

Agenda Supplement – Children, Young People and Education Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 24 November 2016

Meeting time: 09.15

For further information contact:

Marc Wyn Jones

Committee Clerk

0300 200 6565

SeneddCYPE@assembly.wales

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

Consultation Pack: Inquiry into Statutory Advocacy Provision

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Attached Documents:

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SAP 02 ProMo–Cymru

SAP 03 Tros Gynnal Plant

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SAP 05 SNAP Cymru

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SAP 08 The National Deaf Children's Society (NDCS Cymru)

SAP 09 Letter from the Cabinet Secretary for Communities and Children

SAP 10 All Wales Children and Young People's Advocacy Providers Group

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SAP 12 Care Council for Wales

SAP 13 Mike Shooter

SAP 14 National Youth Advocacy Service (NYAS Cymru)



10:37

Children, Young People and
Education Committee
**Inquiry into Statutory Advocacy
Provision: Consultation Pack**

November 2016



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**Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA**

Tel: **0300 200 6565**

Email: **SeneddCYPE@assembly.wales**

Twitter: **@SeneddCYPE**

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Ymchwiliad i Eiriolaeth Statudol

Inquiry into Statutory Advocacy Provision

*Ar gael yn Gymraeg | Available in Welsh

SAP 01	Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg	Abertawe Bro Morgannwg University Health Board
SAP 02	ProMo-Cymru	ProMo-Cymru
SAP 03	Tros Gynnal Plant	Tros Gynnal Plant
SAP 04	Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol Cymru / Cymdeithas Llywodraeth Leol Cymru	Association of Directors of Social Services Cymru / Welsh Local Government Association
SAP 05	SNAP Cymru	SNAP Cymru
SAP 06	Cymdeithas y Plant	The Children's Society
SAP 07	Bwrdd Iechyd Prifysgol Hywel Dda	Hywel Dda University Health Board
SAP 08	Y Gymdeithas Genedlaethol i Blant Byddar (NDCS Cymru)	The National Deaf Children's Society (NDCS Cymru)
SAP 09*	Llythyr oddi wrth Ysgrifennydd y Cabinet dros Gymunedau a Phlant	Letter from the Cabinet Secretary for Communities and Children
SAP 10	Grŵp Darparwyr Eiriolaeth Plant a Phobl Ifanc Cymru Gyfan	All Wales Children and Young People's Advocacy Providers Group
SAP 11	Bwrdd Iechyd Prifysgol Aneurin Bevan	Aneurin Bevan University Health Board
SAP 12	Cyngor Gofal Cymru	Care Council for Wales
SAP 13	Mike Shooter	Mike Shooter
SAP 14	Gwasanaeth Eiriolaeth Ieuenctid Cenedlaethol (NYAS Cymru)	National Youth Advocacy Service (NYAS Cymru)

SAP 01

Ymateb gan : Bwrdd Iechyd Prifysgol Abertawe Bro Morgannwg
Response from : Abertawe Bro Morgannwg University Health Board

What are your views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision?

Advocacy has been an issue within Health care and I believe that this approach is the right way forward for the Welsh Government.

It also addressed the United Nations rights of the child. This is the way forward

If this is a concern to you, how should this be addressed?

No Response

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

This will ensure an equitable service for all children / young people in wales regardless of where they live and the level of needs they require

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

Has enforced the need to provide this service for children and young people especially children in need and those who are of a high risk.

It will support CYP, who will require short term support and those children who are young carers.

Which priority areas in relation to advocacy provision for children and young people do you believe the Welsh Government should address?

- Mental health and wellbeing services.
- Education -
 - CYP with complex health needs
 - Children living in families with domestic abuse
 - Support for CYP with chronic health issues

What do you think is needed to achieve that progress?

Funding to support services

Increased awareness of the availability of services for CYP

Increased awareness to CYP that this service is available for them

If you could recommend one thing to the Welsh Government that it could do to improve statutory advocacy services provision, what would it be?

Ensure that CYP are aware of this service

Finally, are there any other issues relating to the terms of reference that you would like to draw to the Committee's attention?

None

SAP 02

Ymateb gan : ProMo–Cymru

Response from : ProMo–Cymru

What are your views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision?

ProMo–Cymru does not offer here any views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision.

However, it is exercised by and wishes to bring to the Inquiry's attention the fact that there is no reference currently to Meic in the National Approach. ProMo–Cymru feels strongly that this is at best, an opportunity missed – at worst – a significant oversight. This is exacerbated further by the lack of any reference to Meic within documents supporting commissioning and procurement processes, marketing and awareness raising digital and hard copy information, training materials.

As such, ProMo–Cymru feels compelled to respond to the Inquiry.

While Meic is not a statutory advocacy service provider, Meic supports and provides the foundation for the advocacy pyramid, as well as providing a vehicle for movement within and between the universal, targeted and protective spectrum of face to face service provision.

Meic's role is twofold: i) to directly support and assist children and young people (CYP) with the issues they present, thereby preventing escalation of problems requiring and so, diverting them from further / statutory intervention, ii) to facilitate the securing of CYP rights and entitlements and referring them into statutory / other services as required.

Meic therefore plays a hugely significant role in the delivery of statutory advocacy provision currently; this could be significantly enhanced for the benefit of children and young people, as well as professional stakeholders, including providers and commissioners. (See below for details).

Rights based, and with over 30 years experience in the facilitation of coproduction and user engagement through digital technology and multiple remote channels ProMo–Cymru is the organisation leading on the delivery and implementation of Meic – <https://www.meiccymru.org/> – the independent, bilingual, free and confidential information, advice and advocacy to children and young people up to the age of 25 in Wales

Meic is

- High volume, low cost information and assistance services to users and professionals delivered by a team of experienced and qualified staff
- Low threshold, multi-channel with no physical constraints to access – through: webchat, landline, mobile phone, text, email, available up to 16 hours per day, 7 days per week, 365 days per year
- Coproduced with service user and professional engagement through user-generated content / news, problem shared, invitation to and sharing of comment
- Provides: i) information, ii) signposting, iii) transfer options if busy / unavailable, iv) direct representation, v) self help, vi) referral to relevant agency, vii) referral to statutory / independent advocacy service provider

If this is a concern to you, how should this be addressed?

No Response

Q3. What are your views on the latest position in relation to the implementation of the National Approach to Advocacy Services?

As an actively participating member of the Advocacy Providers' group facilitated by Children in Wales (CIW), ProMo–Cymru is aware of the journey and latest position regarding the implementation of the National Approach.

Based on the knowledge and experience shared within that group, ProMo–Cymru welcomes the progress made by Welsh Government to date and the efforts made to enable local authorities to implement the National Approach locally/regionally.

However, we support the concerns expressed by the group with regard to the time taken to get to this latest position, and the continued absence of a clear time frame / commitment from most local authorities to roll out the National Approach. We would suggest that this can only be to the detriment of children and young people potentially or actually in need of advocacy services.

We are also concerned about the lack of clearly defined scrutiny and accountability arrangements for ensuring the monitoring, review and evaluation of

the National Approach, and the absence of the young person's voice in informing and contributing to this.

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

Anecdotally, and based on discussions with commissioners and policy makers within local authorities regionally and locally, ProMo-Cymru suggests that to date, Part 10 has had very little impact:

- a) there continues to be a lack of understanding and awareness of advocacy (despite the very good online resource and training tools)
- b) a perception that all CYP advocacy is covered by the National Approach and separate from Part 10
- c) there is patchy and inconsistent commissioning
- d) there are suggestions that commissioning and procurement will be targeting resources at the Independent Professional Advocacy duty exclusively, undermining the prevention / golden thread principle of the Act

Q4. Which priority areas in relation to advocacy provision for children and young people do you believe the Welsh Government should address?

