

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Ymchwiliad i Eiriolaeth Statudol | Inquiry into Statutory Advocacy Provision

SAP 10

Ymateb gan : Grŵp Darparwyr Eiriolaeth Plant a Phobl Ifanc Cymru Gyfan

Response from : All Wales Children and Young People's Advocacy Providers Group

Our Response

Member organisations of the **All Wales Children and Young Peoples Advocacy Providers Group** welcome the opportunity to provide written evidence to the NAFW Children, Young People and Education Committee (*thereafter* 'Committee') inquiry into statutory advocacy provision.

This response compliments our recent submission to the Committee's previous request for key priorities to inform its forward work plan. In our response we expressed support for the Committee conducting an inquiry into advocacy provision for children and young people in Wales during the Fifth Assembly Term.

We have tailored our response to the focus of the inquiry, which is

- The latest position on the implementation of the National Approach to Statutory Advocacy for Children and Young People;
- Other issues relevant to the commissioning and funding of statutory advocacy provision;
- The impact of Part 10 of the Social Services and Well-being Act 2014; and
- Identifying other priority areas where progress is needed in respect of advocacy provision.

What are your views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision? If this is a concern to you, how should this be addressed?

Advocacy is about speaking up for children and young people, making sure that their rights are respected and their views heard. Advocates explain the views and needs of children and young people to decisions-makers and help them to get their rights met and to navigate their way around the decision-making process.

Advocacy is about **children's rights** and **safeguarding**.

It is now over 16 years since the publication of the **Waterhouse Report 'Lost in Care'** (2000) which reported on the inquiry into abuse in state care in North Wales. The establishment of independent advocacy services was a key recommendation to help ensure that children's rights were protected and that young people's voices could be heard.

February 2017 will mark 14 years since the first **Children's Commissioner for Wales** published his report '**Telling Concerns**' (2003) with 25 recommendations which followed a national review of local authority statutory advocacy arrangements for children and young people in Wales.

Over the past decade or more, there have been a number of independent studies, reports, inquiries and reviews which have identified areas of concern in respect of the availability, accessibility and visibility of independent professional advocacy services for children and young people. Notably, this has included

- '**A Study of Advocacy Services for Children and Young People in Wales (2005)** undertaken by Cardiff University School of Social Sciences, the Social Inclusion Research Unit at University of Wales NEWI, Department of Child Health Wales College of Medicine.
- During the Third Assembly term, the NAFW Children and Young People Committee published a report with 12 recommendations following its inquiry into '[Advocacy Services for Children and Young People](#)' (March 2008). The Committee subsequently published a follow up report, '[Scrutiny of developments in the provision of advocacy services to children and young people in Wales](#)' (May 2009) with 5 further recommendations. In June 2010, further oral evidence was taken from key stakeholders with a report from this third inquiry, '[Further review of developments in the provision of advocacy services to children and young people in Wales](#)' published in September 2010 with 13 recommendations.
- Between 2012-14, the Children's Commissioner for Wales published a series of reports with recommendations - Missing Voices (June 2012, May 2013 & June 2014).

"Wales has been on an advocacy journey for over 10 years, following the publication of the Waterhouse Report, and yet it finds itself without a clear set of checks and balances to ensure that all children with an entitlement to advocacy also have a genuine opportunity to access it. This situation cannot be allowed to continue and must be addressed as a matter of urgency." Missing Voices (March 2012)

The Welsh Government has also released a number of publications, ministerial statements and non-statutory guidance, as well as establishing a number of advisory stakeholder groups with external representation. Some of the developments included

- A Study of Advocacy Services for Children and Young People in Wales (2005)
- New Service Framework for the Future of Advocacy Services in Wales (2008)
- National Independent Advocacy Board (2009)
- Model for Delivering Advocacy Services for Children and Young People in Wales (2009)
- Response to Commissioners Review (2012) and Progress (2013)

In February 2013, the then Minister announced her intention to establish a Ministerial Expert Group on Advocacy (MEGA) and a Young Person's Expert Group on Advocacy (YPEG).

As is evident from the quotes below, concerns were still being raised.

- **Chair of MEGA (December 2013)**

“There are examples of good practice but the overwhelming impression is one of a post code lottery..... and is based on “finger in the wind” calculations rather than any more scientific estimation of need”.

- **YPEG – Our Views, Our Story!!! (Consultation Event 2014) - Key Messages -**

“Make advocacy independent from local authorities....Encourage providers to increase the number of advocates so that there are no waiting lists... How advocacy is introduced to children and young people is important, highlighting how advocates can help young people”.

The MEGA, chaired by Dr Mike Shooter, presented its first report to Welsh Ministers in January 2014. The Report showed commissioning and provision of statutory advocacy services in Wales to be patchy and inconsistent. Whilst there were some examples of good practice there were also areas of concern.

Having considered five possible models of commissioning statutory advocacy services, the Expert Groups recommended a “hybrid” model as a first step, in which the commissioning of provision remains at a local or regional level while the Welsh Government assumes responsibility for a costing formula, collation and monitoring of statistics, setting standards and inspecting against them, training and registration of advocates, and promotion of advocacy.

