group of commissioners can as easily take a negative view of a particular advocacy provider that is perceived to be causing damage to local agencies through exposing bad practice, as a local commissioner. This has been the case in the past in Wales where 4 authorities that were jointly commissioning advocacy services, agreed that they no longer wanted to support a particular advocacy provider that was bringing strong messages about poor practice and complaining both privately and publicly that nothing was being done to improve matters. In our view it will always be a case of 'he who pays the piper calls the tune' and this is particularly the case where the issues are severe or entrenched. The real test of independence is whether or not the advocacy provider is willing to support a child's case through the courts for example without being concerned about funding for their organisation being withdrawn.

The issue is however also very complex and the services commissioned within a totally independent commissioning framework need to be respected by the agencies where they are working in order for changes to occur for the

benefit of children and young people. Lack of constructive contact between commissioners, providers and stakeholders could lead to agencies not having ownership of the messages from the advocacy services. Ownership could be achieved by formal involvement of all parties in the commissioning process structure.

For instance, an Advocacy Unit could provide the basis for facilitating the establishment of a comprehensive advocacy service at national, regional and local level. This comprehensive service with a co-ordinated one-stop shop for children and young people, with simple access, where behind the access point, different services are offered. Another critical issue is how to retain sufficient choice for children and young people so the advocacy services offered would probably be from different providers. In our view a single organisation delivering advocacy is not the answer. However a single commissioning body could ensure consistency and appropriate diversity. This commissioning service would however need to be developed either independently or in a neutral body – ie not in an agency providing services – either advocacy or other services. Only in this way could it be seen to be totally independent.

Children in Wales sees the Children's Commissioner's Office as a critical watchdog for all services for children and this includes advocacy services. It would therefore be difficult for the Commissioner's Office to manage or be directly involved in commissioning the advocacy work in Wales because it might later be called upon to investigate failures in advocacy services in Wales or locally.

Through involving its members, Children in Wales could possibly be seen as appropriately having some initial role in supporting the development of either the Advocacy Unit or an Advocacy Commissioning service that in due course could become independent. Examples of this sort of arrangement exist in WCVA where members comprise many panels that distribute WAG funding to the field.

Children in Wales voluntary sector members (in which sector currently most advocacy providers are based) have concerns about procurement practice in relation to children's services in general at local level with the advent of EU regulations and procurement departments. Currently there is a WAG procurement Group that is meeting soon to address these issues for the whole of the voluntary sector via the VSPC. This indicates a current preference to have a national commissioning structure for advocacy at this point in time with involvement of the local commissioners.

Q1

Children in Wales' members agree that the document accurately summarises the key national drivers although the continuum of support to sort problems out before they become too big through to complaints both general and severe is not stressed sufficiently.

Q2

Children in Wales's members would seek to add more weight to issues of workforce development. Members also want to see a workforce development training programme linked to National Occupation Standards and Continuous Professional Development evidence.

Children in Wales' members would also want weight added to raising awareness of advocacy services for Children and Young People. Members identified a huge challenge in raising awareness of the concept of advocacy and understanding of its role with children and young people. The awareness raising needs to reach professionals, children, carers and families and will help prevent a gate-keeping approach by staff, which is the experience in many areas of Wales.

Members recommend a multi media approach including tv scripts, such as East Enders, and discussed in programmes such as Blue Peter.

Q3

Children in Wales's members agreed with the vision and aims for advocacy services, but were very clear that Advocacy services must be completely independent. Concerns of members and the Policy Council about independence are identified in response to later questions.

Q4

Children in Wales' members were very concerned that the whole advocacy service should be completely independent. Members were of the opinion that the document does not offer advocacy services any independence, as the Local Authorities, as purchasers will always dictate the agenda. Members strongly suggest that an Advocacy Unit has responsibility for commissioning the service and not CYP Frameworks.

Inspection should be independent of CSSIW, for fear of linking Advocacy, an independent service, to Social work regulation. Members were very concerned that such links could compromise any independence, and would recommend the development of self-regulated service standards via Advocacy Unit.

