



Children's Safeguarding and Social Work

Advocacy policy and practice guidance

Policy outline:

- Advocacy is very important in social care as it addresses the imbalance of power between CSSW and service users, particularly children.
- The purpose of advocacy is to support children, young people, parents and carers to have their views heard and help them to engage positively with services.
- Children in certain circumstances, for example looked after children, have a statutory right to advocacy.
- Social workers will always be advocates for the families they work with, but in statutory meetings such as child protection conferences and LAC reviews, this can raise a conflict of interest with the social work role. In these cases an independent advocate will be needed.
- IROs and FGC co-ordinators can also carry out the advocacy role.

CONTENTS

	Page no:
1. Introduction and purpose	2
2. What is advocacy	2
3. Why families need advocacy	2
4. Statutory right to advocacy	3
5. Who can be an advocate	4
6. Guidance for advocates	7
7. Quality assurance processes	9

1 Introduction and purpose

CSSW recognises the importance of the participation of children and parents in decision-making, and an important way of ensuring participation is by providing advocates to help them speak up and have their views taken into account.

This practice guidance provides information on advocacy, including the role of advocates, when families may need advocates and who can advocate for them. It also sets out some principles and standards of practice for those undertaking the advocacy role.

2 What is advocacy

Advocacy is about speaking on someone's behalf or supporting them to speak directly to those in power in order to make a case and influence decisions that will affect them. A key outcome for advocacy is to overcome power imbalances, safeguard individual rights and achieve social justice.

The role of an advocate is twofold:

- to empower and enable service users to participate in decision making so that their rights are respected and their views are heard and taken into account;
- to help service users to navigate complex systems and explore choices and options.

3 Why families need advocates

People may need advocates because they face barriers that affect their ability to act effectively on their own behalf, for example physical or mental health issues, learning difficulties, or social/cultural reasons, and these barriers have led to an imbalance of power.

For families working with CSSW, advocates can help address the power imbalance that is at the heart of social care services. If families are not able to speak up and get their views heard they may feel locked out of the process and this can lead to non-engagement, making it harder for social workers to work in partnership with them to implement the child's plan.

Where advocacy helps **parents** to participate in key decision-making processes this can improve engagement and co-operation with services, leading to better outcomes for children.

Advocacy

Children's views can often go unheard and their needs and rights unmet unless they have an adult on whom they can depend to advocate on their behalf. Generally, this role is carried out by their parents, but this may not be possible or desirable where there is social care involvement.

Therefore, advocacy for **children** is important because:

- It provides a method for enabling their voices to be heard which is crucial for safeguarding their welfare, particularly where children live away from home.
- Being listened to makes children feel that they are valued and that their views are important.
- Having an advocate can help children build their self-confidence and empowers them to become active participants who can find solutions to problems, thus building their resilience.
- Children report that having an advocate involved changes the balance of power and ensures their views are heard, leading to better outcomes and real positive change.
- Advocates can help children negotiate their way around the system and help them build good relationships with the professionals involved in their lives thus leading to positive co-operation.
- Children who are subject to child protection plans are especially vulnerable to not having their voices heard as the process often focusses on parents. The complexity of the system can also be confusing.

4 Statutory right to advocacy

Social workers need to be aware that, because of their circumstances, needs or vulnerabilities, some children have a statutory right to advocacy. These are:

- 16 and 17 year olds who are homeless
- 16 and 17 year olds who lack mental capacity
- care leavers
- children and young people in custody
- children and young people who are detained under the Mental Health Act
- children and young people in receipt of social care services (including child protection) who wish to make a representation (including a complaint)
- children and young people living in children's homes
- children in receipt of health services who wish to make a complaint,

Advocacy

- children who may continue to need care and support in adulthood
- children with special educational needs and disabilities
- looked after children and young people who go missing
- looked after children whose care and progress are being reviewed
- young carers.