MEGA also recommended that the Welsh Government consider a secondment opportunity for a senior and authoritative figure to facilitate any necessary changes, to promote consistent good practice in the delivery of these services and to ensure that practical outcomes are secured from high level engagement between MEGA, advocacy providers, commissioners and Ministers.

It was whilst appointing a secondee that Ministers announced a change in focus, a shift which included the Strategic Leadership Group (which included Mike Shooter) inviting local government to bring forward a model for securing a national approach to statutory independent professional advocacy for looked after children, children in need and other specified individuals (November 2014). This is discussed in our response to the next question.

Our organisations have maintained an effective working relationship with the Welsh Government and have welcomed the inclusive approach adopted in bringing together a range of external stakeholders to seek lasting solutions. However, despite the shared vision for quality, accessible and sustainable advocacy structures for children and young people throughout Wales, progress in addressing some the issues raised in previous Committee enquiries and by children and young people as recipients of advocacy services have been painfully slow. Challenges around demand, budgetary cuts/stagnation and competitive commissioning arrangements remain prevalent and only serve to frustrate the progress Wales has made in helping children access their rights and entitlements under existing statutory legislation. The messages and recommendations coming from more recent independent and commissioned reports, as evidenced above, provide a timely reminder that more needed to be done.

What are your views on the latest position in relation to the implementation of the National Approach to Advocacy Services?

Following the completion of the business case developed by the Task and Finish Group of the National Approach to Statutory Advocacy for Children and Young People in November 2015, we remain concerned that there has been a delay in its full implementation and from the proposed timescales.

We understand that further engagement with local authorities across Wales was required to help ensure that consent was secured, given that each local authority was responsible for ensuring compliance.

However, the Business Case report proposed a phased implementation, beginning with the North Wales region, following the launch of the National Approach in early 2016. The second region was due to commence in June 2016 with all regions adopting the new service model by March 2017 in line with their existing commissioning cycles. There have been a number of implications of this delay on commissioning arrangements.

We understand that an implementation or delivery plan is currently being developed to realise the components which make up the National Approach. However, we have not had sight of this plan and we are unclear of the timescales for this plan's publication or the revised timescales for its full implementation. Communication to external stakeholders, including local commissioners of advocacy services, and children/young people is urgently required.

There are three main areas aiming to be resolved by National Approach – **Visibility** (awareness) **Availability** (capacity) and **Quality** (standards and outcomes)

Visibility – National Approach seeks to improve the visibility of advocacy through the Active Offer, awareness raising sessions with professionals and age-appropriate literature and information for children and young people.

Availability – A Range and Level mechanism was designed to calculate service capacity requirements based on the eligible population.

Quality – A review of a previous draft version of the National Standards and Outcomes Framework was undertaken which forms one of the key components of the National Approach.

Each component of the National Approach is of equal importance. We would not wish to see any dilution from what was agreed and proposed, and continue to support all components of the National Approach being developed as set out in the Task and Finish Groups Business Case report. There is a need for a clear commitment to meet the funding obligations of the National Approach business plan in full

We are unclear about the governance and accountability arrangements to ensure that the implementation plan, once agreed, is delivered in full and to a revised and agreed timescale. We are clear however that there has to be a national lead in place to progress the Plan, working with the full support, cooperation and engagement from recognisable named leads in each of the six regions.

The proposal to review progress at the end of the first year of full implementation, and to report on achievements and any adjustments needed based on performance data and latest

population statistics, is essential. The Business Case did not set out how this would be achieved.

The delay in progressing the National Approach to Statutory Advocacy has meant that the revised National Standards and Outcomes Framework, developed as a key component of the National Approach and mapped to the Well-Being Statement, has yet to be made available and issued for public consultation. We understand that this is still the Welsh Government's intention which we would support. Following consideration of the responses of the consultation, we would also support the National Standards and Outcomes Framework being issued as a statutory document.

The role of the Welsh Government funded MEIC Helpline did not feature in the Business Case report. The potential role for this independent, bilingual, telephone/on-line service as part of a new commissioning framework has not yet been fully explored

A uniform and coherent implementation and adoption of the National Approach to Statutory Advocacy retains support amongst Advocacy provider services and the will for it to succeed remains. However, if the model is not delivered as effectively as intended, we are minded to call for consideration being given to utilising the work already undertaken and applying it to implementing a National Commissioning Model for Statutory Advocacy Services. We are reminded that a key Recommendation from the Committees earlier inquiry was that *'the Welsh Government should review if the consortia approach is realistic and achievable, or if a national model would be a better way forward'* (2010 – Recommendation 2)

A national advocacy service may also need to be considered if the national approach is implemented and once reviewed, is not seen as an efficient model. The Committee may wish to undertake a further review of advocacy services towards the end of this current Assembly Term to provide additional scrutiny of the implementation of the national approach.

What impact has Part 10 of the Social Services and Well-being Act 2014 had on advocacy provision?