Members also identified the need to debate whole concept of one stop shop, to ensure it:

- Links to other services e.g. childline
- Has a range of services signed up to universally via Framework plans
- Is standardised via operational plans across all agencies
- Has common assessment forms
- Has common protocols for sharing and storing information

Children in Wales' members felt that phone lines need to be inspected within an agreed framework, to ensure they provide a uniform service across Wales.

Q5

As noted above, Children in Wales Policy Council and members are very concerned that the advocacy model proposed in this document is not sufficiently independent, and wish to stress the need for a fully independent service, placed outside of current regulatory and inspection systems should be developed.

Members argue for a model where advocacy services in each Local Authority is linked to the National Advocacy Unit to achieve consistency and continuity. This link would also foster the best form of regulation, a form of 'self regulation', to ensure that Advocacy must be independent of social work.

Members supported the development of a one-stop shop to provide a whole service, and to ensure that children and young people can have simple access to a service, with effective signposting to more specialist services. Members also felt that peer advocacy could link into an advocacy call centre to provide a link role between CYP services.

Policy Council members raised concerns about how children and young people access legal advice, and how advocacy is made available to children involved in private law cases. Members at consultation events were also concerned about how young people within the prison population and young offenders units will be able to access advocacy services. Members believe that any commissioners need to be commissioning fully inclusive services.

Q6, 7, 8,

Children in Wales wants to stress the importance of advocacy, and the need to adopt a model that makes advocacy available to all children and young people. Members believe that advocacy must be seen as right, and as part of a continuum of participation not a response to a crisis or complaint.

Members were clear that advocacy must be accessible to all children at earliest possible point, to enable minor issues to be identified and addressed at the earliest opportunity. Members are concerned that currently advocacy should be seen as positive, supportive, preventive work rather than the current view of advocate as part of a conflict model. If advocacy were a universal service, there would be less serious complaints as access to early advice, would prevent children and young people from reaching crisis point. Preventative work is extremely important and should be funded alongside targeted work.

Children in Wales members are concerned that the consultation document does not mention self-advocacy, i.e. giving a young person the skills to be able to speak up for themselves or peer advocacy. Both aspects of advocacy are very important aspects for many children and young people including disabled young people. Members believe it is important that these models of advocacy is recognised within the consultation document.

Q9 & 10.

Following on for the responses noted above, Children in Wales' members were of the opinion that it is wrong to identify the most vulnerable groups solely on category, and within all groups of children the most vulnerable children and young people, the ones most in need are those who do not have informal networks of support. While all members agreed that the most urgent needs should be prioritised, it is important to note that all children will have times in their lives where they are more in need, such at times of transition, or life cycle points, and advocacy should be available at these times, as a right to support them.

Children and young people need to be enabled to see advocacy as part of the continuum of participation, rather than a response to crisis.

Members of the disability forum identify the following issues of concern. The inclusion of "children and young people where appeals have been made against their SEN assessment statmenting process, the outcomes of that process or the cessation of their Statements" in Stage One is applauded especially as there is currently no statutory right for children and young people to appeal against their SEN statement or process. However members are concerned that in Stage Two, it states that "severely disabled children and young people including those who have communication difficulties and / or non verbal communication abilities" and would strongly advocate that all disabled children and young people should have access to advocacy provision. Access to independent advocacy provision during the transition process is one of the recommendations in The Education, Lifelong Learning and Skills Committee Policy Review on Additional Educational Needs – Part 3 Transition as being "of particular help during the transition to further learning and work".

Advocacy providers for disabled children and young people advise that much of the advocacy that they do is not single issue based, but can be needed throughout a disabled child / young person's life. It can also take longer to establish a relationships with a disabled child / young person and different forms of communication e.g. Makaton and PECS, may have to be used according to the child's or young person's needs.

Q11 - 20

While members responded to the questions raised at the end if chapter 6, the responses should be seen in the context of supporting a fully independent service.

Q11

Children in Wales members felt that joint commissioning could work better than single area commissioning, providing there is a clear lead agency, the consortium has common aims and objectives, and agreed specification and contractual and legal processes with particular emphasis on quality assurance processes and in particular regular independent monitoring and evaluation to ensure important providers are not having their funding withdrawn for the wrong reasons. At the moment however, the complexities of Partnership

working in local areas would be enhanced if regional commissioning were to be introduced at this point in time.

