

The 2018 survey of independent advocates for children and young people

September 2018



FIGHTING FOR
CHILDREN'S RIGHTS
IN INSTITUTIONAL SETTINGS

Introduction

Independent advocacy is a process of helping children to express themselves, make and influence decisions affecting them and bring about positive change. It empowers children to ensure their rights are respected and their views and wishes are heard at all times. A review in Wales reported that, for children, the results of independent advocacy spanned ‘small victories to being lifesaving’. A 12 year-old girl told the NSPCC that having an independent advocate had ‘helped change my life’.

Article 39 is the charity which fights for the rights of children living in institutional settings and we believe all children in such settings should have access to an independent advocate (see Appendix 1).

We wanted to find out more about the diverse experiences and support needs of independent advocates for children and young people in a variety of contexts, in order to consider a possible practice development role for Article 39. Our survey findings add to an already rich evidence base on the importance of independent advocacy for children and young people.

The survey was conducted over a six-week period from July 2018 to September 2018. Respondents were invited via email and social media and a total of 105 self-selected individuals completed the 10 question survey. For the purposes of the survey, an independent advocate is defined as a person who is employed to give individual children and young people information, advice and/or support so that they are heard and their rights are respected. Ninety eight per cent of respondents agreed that ‘giving information and/or advice about the rights of children and young people’ is part of their role.

Findings

Children and young people receiving support

The survey indicates that the majority of advocates’ casework is undertaken on behalf of children and young people in or leaving the care system.

Other prominent groups were children in contact with the child protection system; disabled children and young people; those living in the community entitled to social care support; and unaccompanied or separated children and young people.

Children and young people in care	95%
Children and young people who are the subject of child protection concerns or investigations	78%
Young people who are leaving or have left care	78%
Disabled children and young people	62%
Children and young people living in the community	42%

entitled to social care support	
Unaccompanied or separated children and young people	40%
Young parents	28%
Children and young people at risk of school exclusion	26%
Children and young people in mental health settings	26%
Homeless children and young people	26%
Children and young people in custody	22%
Expectant mothers	20%
Young carers	18%
16 and 17 year-olds who need independent mental capacity advocacy	12%

It is notable that children and young people with mental health needs and those in custody were far less likely to be part of an advocate’s casework. The same applies to young parents, children at risk of exclusion, homeless children and young people, expectant mothers and young carers.

Sources of information

The Children Act 1989 was the overwhelming source for protecting children and young people’s rights and, associated with this, 71% also cited The Care Leavers (England) Regulations 2010.

Children Act 1989	81%
The Care Leavers (England) Regulations 2010	71%

Also of note was the use of the United Nations Convention on the Rights of the Child by over half of the respondents.

United Nations Convention on the Rights of the Child	55%
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The following sources of rights information were used by less than half of the respondents. The comparatively low usage of the Human Rights Act is particularly interesting given the types of concerns and difficulties we know advocates are often asked to assist with.

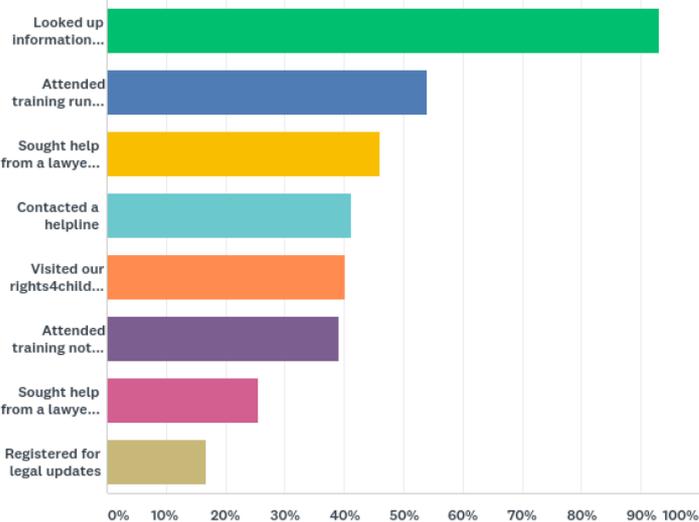
Care Act 2014	48%
Data Protection Act 1998/2018	44%
The Care Planning, Placement and Case Review (England) Regs 2010	38%
Children and Families Act 2014	35%
Children and Social Work Act 2017	32%
Human Rights Act 1998	27%
Education Act 1996	26%
The Children (Secure Accommodation) Regulations 1991	25%
The Children’s Homes (England) Regulations 2015	21%

As Table 1 below illustrates, almost all respondents (93%) searched online for information about the rights of children and young people, with an overall 40% also looking specifically at the Article 39 online rights resource www.rights4children.org.uk. More than half (53) cited employer training as a source of information, and 39% received external training. Just over a quarter of respondents were able to seek advice from an in-house lawyer, and 46% sought help from a lawyer external to their organisation.