Members of the All Wales Children and Young People's Advocacy Providers Group had previously identified the need for the Social Services and Well-Being Act to be seen as a key vehicle for taking forward existing statutory duties on local authorities and their partners. We welcomed the opportunity to inform the development of the Code of Practice in relation to Advocacy under Part 10 through our involvement in the Welsh Government Technical Group

Part 10 provides an opportunity to further extend access to advocacy services for children and young people beyond those recognised 'eligible' groups of children and young people entitled under the Children Act 1989.

Whilst we would accept that it is still early days in terms of full implementation, there are a number of points we would wish to make at this stage.

Local authorities have yet to fully commission advocacy services for the extended entitlement under Part 10.

There is potential for some children to benefit from having access to an advocate at the assessment stage which determines their needs, and any eligibility for a Care and Support Plan. Some advocacy services have been requested by some local authorities to provide

advocacy at the assessment stage which is encouraging. Some advocacy services have also accepted those requests to provide advocacy at this stage. However, this has been through spot purchase arrangements. We do not consider this to be sustainable and not an appropriate means of delivering legislation in the long term.

The Code is clear in that “Local authorities **must** arrange for provision of an independent professional advocate when a person can only overcome any barrier(s) to **participate fully** in the **assessment, care and support planning, review and safeguarding processes** with assistance from an appropriate individual, but there is no appropriate individual available”

There is a key role for advocacy as one of the preventative services available to local authorities, helping to prevent escalation, safeguarding concerns and additional costs being incurred. The MEIC helpline also has a role in this regard, yet its potential has yet to be fully explored. The launch of MEIC as, initially a 24hr advocacy helpline for all children and young people in Wales has, in part, delivered on the Welsh Government’s commitment and intention for ‘*advocacy to be more accessible to all children and young people, but especially those most vulnerable*’. But as the Welsh Government has been keen to stress through formal correspondence, MEIC is in place to *compliment* rather than *replace* the need for face-to-face provision.

Section 20 of the Code of Practice for Part 10 considers ‘*Advocacy for looked after children and other specified children*’. This section is presently limited, due in part to the work undertaken under the National Approach having not been completed and agreed when the consultation on Part 10 was issued. We were informed that the outcome from the work of the Task Group ‘*will inform the final version of the Code*’ (3.2). The Code will need to be reviewed to ensure that new arrangements under the National Approach are incorporated and thus protected through statutory legislation.

Which priority areas in relation to advocacy provision for children and young people do you believe the Welsh Government should address? What do you think is needed to achieve that progress?

That there is

- Full implementation of the National Approach with strong strategic leadership to ensure all stakeholders are undertaking the actions required within the business case.
- For the National Approach to be resourced and funded in line with the population needs assessment analysis. The current looked after children population needs to be reflected within any revised figures.
- Robust governance and accountability arrangements for the National Approach to be in place, both at a national and regional level.
- For the National Approach to be monitored throughout and independently reviewed at the end of the first year implementation phase. This review should assess the effectiveness of the approach, seeking to identify/quantify improvements achieved in awareness/visibility and engagement/take-up at the various stages of implementation, and determine what changes, if any, need to be made. The review should also assess any service quality improvements and any capacity issues encountered, whether any adjustment and or recalculation using the Range and Level mechanism needed to be undertaken. (I.e. using latest population numbers, Performance Management Reports).

- Engagement with children and young people has to be achieved as part of the implementation phase
- The re-establishment of a stakeholder advisory group to review progress.
- Full public consultation of the National Standards and Outcomes Framework
- Clear integrated link between the National Approach and Part 10 of the SS&WB Act
- Greater consideration given to the role and function of the MEIC helpline service, in terms of future commissioning arrangements, interface with independent face-to-face advocacy services, promotion and signposting to help ensure that all children and young people have entitlement to advocacy support (*ProMo Cymru, on behalf of the MEIC service, have submitted a more detailed response*)
- That the Committee give consideration to undertaking a further review of advocacy provision and the recommendations it makes from this inquiry during the latter stages of this Assembly term.

PLEASE NOTE: A number of the organisation represented on the All Wales Children and Young Peoples Advocacy Providers Group have also submitted responses on behalf of their organisations. We would wish to draw the Committee's attention to these and to the recommendations within.

This response has been submitted by Children in Wales, and developed in consultation and in partnership with the following organisations

Children in Wales

NYAS Cymru

Tros Gynnal Plant

Voices from Care Cymru

& with ProMo Cymru (*on behalf of the MEIC service*)

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About

Children in Wales has been working with our member organisations and the office of the Children's Commissioner for Wales to help realise the vision of established and sustainable independent advocacy services to help protect children from abuse and harm, and to ensure mechanisms are in place to enable their voices to be heard.

The **All Wales Children and Young Peoples Advocacy Providers Group** was established in 2004 to support our member organisations who deliver advocacy services to children and young people.

<http://www.childreninwales.org.uk/our-work/advocacy/>

Membership of the group consists of professionals and representatives from organisations and/or interest groups with clear responsibilities for promoting the rights and wellbeing of children looked after and other vulnerable groups who may benefit from advocacy provision.

November 2016