ProMo-Cymru suggests the key priority areas as follows:

1. There needs to be a clear and preferably integrated interface between the National Approach and Part 10, so all CYP, regardless of category, have fair and equal entitlement to the golden thread of advocacy that runs through the Social Services and Well-Being Act
2. This interface needs to be clear in defining seamlessness of entitlement to advocacy with regard to prevention and safeguarding for children and young people not covered by the National Approach, to ensure Part 10 is not interpreted and implemented by local authorities and health solely and exclusively in respect of adults.
3. Commissioning and procurement of services need to make specific references to expectations around promotion and marketing of Meic to children, young people and professionals, as well as service delivery and operational aspects including evidence of signposting children and young people to Meic.
4. Ideally, we would like to see commissioning and procurement arrangements locally specifying Meic as a Single Point of Entry (SPOE) into advocacy service provision, to ensure low threshold access to an independent, impartial, external service. This would have the added benefit

of generating robust and uniform quantitative and qualitative data, in turn providing reliable and consistent evidence of need / unmet need.

5. Meic needs to be offered to children and young people as part of any active offer.

What do you think is needed to achieve that progress?

No Response

Q5. If you could recommend one thing to the Welsh Government that it could do to improve statutory advocacy services provision, what would it be?

In identifying one thing Welsh Government could do to improve statutory advocacy service provision for children and young people, this would be to continue to provide strong strategic leadership, and challenge any resistance to the fundamental underpinning purpose and rationale for statutory advocacy, in the context of the UNCRC and Welsh Government's vision and mission of promoting and protecting children's rights.

Q6. Finally, are there any other issues relating to the terms of reference that you would like to draw to the Committee's attention?

No Response

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

Code SAP03

Ymateb gan: Tros Gynnal Plant

Response from: Tros Gynnal Plant

Our Response

Tros Gynnal Plant welcomes the opportunity to provide written evidence to the NAFW Children, Young People and Education 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 Firth Assembly Term.

What are your views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision? (If you have any concerns in this area, how should they be addressed?)

"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)

Tros Gynnal Plant has been on that journey and has witnessed a series of failed initiatives to resolve the issue. Successive Welsh Governments over the last fifteen years have sought and failed to put those checks and balances in place from the National Independent Advocacy Board (NIAB) and the Welsh Government Advocacy Unit (both now gone) to the Ministerial Expert Group on Advocacy and its Young People's Group (both now ceased).

Interventions over the years have managed to re-align the meaning and understanding of advocacy away from 'safeguarding' towards a more general participation agenda. Attempts have been made to define and locate Advocacy and its outcomes along the participation continuum. More recently this has been subsumed into 'voice and control'.

Within the Part 10 Code of Practice that accompanies the Social Services and Well-being Act (Wales) 2014.

Section 30: Advocacy has **two** main themes:

- Speaking up for and with individuals who are not being heard, helping them to express their views and make their own informed decisions and contributions, and
- Safeguarding individuals who are at risk.

Whereas we would argue that the **one** theme/focus of advocacy is ‘Safeguarding individuals who are at risk by speaking up for those who are not being heard, helping them to express their views and make their own informed decisions and contributions’

Statutory Advocacy provision should be more strongly re-aligned with the Safeguarding agenda – safeguarding well-being, safeguarding rights and safeguarding children.

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

Tros Gynnal Plant facilitated the secondment of its Assistant Director to Welsh Government in October 2014 in response to the recommendation of the Ministerial Expert Group on Advocacy (MEGA). Subsequently he served as the project manager on the ADSS Cymru Task and Finish Group and was instrumental in the editing and design of the National Approach Business Case which was completed in November 2015.

We have since then shared the frustrations of our colleagues with the lack of progress from ADSS Cymru and strategic leadership from Welsh Government and shared these concerns in a letter to Welsh Government.

‘While many local authorities express general support for the principles behind the National Approach others continue to question the validity of the Children’s Commissioner’s recommendation of an ‘Active Offer’ and whether there is any need for change. Our Providers Group members’ experience on the ground leads us to believe that some local authorities consider that their current level of investment is ‘good enough’ in the current financial climate and that the Approach will not be delivered without full funding from Welsh Government.

We are now however pleased to advise the committee that very recently we have been approached by the ADSS Cymru with a view to a further secondment of our

Assistant Director to steer delivery of the ADSS Cymru advocacy implementation plan, initially for 6 months. Once agreed we are hopeful that this will provide the required drive to deliver the National Approach in full.

There are however some remaining issues that still need addressing;

- It is unclear at this stage what governance and accountability arrangements are proposed and how a national monitoring and reporting process can be established to feedback the national picture or overview to Welsh Government.
- The Business Case does propose a review of 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, it does not however 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 issued for public consultation we would wish for that to be done without delay. We would also expect that the National Standards and Outcomes Framework be eventually issued as a statutory document.

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

As previously identified Tros Gynnal Plant believes that there has been a drift away from identifying advocacy with safeguarding towards presenting it as a part of the participation continuum, and more recently 'voice and control'.

There are however a number of opportunities within Part 10 to further extend the scope of 'statutory advocacy entitlement' beyond those identified within the National Approach.

“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”

Some children will benefit from having access to an advocate at the early assessment stage which seeks to identify their personal and well-being outcomes.

Under Section 15 (Preventative Services) and Section 17 (Information, Advice and Assistance) - there is a key role for advocacy as one of the services available to

local authorities, helping to achieve resolution, preventing escalation and additional costs being incurred.

Local authorities have yet to identify this inter-connectedness that will need to be met by commissioning a broader, comprehensive advocacy service and **must not** be delivered to the detriment of the calculations that underpin the National Approach model.

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?)

- Full implementation of the national advocacy approach with strong strategic leadership to ensure all stakeholders are undertaking the actions required within the business case – fully resourced and funded in line with the range and level mechanism within the Business Case
- National Standards and Outcomes Framework issued for consultation before being issued as a statutory document
- Engagement and involvement of children and young people in line with Advocacy Outcome Statement 5 of the National Standards and Outcome Framework
- Clear governance and accountability arrangements for the National Approach established at both a national and regional level – clear performance and reporting processes to inform a National Overview.
- That this committee undertake a further short review of the National Approach and its progress during the latter stages of this Assembly term.

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Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and
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SAP 04

Ymateb gan : Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol
Cymru / Cymdeithas Llywodraeth Leol Cymru
Response from : Association of Directors of Social Services Cymru / Welsh
Local Government Association

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales; the three national park authorities and three fire and rescue authorities are associate members. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

The Association of Directors of Social Services Cymru (ADSS Cymru) is the professional and strategic leadership organisation for social services in Wales. It comprises statutory Directors of Social Services and the Heads of Service who support them in delivering social services responsibilities and accountabilities, a group of more than 80 social services leaders across the 22 local authorities in Wales.

In compiling our response, we interpret statutory advocacy as a shared responsibility across public services which involves all staff in:

- speaking up for children and young people;
- empowering them to make sure that their rights are respected and their views, wishes and feelings are heard at all times
- representing their views, wishes and feelings to decision-makers; and
- helping them to navigate complex systems and processes.

Advocacy under Part 10 of the Social Services and Well-being (Wales) Act

The WLGA and ADSS Cymru have often expressed our broad support for the vision and the ambitious principles set out in the Social Services and Well-being (Wales) Act. One of the principles embedded in the Act is that people are at the heart of the new system and have an equal say in deciding the care and support they receive. It emphasises voice and control – putting the individual and their needs at the centre of their care and giving them a voice in, and control over reaching the outcomes that help them achieve well-being.

The child or young person's views, wishes and feelings, and (where appropriate) those of their parents, are crucial in determining what their personal outcomes are and how they can best be met. The extent to which a child or young person can contribute to, and participate in, defining and achieving those outcomes will depend upon their age and understanding, and they should be supported in this by a range of professionals and other people involved with them, including (as appropriate) their parents, family and friends, social workers, independent reviewing officers, independent visitors and advocates. In implementing the Act, local authorities have placed considerable emphasis on 'Better Conversations' and 'Inspirational Conversations' training. This is intended to increase levels of competence among staff across relevant organisations in delivering 'What matters?' conversations right from the point of initial discussions with the people who make contact because they may need care and support.