Q12

Members advised that existing natural alliances should be built upon e.g. SE Wales or Pan Gwent.

Q13

Children in Wales' members identified a concern that smaller authorities within a consortium can feel they have a lesser voice than larger authorities that bring larger percentage of resources, and this would need to be addressed at the outset.

Q14 &15

Children in Wales' members felt it was very important that the responsibilities and accountability of lead authority should be clearly identified at the start of the process. All partner agencies need to have protocols in place to link back to the framework partnerships, the elected members and the financial rules and regulations of each agency.

Q16

Children in Wales' members felt that model two was the preferable model, as this model, through a steering group, would ensure the representation of all the partnerships in the consortium and have clear accountability and responsibility. However, members identified the need for clear protocols across local authorities identifying and accepting each areas cultural issues, without this, any joint commissioning would be ineffective and not meet each areas needs. These issues must be addressed before services are commissioned jointly or major tensions will present.

Q17, 18, 19 & 20

Children in Wales' members had a number of concerns about the roles and responsibilities of those charged with commissioning advocacy services. All members agreed that lead commissioners' need to be very able, but that currently commissioners come from and are based in a variety of settings. Members also identified that commissioners need to be of sufficient authority within their organisation to make decisions and carry actions forward.

Members recommended that the concept of collaborative commissioning needs to be unpicked and requirements of each constituent stage identified. Members recommended that there be an agreed minimum standard for commissioning.

Members raised issues that are not addressed in the consultation document: they were unclear about the accountability of commissioners, and how this would be addressed. Members also felt unclear about the role of the office of the Children's Commissioner within this process.

In addressing the question of what is missing from the proposals, members raised concerns about the links to scrutiny, and a lack of clarity in defining the Welsh Assembly Government's role.

Q21, 22, 23, 24 &25

Children in Wales' members were very concerned that the roles and function of the Advocacy Unit are not clearly defined within this consultation document and differ from those discussed during the development of the consultation document. Members are clear that the Advocacy Unit needs to be linked to service improvement and have a clear, transparent role as the guardian of independence.

When the Policy Council discussed the consultation document, they recommended that the Advocacy Unit should be an independent body, empowered to commission services, and should also have a scrutiny role to monitor standards of commissioning and service delivery.

If local authorities are commissioning services, members of the Policy Council are concerned about how services providers will be able to effectively represent complaints to Local Authorities, as they also commission the service. Service providers need an independent body to be able to address their concerns.

An advocacy unit would be able to commission services on an all Wales basis, to ensure standards are consistent across Wales.

Members felt that the Advocacy Unit would be welcomed by providers if it were resourced sufficiently, but the model proposed in the consultation is unclear. A properly funded Advocacy Unit would help to improve this vital service for all children and young people, however members felt that the current proposals do not do this.

Q26, & 27

Children in Wales' members were unclear what Board of Non Executive members could or would be able to achieve with no power. Members were of the view that the Advocacy Unit must have the power to ensure full compliance with national minimum standards (KPIs), commissioning and workforce, and this could not be achieved via an advisory board.

Members also felt that the Advocacy Unit should be enabled to tackle national issues, such as access to advocacy for those with specific communication needs e.g. languages, BSL, communication aids

Q 28

Children in Wales' members would fully support advocacy services and providers being regulated. An independent and robustly regulated service is fundamental to ensuring that children's rights are addressed. This process should begin with baseline accreditation of current training courses and be supported by expanding training base.

Q29

Children in Wales' members support advocates being recognised as a profession. Members were keen to see the development of accredited training to make children's advocacy a specialism. Members were concerned that at present anyone could promote themselves as an advocate, and there needs to a regulatory body to ensure all service providers meet the standards.

However members also raised questions about how professionals such as foster cares, teacher, nurses etc who advocate for children and young people. Members felt there should be capacity for professionals to continue to do that, but this is a separate role to being an advocate.

Q30

Children in Wales' members felt that this would not present a problem for providers, as ONC accreditation in advocacy is currently under development. Members believe that regulation and registration should follow similar approach to that for social work e.g. Care Council for Wales.