5 Who can be an advocate

5.1 Social workers

Social workers will be the main advocate for **children** they work and their role is to ensure children's welfare is safeguarded and promoted and that:

- their wishes and feelings are ascertained;
- they are able to take part in assessments and meetings as far as their age and understanding allows this;
- their rights are upheld;
- they are in receipt of universal and targeted services to which they are entitled;
- depending on their age and understanding, they are provided with relevant information about their rights and what actions will be taken by CSSW in respect of their welfare.

Social workers should also advocate for **parents** where appropriate in order to support them in the parenting role. In this context, social workers are likely to advocate on behalf of parents with other agencies in order to ensure families are receiving services and benefits they need/are entitled to.

However, social workers need to be aware that their role as a social worker and an employee of the council and their duties under the Children Act 1989 may mean there is a potential conflict of interest if they were to act as an advocate for the child or the family in some circumstances, for example:

- in statutory meetings such as case conferences and LAC reviews where the social worker is representing the council;
- where there is a difference of opinion between the child and CSSW as to what course of action represents their best interests;
- where the child wishes to make a complaint about CSSW.

Advocacy

Where appropriate, social workers should make arrangements for children and parents to have an independent advocate with the right knowledge and experience to help them make representations and get their voice heard. Particular attention should be paid to the advocacy needs of children living out of borough, with local advocates engaged to help children access local services if necessary.

Social workers should also:

- be aware of the statutory duty to offer advocacy to children in certain circumstances (see section 4);
- explain to children and parents what advocacy is and why it would be beneficial to them;
- ensure advocates carry out their role in line with the principles set out in this policy;
- share all relevant information with the advocate that the service user would need to make informed choices; there should be few if any circumstances where social workers would share information with an advocate that was not already known to the service user.

5.2 Independent Reviewing Officers (IROs)

IROs working with looked after children have a different status to social workers and this is reflected in their wider advocacy role as set out in the IRO handbook, with the main duty being:

“to ensure that the care plan for the child fully reflects the child’s current needs and that the actions set out in the plan are consistent with the local authority’s legal responsibilities towards the child”.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/337568/iro_statutory_guidance_iros_and_las_march_2010_tagged.pdf

This independence means that IROs are able to advocate on behalf of the child in respect of the council’s decisions on service provision, intervention and long-term plans for the child’s care, ensuring that all plans and services are in the child’s best interests and that the child’s views have been taken into account.

5.3 Family Group conference co-ordinators

FGC co-ordinators are independent of CSSW and can therefore provide advocacy services for parents where social workers are unable to because of a conflict of interest, for example at child protection case conferences and looked after children’s reviews.

Advocacy

Family Group Conference co-ordinators are available to act as advocates for parents as part of child protection process. The purpose of the advocacy role is to support parents to engage with child protection conference and ensure that parents are able to fully understand the views of the network and ensure that their views are heard and understood by the network as well.

The advocate can be available to meet with parents before a meeting to prepare, including reviewing documents and putting together a response to the social work information, and can also be available for a debrief after the meeting. However the advocate will not be involved in decision-making processes.

5.4 Adult social care workers and other key workers from adult services

Parents in receipt of adult services such as the CLDS or mental health services may be accompanied by their social worker or key worker. Although this worker may be able to offer support to the parent to help them attend or overcome a specific barrier, such as communications, their ability to act as an advocate will be limited because of their role in the same way as for children's social workers.

If a worker has been invited to a meeting to give their professional opinion and will be involved in the decision making process, for example where a child protection conference decides on whether the child should be subject to a plan, it would not be possible for them to act as an advocate in the full sense of challenging decisions. Their advocacy role would need to be limited to supporting the parent take part in the meeting and if any further advocacy is needed, it is recommended that the parent seeks an independent advocate.

5.5 Independent advocates

In some circumstances, parents or children may need to have an independent advocate and this may be provided for in legislation, for example for looked after children and homeless young people.

Children should be able to access a specialist independent advocate from a recognised organisation with the relevant knowledge and experience where:

- they wish to make a complaint about the service they receive from Camden;
- they do not agree with their plan and wish to challenge it in a review meeting;
- they need specialist help from an advocate in order to communicate or participate due to a disability.

Social workers are responsible for helping children to access a suitable advocacy service in these circumstances. Details of organisations that can be approached can be found in appendix 1.