It is important then to be aware that advocacy can and should be undertaken by a wide range of people and professionals. Anybody exercising functions under the Act must have regard to the importance of providing appropriate support to enable the individual to participate in decisions which affect him or her, to the extent which is appropriate in the circumstances. Also, the National Outcomes Framework for Social Services sets out well-being outcomes for people who need care and support and carers who need support. The framework states that people must speak for themselves and contribute to the decisions affecting their lives, or have someone who can do it for them. The extent to which this is achieved must be measured.

As set out in the United Nations Convention on the Rights of the Child (UNCRC), children and young people have a right to be heard in matters affecting their futures. Wales has ratified the UNCRC as a basis for taking forward children's rights. Under the Rights of Children and Young Person's (Wales) Measure 2011, Welsh Ministers have a duty to pay due regard to the UNCRC in all of their functions. The Social Services and Well-being (Wales) Act requires any persons to have due regard to the UNCRC. Detail on exercising this duty has been provided in the Code of Practice in relation to Part 2 of the Act.

Throughout the Act and under Part 10 specifically, there is a clear and strong emphasis placed on the role of advocacy. It is vital that people are supported appropriately in order to ensure that an individual is enabled to represent their interests, exercise their rights, express their views, explore and make informed choices. A local authority's duty to provide advocacy services (or assistance by way of representation) in relation to its social services functions is re-stated under Sections 171-178 of the Act. Commissioners of advocacy service and advocacy service providers should be able to establish the quality as well as the quantity of their work, providing assurance that they are making a positive

difference to children and young people's lives. The Part 10 Code of Practice (Advocacy) applies.

Options include peer advocacy, informal advocacy, formal advocacy and independent professional advocacy. It is positive that Part 10 recognises that advocacy can take many forms and that it is not confined to arrangements of an independent advocate by a local authority. For example, the role of a trusted adult already known to a child can be vital. There is an important role for local authorities and also for third sector organisations and the NHS to support all types of advocacy and advocates.

Ultimately, resources will have an impact on what advocacy services are commissioned and the current financial climate means that we have to be realistic about the expectations being placed on local authorities, without additional funding being provided. This is especially the case given the intention to regulate advocacy services under the Regulation and Inspection of Social Care (Wales) Act.

At the heart of professional advocacy is the concept of independence. An independent professional advocacy service is designed to provide additional safeguards for children and young people. Consequently, it is imperative that the advocates are free to support them, without any conflicts of interest, and to appropriately challenge service providers on behalf of the children and young people. The subject of such challenge may include:

- decisions made about a child or young person's care
- upholding a child or young person's legal rights;
- the quality of care being provided.

The role of the advocate is to support a child or young person in making an informed decision, with their views and wishes as the sole focus. An advocate will help a child or young person to understand his or her rights and the choices available; ultimately, any decisions taken by the child or young person will be their own, subject to any legal constraints.

The National Approach to Statutory Advocacy for Children and Young People

On behalf of Welsh Government, Dr Mike Shooter undertook a strategic review of the evidence in relation to the provision of statutory independent professional advocacy services (SIPAS) for children and young people. Ministers were presented with the first report in January 2014. The Report showed that whilst there were examples of good practice commissioning and provision of statutory advocacy services in Wales was patchy and inconsistent.

Following this review, Ministers invited local government, via ADSS Cymru, in 2014 to bring forward a model for securing a national *approach* to SIPAS for looked after children and specified groups of children in need.

An advocacy Task and Finish Group (T&FG) was established to take this work forward, chaired by ADSS Cymru. The T&FG took responsibility for developing the key components of a National Approach to advocacy, aligned to a Standards and Outcomes Framework. The group was asked to explore:

- the recommendation from ‘Missing Voices: Right to be Heard’ (the report by the Children’s Commissioner on independent advocacy services for children and young people in the care system) in respect of an ‘active offer’; and
- how to deliver the National Approach model at a regional level through lead authorities within the existing Social Services Regional Improvement Collaboratives (since replaced by Regional Partnership Boards).

The work of the T&FG led to the development of a business case produced towards the end of 2015. It set out the following key components of a national approach:

- A National Standards and Outcomes framework
- A Regional Service Specification
- A Range and Level Mechanism
- A local/regional performance reporting template.

The work of the T&FG identified that the additional cost of implementing a national approach with all of these elements for local authorities would be in the region of £1m.

Through the ADSS Cymru Executive Council and WLGA’s Social Services Policy Group (made up of Elected Members with a responsibility for Social Services) the implications of adopting a national approach as set out in the business case were considered. It was agreed that, in principle, both were content to examine further how local authorities could take forward a national approach. However, in recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial implications for their individual authorities. This would enable them to come to an informed view and to engage with other authorities in their region.

Having received this information earlier in the year, local authorities have indicated broad support for developing a national approach, with agreement on the overall principles that have been adopted. Some authorities identified that the draft National Approach Specification has already been used to influence current contracting arrangements. However, there were concerns raised about

some of the implications, especially about how to meet the additional costs identified at a time when budgets are being reduced. Concerns included:

- Some of the additional costs are a result of new requirements placed on local authorities in an already challenging financial climate; this is especially the case in delivering the ‘active offer’.
- The Business Case uses historical information from 2013/14 as its baseline. For a number of authorities, spend on advocacy has changed since this information was provided; for example, costs in the North Wales region have decreased as a result of regional commissioning. It is likely that the actual costs to some local authorities will be higher than those cited in the business case.
- A number of local authorities were concerned about the need to protect the rights of children and young people to opt for other forms of advocacy at the outset, as opposed to a narrow choice regarding a uniform ‘active offer’ from one provider.

Since this time, Welsh Government has confirmed its commitment to providing new funding to contribute to and support the provision of independent professional advocacy, including the costs of the active offer in full (as this is a new responsibility) and a contribution towards the resources required to meet a quality service as set out using the range and level tool. This will help local authorities to meet some of the additional costs that will accrue over time.

On this basis, it was agreed that a local government technical group would be set up by ADSS Cymru and the WLGA to look at how best to take the work forward and support local authorities. The group met at the start of September to scope out the current position and to plan the actions required to take forward the national approach. Representatives from each of the Regional Partnership Board areas were part of the group.

The group has recognised that the financial implications identified for local authorities in the business case used information from 2014 and so the true costs of implementing a national approach may now be different for a number of them. For example, some authorities have seen significant increases in their looked after and child protection figures. If funding were to be provided on the basis of information currently held, some authorities may not be adequately supported to meet the new requirements. Therefore one of the key actions required is to update this information to ensure that there is an up-to-date and accurate picture of the financial implications on authorities. This is work that will be undertaken through the technical group.

Each local authority already has contract arrangements in place to provide statutory advocacy to children and young people. Some areas have already moved to regional approaches to commission this service, specifically Mid and West Wales and North Wales. Caerphilly, Blaenau Gwent and Blaenau Gwent also have joint

arrangements in place and will be looking at the potential for creating a Gwent-wide service when existing contracts expire, with the active offer to be included in these discussions. Similarly, Cardiff and the Vale have agreed that they will be looking to commission advocacy services on a regional basis when existing arrangements come to an end early in the next financial year. Western Bay local authorities are looking at the potential for developing a joint tender next year and Cwm Taf have indicated a willingness to put in place regional arrangements. On this basis, it is anticipated that regional approaches could be in place across Wales early in the new financial year once local authorities commit to this change. The national approach will need to be supported by the partnership framework that is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards. Each of the regions will look to appoint a lead authority for commissioning purposes.

The draft specification developed as part of the National Approach has already been included as part of the tendering process recently undertaken in Mid and West Wales. The other regions have indicated support for jointly using the specification to re-commission their services.