Other sources of information were helplines (41%) and legal updates (16%).

Table 1

Q3 In the past 12 months, have you sought information about the rights of children and young people through any of the following. Please tick box/es as applicable.



Quality of service

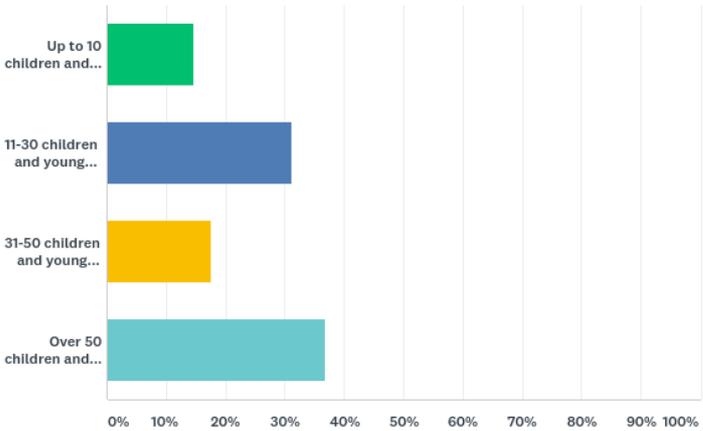
When asked if they felt that children and young people in their area were receiving adequate support nearly half of respondents (47%) said no with a further 24% stating that they were not sure.

Advocates' workloads

Workloads are evidently high as Table 2 illustrates. As many as 37% of respondents have supported over 50 individual children and young people in the last 12 months.

Table 2

Q7 In the past 12 months, how many children and young people were you an independent advocate for? Please only count individual children and young people you gave information, advice and/or support to (that is, where you could measure the outcome of your involvement). Please include children and young people even if you are still helping them.

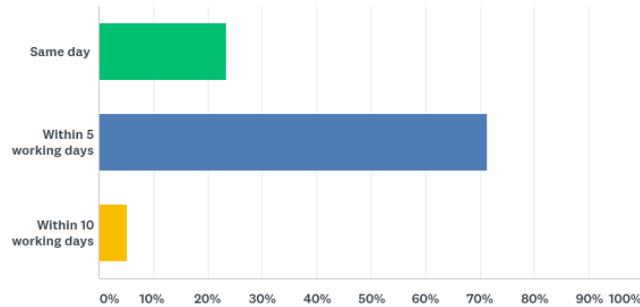


Timeliness of help

It is encouraging that 23% of the respondents said an advocate from their service can usually see or speak to a child or young person the same day. The majority (72%) said this would usually happen within 5 days. This is potentially intolerably long for a child or young person, depending on the reason they contacted the service. Even more concerning, 5% of respondents said a child or young person would usually be able to see or speak with an advocate within 10 days of first making contact.

Table 3

Q8 If a child or young person, or someone on their behalf, contacts your advocacy service, how quickly would an advocate usually be able to see or speak with the child or young person?

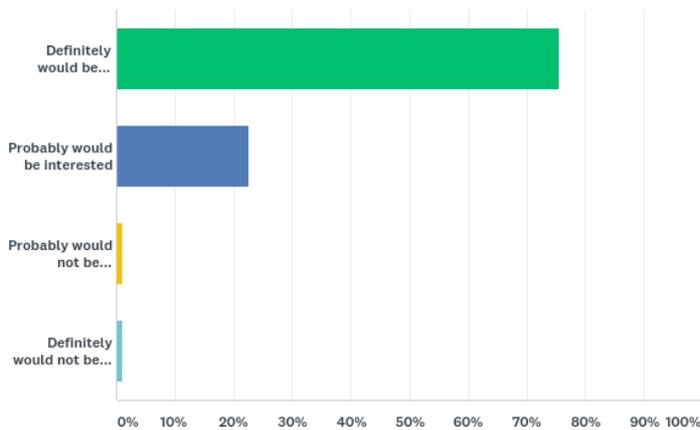


The potential role of Article 39 – training

Given the diversity of sources of information used by advocates it is interesting that, as Table 4 below shows, there was overwhelming support for training from Article 39, with 98% of respondents saying they would definitely (75%) or probably (23%) be interested .

Table 4

Q4 How interested would you be in attending Article 39 workshops or training events for advocates on protecting the rights of children and young people living in institutional settings?



The potential role of Article 39 – national network

Further there was very strong support for a national network of independent advocates.

Definitely would be interested	75%
Probably would be interested	25%
Probably would not be	0.00%

interested	
Definitely would not be interested	0.00%

Conclusions

Although limited to a self-selected cohort drawn from our existing contacts, these survey findings support our previous concerns that the provision of independent advocacy for vulnerable children and young people in England is inconsistent and disjointed.