5.6 Family and friends advocates

Parents may request that a family member or friend attend meetings in order to offer support to the parent, and this may be encouraged where appropriate. However, the chair of the meeting can exclude a family member if it is thought their presence may disrupt the meeting.

6 Guidance for advocates

This section has been written for CSSW workers who take on an advocacy role. Advocates working for independent organisations will have their own rules and standards.

6.1 Standards of practice

- Advocates will be working with vulnerable people who feel powerless and who are facing real crises in their lives; the situation they find themselves can be emotionally charged but it is important for an advocate to remain objective at all times.
- Advocates:
 - should be clear about their role, explaining to the service user what they can expect and setting out the remit of their role and if it is necessary to expand this remit, this needs to be agreed with the service user;
 - need to be non-judgemental and empathetic but to keep a professional distance and set aside their personal beliefs and values;
 - should help the service user to achieve self-determination and enable them to make decisions and choices based on the available information without imposing their own views or perceptions on the service user or making decisions for them;
 - should ensure service users are aware of their rights and have all the relevant information they need so that they are able to make informed decisions.
- When working with service users, advocates should:
 - be open and honest with service users;
 - use clear, straightforward language and avoid jargon;
 - build on the service users own strengths, skills and knowledge;

Advocacy

- allow service users to use their own words to “tell their story” as far as possible;
- encourage service users to speak up for themselves where this is appropriate;
- ensure service users with communications difficulties or whose first language is not English are able to use their preferred method of communication or have a suitable translator present;
- be aware of what actions to take under the Mental Capacity Act 2005 when a service user may not have capacity to make decisions;
- be aware of possible conflicts of interest when working with a service user and seek advice from managers on what actions to take;
- respect confidentiality but explain the limits to confidentiality to service users.

6.2 Approaches to advocacy

- **Empowerment:** Advocates should enable service users to participate in and influence decisions that affect their lives and increase their confidence and ability to do this.
- **Strengths-based:** Consideration should be given to the use of supportive structures such as Family Group Conferences or strengths-based approaches such as Signs of Safety to help service users draw on their own resources to find solutions to issues.
- **Systems-approach;** Advocates should be aware of how systems (for example the child protection system) may inadvertently disadvantage some groups causing discrimination. It is important for advocates to recognise any equalities issues that might arise from service structures and systems and that these are brought to the attention of CSSW management.

6.3 Process of advocacy

Social workers may suggest use of an advocate where it is thought to be appropriate but the decision on whether or not to use an advocate lies with the service user. Children should be allowed make their own decision where it is thought they are competent to make this decision but where it is in conflict with the wishes of parents, social workers should act in the child’s best interests.

Steps for advocacy are:

- engagement and building relationship with service users,

Advocacy

- collaboration - gaining insight into the service user's perspective and what changes they want to bring about;
- clarification of purpose - what does the service user aim to achieve or what message do they wish to send;
- gathering information and evidence and preparing for advocacy;
- empowering the service user to support them to self-advocate where possible and help them to become involved as far as they are able.

7 Quality assurance processes

7.1 Recording

- It is a requirement for local authorities to record when advocates are provided to service users and the outcome of advocacy.
- Social workers will generally record any occasion of advocating for a child or family in case notes on the MOSAIC case record as part of their general recording requirement.
- ROs should write details of advocacy carried out on behalf of a looked after child on the IRO consultation case notes.
- Chairs of conferences should record on the Chairs report whether an advocate was available for parents at case conferences.

7.2 Measuring outcomes

Advocacy should be evaluated on the extent to which:

- service users were helped to achieve stated outcomes;
- service user's rights were upheld;
- service users were able to participate in decision making;
- service users were able to address power imbalances and achieved social justice;
- service users were provided with support.

7.3 Support for advocates

Staff who are expected to carry out advocacy roles such as IROs and FGC co-ordinators should be offered suitable training in order to develop their skills and knowledge. Their advocacy role, and any potential difficulties and conflicts, should be discussed in supervision so that they have an opportunity to reflect on this aspect of their role.