The commissioning approach taken by Mid and West Wales included a separate lot for the provision of the 'active offer'. Subject to a number of conditions being met (full funding being made available from Welsh Government, the current provider having capacity and agreement from the local authorities), this part of the contract is ready to be instigated and the active offer can be rolled out across Mid and West Wales in this financial year. The other regions can learn from the Mid and West Wales tendering approach, how they have included the active offer element and how this could be built into future regional commissioning arrangements.

The Executive Council of ADSS Cymru has received an update on the work of the Local Government Technical Group. Directors have resolved that:

- the Executive Council would ask Directors of Social Services to agree that they will adopt the national approach;
- each Regional Partnership Board area would undertake to provide a date by which it will have used the national approach to commission an advocacy service.

ADSS and WLGA are working with regional leads to develop an implementation plan identifying how each region has, or how they intend to use the key components of the National Approach to commission a service for the region, once they have access to Welsh Government funding for the active offer.

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SAP 05

Ymateb gan : SNAP Cymru

Response from : SNAP Cymru

SNAP Cymru views based on our experience of working with families and the views of young people.

Introduction

SNAP Cymru agree with The All Wales Children and Young People's Advocacy Providers Group¹ response to the recommendations of 'Missing Voices: the Children's Commissioner for Wales review of independent professional advocacy services for looked after children and young people, care leavers and children in need in Wales'. In addition to that response SNAP Cymru are concerned that the diverse and often complex needs of children, young people and adults are not fully catered for. Our experience, and the concerns of families and children and young people, are that the barriers to accessing and understanding information are as diverse as their needs. Vulnerable individuals need much more than 'rights' and 'information' to engage, understand and participate. Their need for professional and independent advocacy to be heard and make choices is grossly underestimated. Many vulnerable individuals with and without ALN / Disability lack confidence to take control of their lives and need high levels of independent advocacy to express their views.

Do you agree that the Code identifies the people to whom advocacy must be provided?

Agree

What will further support this?

The need to emphasise advocacy to support explanation of information and improve understanding of rights and choice is crucial. The barriers to engagement and real participation will remain without support and explanation to aid understanding and build confidence.

There is a need for Local Authorities, wherever possible to agree with individuals whether or not there actually is an appropriate person available to support them and if not make clear their entitlement to a professional and

independent trained advocate with a good understanding of their needs and circumstance including specific needs such as augmented communication, non-verbal communication and the often hidden needs of semantic pragmatic understanding of language. Local Authorities. Health, Education and Social Care must be proactive in this.

Do you agree that the Code identifies the range of circumstances where advocacy may be required?

Agree with proactive implementation

What will further support this?

A commissioned full range of specialist independent advocacy services with trained advocates who understand the particular area of needs and circumstances of each individual. See above for the range of need.

Do you agree that the Code identifies appropriate arrangements for publicising advocacy services?

Agree

What will further support this?

Ensure proactive promotion of advocacy through health, education, social care and third sector. Bilingual and cultural considerations with plain language used and printed are vital.

Do you agree that the Code will support local authorities to ensure advocacy is provided to support people to express their wishes and feelings?

Agree

What will further support this?

There is a need to expand specialist advocacy services and improve general advocacy services. All service providers should also be signed up to a formal referral scheme to ensure that individuals are not sent around the houses or get lost in the administration gaps. Vulnerable individuals need more than general information and signposting. There is also a need to continue general information and training for professionals and communities to improve a cultural shift and implement the rights of protected individuals.

Equality

Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?

We believe the commissioning and expansion of specialist advocacy services will have positive impacts on all groups.

Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?

Other

We believe that full implementation of recommendations from the Advocacy Providers group facilitated by Children in Wales will positively impact on all groups. There is however concern that expectations will not be met in the current financial climate and the need to prioritise specialist independent advocacy for protected characteristics may not be met.

Re-balancing the care and support system to deliver the new legal framework will require reprioritisation of resources. What are the key actions that need to be taken to achieve this?

Expansion and commissioning of quality assured specialist advocacy will be vital to effective implementation.

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.

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Education Committee
Ymchwiliad i Eiriolaeth Statudol | Inquiry into Statutory Advocacy
Provision

SAP 06

Ymateb gan : Cymdeithas y Plant

Response from : The Children's Society

Background

In 2015, 1,321,600 individuals claimed asylum in the European Union, of which 88,245 were unaccompanied children¹. The numbers arriving in the UK have remained fairly stable through this time. There were 32,508 people (including dependents) claimed asylum in the UK, in the year ending June 2015², and 3,04³ were unaccompanied minors³; among the cohort are children arriving with family members and others who are unaccompanied or otherwise separated from their family. Some unaccompanied children have recently been arriving from Calais, where the the British and French governments took measures to relocate some children and young people out of the camp there before it was dismantled. The most recent government figure puts the number of children brought to the UK at 300⁴.

Some of these children will be brought to the UK to be reunited with family members already residing here and others will arrive unaccompanied, with no existing links to the UK. The most recent figure of unaccompanied children in local authority care in Wales is 30, many of whom will be placed within the care system, which will likely increase as unaccompanied children are brought to Wales as part of the Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17⁵.

Local authority support

Local authority responses to the children arriving from Calais into their jurisdiction will differ depending on whether the children are unaccompanied, or to be reunited with family members already living in the UK. If a child is to be reunited with family, the local authority must conduct

¹ Children in crisis: unaccompanied migrant children in the EU report, 2016,p8
<http://www.publications.parliament.uk/pa/ld201617/ldselect/ldcom/34/34.pdf>

² Home Office Asylum Stats

³ James Brokenshire in HoL publication

⁴ [https://hansard.parliament.uk/Lords/2016-11-01/debates/460BAE6C-94E8-4E6F-B071-0B71C6198090/EUUnaccompaniedMigrantChildren\(EUCReport\)](https://hansard.parliament.uk/Lords/2016-11-01/debates/460BAE6C-94E8-4E6F-B071-0B71C6198090/EUUnaccompaniedMigrantChildren(EUCReport))

⁵ http://adcs.org.uk/assets/documentation/Draft_National_UASC_transfer_protocol_v0_8.pdf

an assessment of the child and provide support in accordance with Section 21 of the Social Services and Well-being (Wales) 2014 Act (SSWB)⁶, or temporarily place the child in a secure care placement with access to the child's family in the event that an assessment of the family's means is conducted and they do not have enough resources to care for the child in their home.

As time goes on, the package of support provided to each family by the local authority can be reviewed and possibly eventually scaled back, but this would have to be done following consultation with the family and in a way that would not leave them without any critical support. As with any family unit, tensions may arise and there is a likelihood that any difficulties could be compounded by the young person encountering symptoms of Post-Traumatic Stress Disorder⁷, or it may take a while for them to settle in with family members that they have not lived with, or even have known, prior to arrival in the UK. For this reason, local authorities will need to maintain contact with the young person and their family, offering support where appropriate.

The framework of support for unaccompanied children will differ slightly. In July 2016, the Department for Education and the Home Office published an Interim National Transfer Protocol (NTP) for Unaccompanied Asylum Seeking Children⁸ which local authorities across the UK have signed up to on a voluntary basis to share corporate parenting responsibility for unaccompanied children on a fairer basis. We are aware that Torfaen County Council has agreed to engage with this scheme following consultation with the Home Office. After receiving any children under the NTP, the children's services within a local authority will need to make decisions regarding assessments of a child's needs, placements, education needs, healthcare needs and any other support required by the child. For both unaccompanied children and those seeking to be re-united with their families, access to independent advocacy services is essential to ensure that they are fully aware of their options and fully represented in all decisions that relate to themselves.

The Welsh Government must also support local authorities in their preparations for receiving separated and unaccompanied migrant children and young people by ensuring that the relevant Welsh frameworks are in place, local authorities are fully equipped and by facilitating full access to independent advocacy services for this cohort across all regions.