Professionals working in this sector do not have a single legal framework to which they can refer. There is instead a proliferation of relevant areas of law, all of which can only make the role of an advocate more time-consuming as they seek to match the different legal frameworks to each child or young person they meet. In addition to keeping our own online resource up-to-date, Article 39 will consult with advocates about how we might help strengthen their legal knowledge and confidence in using the law when representing children and young people.

The significance of the Children Act 1989 and the Care Leavers Regulations 2010 runs parallel with the finding that children and young people in care or leaving care dominate the workloads of advocates. It raises concerns, however, that other children and young people (and even those in or leaving care who have health, housing or education matters to resolve) may be being left behind in areas where legal entitlements and lines of accountability are not so familiar to advocates. Only a fifth of respondents were working mainly with children and young people in custody and a quarter with children and young people in mental health settings. We are keen to find out more about the challenges in these particular settings in protecting children and young people's legal and human rights.

In addition, when advocates were asked about how and where they source information there was a diversity of sources, but online searches were by far the most used. We would suggest that further research could usefully identify whether information-gathering could be made easier for practitioners, including through renewed guidance and associated training and support.

This point is reinforced by the unequivocal support of advocates for a form of training from Article 39 and a national network of advocates. To meet this need we will be working to further understand the requirements and aspirations of advocates and we will launch an advocates network in early 2019.

Contact

Helen Donohoe
Assistant Director
helen.donohoe@article39.org.uk

Appendix 1

With the National Children’s Advocacy Consortium and the National Association of Independent Reviewing Officers, Article 39 is campaigning to improve the provision of independent advocates for vulnerable children and young people.

Our campaign name – Advocates4U – was created by Heather and Megan from Sheffield Children in Care Council who won our national competition.

We have three campaign goals:

- 1) The development of a national strategy for children’s right to independent advocacy[i] in England, framed around what children value and want from their advocates. We anticipate this national strategy will address the following priorities[iii]:
 - Awareness-raising of independent advocacy among children
 - Ensuring independent advocacy is readily available and accessible to children
 - Ensuring independent advocates have the knowledge, skills and capacity to navigate children’s rights in a variety of contexts[iii]
 - Review and revision of national standards for the provision of skilled, independent advocacy[iv]
 - Resourcing advocacy to guarantee its independence and effectiveness
 - Mechanisms within and outside government to promote children’s independent advocacy and co-ordinate and oversee its development nationally.
- 2) To enshrine in law the right to an independent advocate for all children and young people receiving or seeking care or support from the state.
- 3) To ensure every residential institution[v] where children are looked after by the state has a system of independent visiting advocates to inform children about their rights and provide support when necessary to ensure these rights are upheld.

[i] Article 12 of the United Nations Convention on the Rights of the Child grants all children (human beings aged 17 and under) the right to express their views in all matters affecting them, and to have these views given due weight in accordance with their age and maturity.

[ii] This is not an exhaustive list. The purpose of a national strategy would be to strengthen current provision and arrangements where they exist; to initiate new developments; and to ensure coherence and consolidation.

[iii] This is to avoid a child having to seek advocacy assistance from different advocates/advocacy services: advocates should be able to deal with more than one area of law, policy and practice.

[iv] In 2002, the Department of Health published national standards for the provision of children’s advocacy services. At that time, independent advocacy was mostly available only to children in care and care leavers. Now independent advocacy is offered to children in a variety of settings, including health and custody, and during processes such as child protection and school exclusion.

[v] Encompassing social care, health (including mental health in-patient units), education and custody.

The Advocates4U campaign for children's independent advocacy is supported by:

Anne Longfield OBE, Children's Commissioner for England, 2015-
Dr Maggie Atkinson, Children's Commissioner for England 2010-2015
Professor Sir Albert Aynsley-Green, Children's Commissioner for England 2005-2010
Alliance for Children in Care and Care Leavers
Association of Independent Visitors and Consultants to Child Care Services
Association of Lawyers for Children
Association of Professors of Social Work
Baker and Joy independent advocacy service
Barnardo's
British Association of Social Workers (England)
Become
The Care Leavers' Association
Centre for Social Work Practice
Children England
Children's Rights Alliance for England
The Children's Society
Coram BAAF
Coram Children's Legal Centre
Coram Voice
Family Action
Full of Life
The Fostering Network
Howard League for Penal Reform
Just for Kids Law
Independent Children's Homes Association
Law Centres Network
Leicestershire Cares
Low Farm Therapy Centre
The MAC Project
National Association of Independent Reviewing Officers
National Association for People Abused in Childhood (NAPAC)
National Autistic Society
National Children's Advocacy Consortium
NYAS
Outcomes of Care
Peer Power
Refugee Children's Consortium
Refugee Council
Right 2 Voice Children in Care Council
Siblings Together
Social Pedagogy Professional Association
Sova
TACT
UNISON
Young Lives Foundation
Young Minds
Youth Access