⁶http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

⁷<https://www.ncbi.nlm.nih.gov/pubmed/21916692>

⁸http://adcs.org.uk/assets/documentation/Draft_National_UASC_transfer_protocol_v0_8.pdf

Another way that the Welsh Government can bolster provision of advocacy for separated and unaccompanied migrant children is by updating existing guidance and frameworks of support, most notably the 2011 All-Wales Practice Guidance for [‘Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People’](#)⁹, and the 2015 [‘Age Assessment for Unaccompanied Asylum Seeking Children All-Wales Multi-Agency Toolkit’](#)¹⁰. We recommend that the Welsh Government consults with specialist NGO stakeholders working with unaccompanied and separated migrant children to improve the guidance in line with the ongoing needs of separated and unaccompanied children arriving to Wales and ensure that they draw attention to the need for specialist advocacy services for this cohort.

In ‘Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People’, Section 6 on Multi-Agency working states that local authorities “have a duty to provide information to children and young people about advocacy services” and “must find an advocate for children and young people who receive a service from them.” However, Section 9 on Advocacy in the same document states that “advocacy services should be discussed and offered to unaccompanied asylum seeking children.” Consistency is required between these sections to emphasise the duty upon local authorities to make advocacy services known and to facilitate access to them, if requested.

The document also states that “social workers should follow their own procedures when arranging an advocate for a child.” We would argue that this leaves provision prone to too much variability which will disrupt consistent and professional provision of support for children. This needs to be updated to reflect a uniform statutory requirement for local authorities to provide children in care with access to advocacy.

Section 6 of the 2015 Toolkit – on the role of social services in engaging with advocacy services – could also be explained more clearly. A point under section 6 states that “unaccompanied children and young people should be made aware at the earliest possible opportunity that they are entitled [...] to make a complaint and be provided with information about the complaints process.” Given the potentially intimidating nature of the age assessment process, we recommend that unaccompanied children and young people are

⁹<http://www.wsmg.org.uk/documents/wsmg/Asylum%20Seeking%20Children/All%20Wales%20UASC%20Practice%20Guidance%20FINAL%20PDF%20Version%2009%2008%2011%20for%20AWCPPRG.pdf>

¹⁰<http://www.wsmg.org.uk/documents/wsmg/News%20and%20Events/150330%20Age%20Assessment%20Toolkit%20Final%20July.pdf>

made aware at the earliest opportunity of their right to make a complaint if they believe that they have been treated unfairly during this process. The wording in the document must also make it clear that unaccompanied and migrant children are entitled to access to advocacy services.

Unfortunately, we have heard anecdotal reports that unaccompanied and migrant children and young people struggle to obtain 'looked after' status when they do not have access to the advocacy services they are entitled to. Clear pathways to accessing advocacy support would help them to access all of the statutory support they are entitled to. This is a serious issue that the Welsh Government must address to ensure that unaccompanied and migrant children and young people have their voices heard and rights upheld during a needs assessment.

The Welsh Government's 2016 '[Refugee and Asylum Seeker Delivery Plan](#)'¹¹ states that the "current All Wales Multi Agency Toolkit will be built upon to include all migrant children bringing together legal and policy briefings into a user friendly resource for service providers" and that "UASC have access to independent advocacy in respect of the duties owed to them under the Social Services and Well-being Act 2014." While this is welcome, we recommend that reference is made to updating both the 2011 and 2015 documents to state that advocacy is a statutory obligation to unaccompanied and migrant children and young people.

Interpretation services

To bolster the provision of support available for unaccompanied and migrant children and young people, advocates must have access to interpreters to enable a child or young person to communicate their rights and wishes. It is welcome that both 2011 and 2015 documents make reference to accessing interpreters when supporting unaccompanied and migrant children and young people. The 2015 Toolkit is particularly strong in this area, stating that "separated Children in Wales do not have a system of Guardianship or support of the Refugee Children Panel, and therefore it is essential that their social worker makes a referral to advocacy services and that the advocate uses interpretation services if they are to be afforded the same UNCRC rights as other looked after children in Wales." However, this requirement of an interpreter must be expanded to the other, more informal occasions during which a child or young person needs access to an advocate, particularly during the needs assessment process. This needs to be done by updating the 2011 document. This service must also be available to all

¹¹ <http://gov.wales/docs/dsjlg/publications/equality/160316-refugee-asylum-seeker-delivery-plan-en.pdf>

unaccompanied and migrant children and young people, to ensure that they can also access their rights.

The Welsh Government has a responsibility to bolster provision for interpreters by allocating funding specified for this requirement. We have heard anecdotally that advocacy providers have difficulty in accessing interpreters, which compromises the service they can provide to children and young people.

Training for local authorities and independent advocacy services

In order to support unaccompanied and separated people existing advocacy services will have to gain new knowledge and skills. Immigration advice is highly regulated and we would not recommend that advocates are upskilled to this level. There is however a need for a basic understanding of the immigration process and some of the other needs that unaccompanied and separated children often have, particularly around mental health, orientation, and English language skills. The Department for Education has recently commissioned specialist training for foster carers and support workers in England, on the care of trafficked and unaccompanied asylum seeking children in the UK. The course is intended to enable those working with the named cohort to understand the challenges and risks facing the children, as well as equip participants with the knowledge and tools to respond effectively to their needs. A similar level of training would be appropriate for advocates working with unaccompanied children and we recommend that the Welsh Government fund a similar scheme in Wales designed to meet the specific needs advocates have in this area.

Recommendations

For children reunited with family in Wales, the relevant local authorities should conduct a full assessment in line with Section 21 of the Social Services and Well-being (Wales) 2014 Act (SSWB)¹². We recommend that all children, at least initially, receive support under section 21 to aid them as they get used to life in the UK. By extending these services local authorities will also be able to provide access to advocacy services which may be critical as separated children navigate the complex and unfamiliar immigration and public services environment of the UK.

For both unaccompanied children and those seeking to be re-united with their families, access to independent advocacy services is essential to ensure that they are fully aware of their options and fully represented in all the decisions they need to make.

¹² http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

The Welsh Government must support local authorities in their preparations for receiving separated and unaccompanied migrant children and young people by ensuring that the relevant Welsh frameworks are in place, local authorities are fully equipped and full access to independent advocacy services for this cohort across all regions is facilitated.

Welsh Government must consult with specialist NGO stakeholders working with unaccompanied and separated migrant children to improve official guidance in line with the ongoing needs of separated and unaccompanied children arriving to Wales.

All official guidance must consistently reflect the duty on local authorities to provide access to advocacy services for 'looked after' children and young people in accordance with the SSWB 2014 Act.

The SSWB 2014 Act and Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People (2011) guidance must be updated to state that provision of advocacy services is a statutory obligation to unaccompanied and migrant children and young people.

An appropriate interpreter should be provided for young people who need them through any assessment processes and other important procedures that relate to the child. The Welsh Government should bolster provision for interpreters by allocating funding specified for this requirement.

The Welsh government should consider commissioning a programme of training for advocates working with unaccompanied and separated children to provide them with the skills and knowledge they will need to support working with this group and properly signpost them to the appropriate immigration and other legal services they may require.

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SAP 07

Ymateb gan : Bwrdd Iechyd Prifysgol Hywel Dda
Response from : Hywel Dda University Health Board

The latest position on the implementation of the National Approach to Statutory Advocacy for Children and Young People.

Hywel Dda UHB has worked with its three local authority partners, Carmarthenshire, Ceredigion and Pembrokeshire County Councils, as well as Powys THB and Powys County Council, to commission a regional advocacy service for children and young people. The new contract commenced on 1st October 2016 and includes a specific specialist advocacy support service for children and young people who wish to make a representation or complaint regarding their health care which will work alongside specialist Mental Health advocacy, Putting Things Right and CHC support.

Other issues relevant to the commissioning and funding of statutory advocacy provision.

Funding for this service is provided via the Women and Children's Directorate although requests for advocacy support may relate to any part of the health care system. The Health Board has commissioned a regional service for the past 3 years and use of independent advocacy has been minimal.

The impact of Part 10 of the Social Services and Well-being Act 2014.

As noted in Part 10 of the SSWB Act, social care and other professionals play a key role in acting as an advocate on behalf of individuals as part of the exercise of their daily professional roles. A key part of our regional independent advocacy contract for children and young people will include the service provider working with groups of health care professionals to brief them on the independent advocacy services available, thus improving awareness of all forms of advocacy as a bi-product of these sessions.

Identifying other priority areas where progress is needed in respect of advocacy provision.

I can only comment on provision for children and young people up to age 18 years, so I'm unsure how the Health Board is providing independent advocacy for adults, or young adults i.e. those up to age 25 years. This is also being considered via the Integrated Programme Delivery Board.

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

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SAP 08

Ymateb gan : Y Gymdeithas Genedlaethol i Blant Byddar (NDCS Cymru)

Response from : The National Deaf Children's Society (NDCS Cymru)

About Us

National Deaf Children's Society (NDCS) Cymru is the national charity dedicated to creating a world without barriers for deaf children and young people.

We represent the interests and campaign for the rights of all deaf children and young people from birth until independence.

In referring to deaf, we refer to all levels of hearing loss.

Response

As identified in the *Social Services and Well-being Act Wales 2014: Part 10 Code of Practice (Advocacy)*, those with communication needs are particularly vulnerable when accessing services. It is, therefore, imperative that deaf children and young people are made aware of their rights to advocacy and that access to appropriate advocacy support is facilitated.

At the same time, it is essential that specific requirements are placed on advocacy services to ensure accessibility to the young deaf population. NDCS Cymru recommends that advocacy providers ensure:

- a basic level of deaf awareness
- an understanding of the barriers deaf children/young people encounter
- an awareness of different communication techniques
- knowledge of systems and structures for arranging appropriate communication support
- consideration of key pointers when arranging such support.

These are equally relevant in the development of advocacy services within the context of ALN Reform. In both contexts, NDCS Cymru would urge the Welsh Government to issue national minimum standards for advocacy services which take account of the distinct needs of deaf children and young people, and would welcome the opportunity to work with officials to this end.

As part of our response to the Welsh Government's consultation on the *Additional Learning Needs and Educational Tribunal (Wales) Bill* in December 2015, we asked deaf young people at Queen Elizabeth High School in Carmarthen to describe their 'dream advocate'. We received the following comments:

- My dream advocate is going to be nice, not interfering how I present my work, helpful, one of my best friend, young, know my needs and how to explain it in my view of understanding. And I am asking for a familiar person I know.
- The things that would make me comfortable to ask help from the service are to ask other people such as the head of deaf, parent's opinions and ideas.
- Good conversation
- Trust
- Young
- Good English
- To make you confident
- One to one
- Important help people
- High level for sign language
- Knows about deaf
- My dream advocate would be nice, kind, friendly and personally close.
- The skills they should have should be brainy and skilful.
- Respect
- Important to be a nice person and friends
- To talk to someone you met it not good to meet someone you don't know.
- Sign would help me boost my confidence
- It would be good to include someone close and friendly.
- We need help with English
- Some Deaf need sign
- I want to be involved
- Help plan

Many of the young people indicated a wish to contact an advocacy service by text, email or other social media (snap chat) and also the need for an interpreter for those who use sign language.

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/P/CS/7126/16

Lynne Neagle AC/AM
Cadeirydd/Chair
Children, Young People & Education Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

8th November 2016

Dear Lynne

Your letter dated 13 October requested an update on progress with the National Approach to Statutory Advocacy for Children and Young People, and the impact of Part 10 of the Social Services and Well-being Act 2014.

The Welsh Government has fully supported the development of a national approach to advocacy. We have provided funding for a secondee to support the delivery of a National Approach and established a Strategic Leadership Group to advise and support delivery and decision making on development of the National Approach. Ensuring that the children who have a statutory entitlement to advocacy are receiving it is a high priority and I continue to take a personal interest in following the progress of the development and implementation of the national approach.

I have a meeting with Welsh Local Government Association (WLGA) the Association of Directors of Social Services (ADSS) Cymru and the Children's Commissioner on 24 November to discuss the implementation plan for the National Approach. The following response to your questions has been informed by my understanding of the current progress on the approach in advance of that meeting.

- 1. What is the latest position in relation to the implementation of the National Approach to Advocacy Services? Is there a draft version of the National Approach? If yes, how long has a draft version been under consideration? Can a copy be provided to the Committee?**

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Carl.Sargeant@llw.cymru
Correspondence.Carl.Sargeant@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 33

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

In December 2015 local government shared with Strategic Leadership Group a draft business case which set out the following key components of a national approach:

- **National Standards and Outcomes Framework** - including an 'active offer' of advocacy and a draft National Standards and Outcomes Framework (NSOF) aligned to well-being under the 2014 Act.
- **Regional Performance Reporting Template** - delivering the evidence and statistics identified within the NSOF for service quality and performance monitoring purposes.
- **A Commissioning Framework** – providing consistent approach and aligned to the NSOF
- **Regional Service Specification** - providing consistent specifications for commissioning of services and aligned to NSOF.
- **A Range and Level Assessment Mechanism (Service Capacity)** - which when applied to the eligible population locally and regionally assists with gauging service capacity requirements and associated costs.

As components of the proposed national approach were developed individual members consulted with groups and organisations they were representing - this included consulting with children and young people. The business case was also subject to this consultative process.

The business case has been, and continues to be, subject to local government governance and accountability mechanisms.

Since the national approach was developed we have been liaising with Local Government through the Strategic Leadership Group about how they intend to deliver the National Approach and expect an implementation plan by 24 November.

2. How will the National Approach be fully implemented? What are the timescales for implementation?

Implementation will be led by Local Government in line with the implementation plan they are developing. Local Government has advised that an implementation plan, which will include timelines, to progress the National Approach will be available by 24 November.

3. What assessment has been made of the costs of implementing the National Approach? How will these costs be met?

A Task and Finish Group developed a 'Range and Level mechanism' that can consistently calculate the funding levels required to deliver the National Approach on a local, regional or national basis. It is based on the cost of an 'advocacy hour' plus average service running costs set against a target 'take up' percentage of the eligible population. Using figures from 2014 as a baseline the estimated cost of implementation of the National Approach is an estimated £1 million which incorporates the active offer at a cost of £247,553.

The provision of statutory advocacy is a local authority duty met from the revenue support grant. In recognition that the active offer is additional to the current provisions set out in legislation the Welsh Government has agreed to meet the full costs of the active offer. Full consideration of the level of funding provided by Welsh Government will be given when the implementation plan is received.

4. How will you assess the impact and outcomes for children and young people of a National Approach?

The National Approach set out in the business case includes a National Standards and Outcomes Framework which has been mapped to the Well-being Statement that underpins the Social Services and Well-being (Wales) Act 2014.

In addition the business case has set out proposals for Welsh Government to commission an independent review of the National Approach to be undertaken at the end of the first year of implementation. The review would seek to identify improvements achieved in awareness and engagement at the various stages of implementation.

The review would also assess any service quality improvements and capacity issues encountered, whether any adjustment and or recalculation using the Range and Level mechanism needs to be undertaken (i.e. using latest population numbers, Performance Management Reports). I will consider this proposal further on the receipt of the implementation plan.

The impact of Part 10 of the Social Services and Well-being Act 2014

5. What are the implications of provisions in the Act on advocacy services for children and young people?

Welsh Government has published the Code of Practice on the exercise of social services functions in relation to Advocacy under Part 10 and related parts of the Social Services and Well-being (Wales) Act 2014.

Within the Code we are clear that local authorities and local health boards must use the outcomes from their shared population needs assessment to inform commissioning and partnership arrangements under the Act for the provision of advocacy services. Advocacy includes the full range of provision set out in the Code of Practice.

The first round of Population Needs Assessment reports are due in April 2017 which will provide a better understanding of the need for provision of advocacy services.

6. How will you assess the impact of provisions in the Act that relate to advocacy and the associated Code of Practice on Advocacy?

As we shift our focus from development of the statutory framework under the 2014 Act to delivering its commitments, I recognise that it is vitally important that we have adequate evaluation arrangements in place to be able to assess whether the Act is achieving what we set out to achieve.

The evaluation will be undertaken in three phases. The first will be about monitoring policies under the Act during the initial year of implementation. The second phase will involve on-going evaluation, through the national outcomes framework and local authority performance measurement frameworks. The third phase will be an independent long term one-off evaluation, commencing in the third year of the implementation of the Act.

The monitoring looks at the difference the Act in its entirety is making rather than focus on specific parts of the Act. Stakeholders welcomed the approach and the national direction set out in the national outcomes framework.

We will also continue to engage with stakeholders to ensure we have a clear understanding of how the requirements under Part 10 are operating in practice.

7. Do you have evidence that the provision relating to advocacy in the Social Services and Well-Being Act 2014 have resulted in better outcomes for children and young people?

The Social Services and Well-being (Wales) Act 2014 commenced on 6 April 2016 and the National Outcomes Framework has been published. Welsh Government will be publishing its first annual report on the outcomes framework by March 2017. There will also be additional data from Local Authority Social Services in relation to children and young people which will be published by the autumn 2017. However, the data will not be specific to advocacy as there are no specific outcomes or measurements in place for this area at a national level at this time.

I expect to see significant progress on moving forward with the National Approach when the implementation plan is in place later this month.

Yours sincerely



Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and
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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*)

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

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SAP 11

Ymateb gan : Bwrdd Iechyd Prifysgol Aneurin Bevan
Response from : Aneurin Bevan University Health Board

Thank you for the opportunity to comment with regard to the inquiry the Committee is undertaking in relation to statutory advocacy provision. The Health Board noted that the Committee is focusing on the following key areas:

- 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.

Firstly, the Health Board welcomes the opportunity to improve the provision of advocacy services for all children in Wales to meet the requirements of the United Nations Rights of the Child.

As a Health Board the identification of certain groups that are ‘entitled’ to advocacy e.g. children and young people in mental health in patient care, has confirmed the need for this provision, but highlighted that currently we are providing a mixed experience for children that are not in that specific group.

It is our experience that many children and young people struggle with the concept of an advocate and are unable to make the best use of this opportunity as they are trying to build that relationship at the same time as building a relationship with care staff. The experience of the child may be further confused when they are in receipt of advocacy services through local authority care or education services. This also highlights the importance of public services working together through regional partnerships and this can be facilitated through the provisions of the Social Services and Well Being Act.

Therefore, greater promotion of the understanding of advocacy in schools and the community would be helpful to maximise the potential of this and ensure the aid that an advocate can bring is a genuine option considered by, and available to, the young person. At the same time, this needs to be matched with greater awareness amongst care staff around advocacy and the entitlement of children and young people to use one.

The Health Board's suggestion is that it would be essential that any future model must be easily accessible and understood for all children, preferably designed with significant input from children and young people themselves. Services should be procured collaboratively i.e. in regional partnership, ensuring that the advocacy providers are truly independent and that there is consistency of access for children, for whichever area of life they require an advocate.

It is suggested that a competency and quality framework should also be established to ensure advocates are trained sufficiently to understand the rights and needs of the child.

Also, for certain areas e.g. those that touch areas of legislation, there is the need for advocates with some understanding of these requirements of statute. It is suggested that to ensure appropriate delivery, public bodies should be required to demonstrate the active involvement of children and young people as part of the overall governance and performance requirements.

I hope this information is helpful to you. Should you require any additional information, please do not hesitate to contact me.

Judith Paget
Chief Executive/Prif Weithredwr

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SAP 12

Ymateb gan : Cyngor Gofal Cymru

Response from : Care Council for Wales

The Care Council for Wales is responsible for the regulation and development of the social care workforce. From April 2017 it will be re-named as Social Care Wales with additional responsibility for research and service improvement. We are pleased to be able to contribute to this inquiry.

Advocacy is central to training materials on the Social Services and Well-being Act

Our response to this inquiry focuses our role in preparing training material for the social care workforce on the implications of the Social Services and Well-being (Wales) Act 2014 including the central role of advocacy within the new legislation.

The Care Council has led the national programme for learning and development for the 2014 Act. Between 2015 and 2017 the Care Council developed an Information and Learning Hub. It includes core learning modules on the Act¹ and the codes of practice for each part of the Act, including part 10 on advocacy². This work has been undertaken in partnership. One set of national resources has been produced. They have been designed so that they can be used in many different settings

When we commissioned the materials we specified that advocacy should be described as a vital function for achieving well-being outcomes for service users. The specification described advocacy as a 'golden thread'. The training materials are clear that there are specific references to advocacy provision in parts 2, 3, 4, 5, 7 and 9 of the Act. They emphasise the need to put the individual at the centre of their care, whilst giving them voice and control in achieving their well-being outcomes.

The Care Council invited third sector organisations to bid for funding under a co-production grant to develop specific materials on advocacy as laid out in part 10 of the Act. Age Cymru and Tros Gynnal Plant were successful. There

¹ [Learning resources](#), Information and Learning Hub, Care Council for Wales

² [Codes of practice and statutory guidance](#), Information and Learning Hub, Care Council for Wales

are now two sets of materials on the Hub relevant to adults, children and carers on independent professional advocacy and non-professional advocates³. We have also commissioned the delivery of the national expert classes on advocacy which will use these materials.

Tros Gynnal Plant have already delivered a workshop on advocacy involving children and young people at a joint Care Council and Looked After Children Network event at Glyndwr University for residential child care workers and foster carers on 15 September 2016. Attendees said that they appreciated the importance placed on hearing the voices of children and young people.

An independent evaluation of the impact of the training is being undertaken. The longer term impacts will be an area of interest for our successor body, Social Care Wales. The feedback and statistics on the Information and Learning Hub suggest it is well used and that the learning materials are rated as accessible and of good quality.

Regulation of advocacy services

The Regulation and Inspection of Social Care (Wales) Act, 2016 makes provision for the regulation of advocacy services. A recent Welsh Government consultation on secondary legislation has proposed a definition for such services. Evidence from our work in regulating residential child care workers supports the proposal in the consultation that a phased introduction starting with the looked after children sector would be beneficial. The cases dealt with by the Care Council would suggest that it would be in the interest of looked after children and the staff working with to have an effective advocacy service.

Advocacy and other Care Council training tools and material for the care workforce

The Care Council produces practice guidance for a range of registered social care professionals. The guidance is important as it describes what is expected of workers and forms part of their regulation. The guidance emphasises the importance of advocacy to professionals. For example, the social worker practice guidance states:

“In a particular situation or over a longer period of time, it may be necessary to represent people’s views, needs or wishes when they are not in a position to do so for themselves. If people require advocacy, you must first work with the person to determine an appropriate approach. Independent advocacy has many potential benefits and you

³ [Advocacy](#), Information and Learning Hub, Care Council for Wales

should support people to access information about this option and be proactive in making arrangements, where appropriate⁴.”

Acting as an advocate is included in the National Occupational Standards and in the qualifications for social care workers. Care qualifications are being reviewed by Qualifications Wales currently. The knowledge and understanding of the advocate’s role and the importance of independent advocacy will be integrated into this review.

Advocacy and service improvement

As noted above, the Care Council will become Social Care Wales in April 2017 with a new remit to work with partners to improve services. A consultation identified outcomes for looked after children as one of the main improvement priorities for Social Care Wales. This work could provide an opportunity to roll out best practice on statutory advocacy provision for children and young people.

⁴ [The Social Worker: Practice Guidance for Social Workers Registered with the Care Council for Wales](#), (PDF), Care Council for Wales

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SAP 13

Ymateb gan : Mike Shooter

Response from : Mike Shooter

I chaired the Ministerial Expert Advisory Group on Advocacy (MEGA) for just under two years. It was a multidisciplinary group of senior people from all over Wales, and from all sectors with a stake in the advocacy of young people.

Our remit was to look at the current state of statutory advocacy in the country and to come up with suggestions for how it might be done better. We reported on a regular basis to the Ministers concerned.

In order to come to our conclusions, we interviewed individuals and organisations throughout the UK and I personally spoke to many of the bodies in Wales who would be affected by our suggestions. All the evidence was collated and agreed by MEGA before we made our plans.

The most striking and immediate finding was that there was a huge variation in the amount of money that local authorities were spending on their statutory advocacy duty. We commissioned a specific cost-calculator to identify this, taking into account all the variables between authorities that might be involved.

It did not seem to us that this variation was due to financial resources. Some of the less well off authorities were not only fulfilling their statutory duties entirely, but were going beyond them to give advocacy on a much wider basis. Conversely, some of the better off authorities were woefully short of even their statutory duties. It was a matter of attitudes and priorities, not resources.

We informed the authorities and central government of our findings and looked at several models of how it might be done more fully and more consistency. There was considerable resistance to change.

As a result, we came to a firm decision that only a national scheme, backed up by central government legislation and monitoring, could work effectively. Ministers agreed.

Working parties were then set up to work out the details of such a national scheme and MEGA concluded its work. We had examined the state of statutory advocacy across Wales and made firm recommendations. As an advisory group, we did not have the power to take it further.

I hope that this information, brief though it is, will prove useful. As I said, I would be very willing to flesh it out further in any way you wish.

Mike Shooter,
Former Chair, MEGA

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SAP 14

Ymateb gan : Gwasanaeth Eiriolaeth Ieuenctid Cenedlaethol (NYAS Cymru)

Response from : National Youth Advocacy Service (NYAS Cymru)

NYAS is a UK charity providing information, advice, advocacy and legal representation to children, young people and vulnerable adults throughout Wales and England. We are the leading national advocacy provider.

Our Response

NYAS Cymru welcomes 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?

Statutory advocacy is fundamentally a provision to protect and safeguard the most vulnerable children and young people in Wales. We must not lose sight into the history of why advocacy is so critical in Wales which was a direct

result of many children being abused whilst in the care of local authorities. The recommendations from Sir Ronald Waterhouse report; “Lost in Care” is still as relevant today as it was in 2000. The recommendations the Waterhouse report provided for “independent advocacy” was fundamental to protecting children. Prior to advocacy becoming a statutory provision The Children Society voluntarily financed many of the services in parts of Wales to ensure the voice of children within decision making processes were heard and acted upon. The funding allocated at this time was more than many local authorities are now providing and we are 15 years on with more eligible children and young people able to access the services.

The term “Independent” is crucial to advocacy provision.

There has been a long history of discussions and debate over what constitutes “independence.” Many young people believe that whilst local authorities continue to commission advocacy services it will not be independent as it can result in providers feeling compromised and are aware that at times, the systems they challenge on behalf of young people are the ones that pay for the provision.

Welsh Government in partnership with Voices from Care held a consultation event with care experienced young people across Wales. The key priorities young people identified were:

“That there should be one organisation that commissions advocacy and one national service to ensure independence and consistency.”
Our Views, Our Stories report, 2014

The Children’s Commissioner for Wales published a report in (2003), “Telling Concerns” which included 25 recommendations; one of which called for a national review of local authority statutory advocacy arrangements for children and young people in Wales. Over the last 10 years there have been a number of independent studies, reports, enquiries and reviews which have identified areas of concern in respect of the availability, access, and independence of advocacy provision. In 2012-2014 The Children’s Commissioner for Wales undertook a review of statutory advocacy provision “Missing Voices”. Again, this report highlighted the need for those children and young people with statutory entitlement to have access and consistency for independent advocacy. “The situation cannot be allowed to continue and must be addressed as a matter of urgency” Missing Voices, (2012).

The Welsh Government has also undertaken their own publications and reports as well as establishing a number of Ministerial groups these include:

- 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)
- Responses to Commissioners Review (2012) and Progress update (2013)

In 2013, the former Minister stated her intention to establish a Ministerial Expert Group on Advocacy (MEGA) and a Young Person's Expert Group on Advocacy (YPMEGA)

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 serious 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).

ADSS, Welsh Government, Local Authorities and Advocacy Providers in Wales made up the Task and Finish Group that developed a business case to the former Minister that included:

- Population needs assessment for eligible children/young people along with funding criteria to meet the recommended “active offer” of advocacy intervention
- A National Standards and Outcomes Framework for Advocacy
- A National reporting template
- Regional commissioning guidelines

This work is still yet to be implemented or agreed by ADSS, Local Authorities and Welsh Government which has resulted in current advocacy contracts being renewed on short term basis with inadequate funding, lack of accessibility and confusion amongst local authorities on what the current status is. Many commissioners ask NYAS as providers to tell them what is happening as they inform us they do not know.

NYAS 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 is needed to be done to ensure statutory advocacy is adequately funded and an active offer is provided face to face to all those eligible children and young people in Wales.

Although it is fair to say there has been a lot of energy and consideration by Welsh Government on the provision of statutory advocacy provision the services across Wales are still not consistent in terms of accessibility, funding levels, status of eligibility and therefore we are still not ensuring our most vulnerable children and young people can access advocacy when they need it most which leads to potential for children and young people to remain unsafe and unprotected.

We will address solutions in further responses.

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, NYAS 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. NYAS discussions with many local authorities confirm this is not taking place.

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 the plans publication or the revised timescales for its full implementation. Communication to external stakeholders, including local commissioners of advocacy services, and children/young people is therefore urgently required as a priority.

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.

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 once full consultation and considerations from responses has been achieved.

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, NYAS would support the call for consideration being given to utilising the work already undertaken and applying it to implementing a National Commissioning Model for Statutory Advocacy Services across Wales. NYAS would like to remind 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. **It is NYAS' view that a movement towards a full national advocacy service for Wales is a necessary requirement to ensure true independence.** This should be funded directly by Welsh Government.

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

NYAS 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 Children Act 1989.

Whilst we would accept that it is still early days in terms of full implementation, there are a number of points NYAS 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 Governments commitment and intention for *‘advocacy to be more accessible to all children and young people, but especially those most vulnerable’*. But as 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?**

- Full implementation of the national advocacy approach with strong strategic leadership to ensure all stakeholders are undertaking the actions required within the business case.

- For the national advocacy 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 advocacy 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 as to be achieved as part of the implementation phase.
- The re-establishment of a stakeholder advisory group to review progress. This group to include advocacy providers.
- 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.
- A further review to take place (after 2 years) with key stakeholders including ADSS, Welsh Government, Local Authorities, Children's Commissioner for Wales, Advocacy Providers and Children/Young People to evaluate the effectiveness of a National Advocacy Approach and if not meeting the desired outcomes of true independence commission a national advocacy service governed by the Welsh Assembly for Wales.

**ADVOCACY POEM by young people
(Taken from Our Views, Our Story)**

Advocacy is all about support and good communication,
We help with everything from money to education.
And frustration with inappropriate placements and,
Jargon in meetings so you understand the conversation.
Confidentiality is important so you know where you stand
So what you say doesn't get spread across the land.
NYAS won't talk about you around the water cooler,
With an advocate care could be a lot smoother.
Feedback helps to improve, dont be shy!
Give us your voice, give advocacy a try.
Need support applying for college,
To develop skills, confidence and knowledge.
Call us we're NYAS, Voices and MEIC,
Our customer service is friendly and polite.
We can help you shout out and give you a voice,
As long as you tell us. Its your choice!
Advocates are amazing,
They give you help and support,
To share your concerns,
And help you express your thoughts.
They're here to speak up for me,
And try to make things right.
Advocacy helps you to keep out of trouble,
Adults think they know everything,
They must be in a bubble.
Like kids don't know anything,
But actually we do!
When you speak to young people,
What you get is truth.

PLEASE NOTE: The NYAS Director for Wales is currently the Chair of the All Wales Advocacy Providers Group who has collectively also provided a response to this enquiry. NYAS have therefore have been instrumental in supplying the recommendations within that response.