Improving Advocacy for Children and Young People: Principles and Minimum Standards

An Analysis of Consultation Responses

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The Scottish Government is currently undertaking a number of initiatives to improve the delivery of services to children, young people and their families. One aspect of this work aims to ensure that children and young people have a say in matters that affect them. In particular, the Scottish Government recently commissioned research to explore the need for advocacy support for children and young people. One of the recommendations of this research was that there should be national standards for children’s advocacy in Scotland. A set of standards was subsequently drafted and the Scottish Government carried out a consultation to gather the views of stakeholders (including children and young people themselves) about the proposed standards. The consultation ran from 14 November 2011 to 29 February 2012. This report provides a summary of the key findings from an analysis of the consultation responses.

Main Findings

* There was strong support for extending and improving advocacy services for children and young people. Such support was thought to be vital, but currently under-resourced. There was also agreement in principle with the idea of involving a broader range of individuals in providing advocacy support to children and young people than is currently the case.
* Two-thirds of respondents expressed support for the idea of a separate set of principles and minimum standards for children’s advocacy services. These respondents felt that a separate set of standards were needed because children and young people have unique needs, the situations in which they need advocacy support are different to those for adults, and specialised skills and training are needed in order to provide advocacy support for this group. However, respondents representing stand-alone advocacy services believed that existing standards could be applied to advocacy provision for this population.
* There were also differing views about the draft principles and minimum standards themselves. Approximately half of respondents expressed agreement in principle, while a third (mainly those who represented stand-alone advocacy services) expressed only partial agreement. In their comments, it was apparent that both groups shared significant concerns about how the proposed principles and minimum standards could be implemented in practice.
* Despite statements in the document that the standards were intended for a broad target audience, respondents generally felt that they could only apply to people providing advocacy in a professional capacity. Consequently there was some confusion about the relationship between the Scottish Government’s proposals and the existing standards for independent advocacy.
* Although there was a great deal of support for the Scottish Government’s efforts to improve advocacy provision for children and young people, respondents’ comments often suggested that, in their current form, the proposed principles and minimum standards could only be understood as aspirational.

Introduction

In November 2011, the Scottish Government published a discussion paper to consult stakeholders about possible principles and minimum standards for advocacy services for children and young people. This consultation was one part of a raft of initiatives being undertaken by the Scottish Government to ensure that children and young people can have their voices heard in matters that affect them. The discussion paper was developed in consultation with a National Steering Group on Advocacy Support for Children and Young People, and followed on from research (previously commissioned by the group) which recommended the development of national standards for children’s advocacy services in Scotland.

Five principles, each with a set of associated standards, were proposed. The purpose of the consultation exercise was to seek respondents’ views on whether or not principles and minimum standards focussing solely on the provision of advocacy for children and young people were necessary and if so, whether what was being proposed was suitable. If respondents did not think the proposals were suitable, they were invited to suggest alternative measures or arrangements.

The main consultation document (for adults / organisational respondents) included 16 questions comprising both open and closed questions. Five questions focused specifically on the five proposed principles and asked respondents whether (a) they agreed with the principle and its associated standards and (b) whether there were any changes or additions they would like to make.

A separate, shorter written document was published and circulated among children’s charities and a range of other agencies that work with children to gather the views of children and young people about the principles and minimum standards. The children and young people’s consultation document (CYP consultation) comprised seven questions. One of the questions had five parts that focused specifically on the five proposed principles.

About the respondents

The consultation attracted 84 responses from adults / organisations. Of these, 82 were available for analysis. These comprised responses from 70 organisations and 11 individuals. (There was no information about the status of one respondent.) Over half of the organisational respondents were from the third sector, and one-quarter were from local authorities. Other responses came from NHS, police, academic and non-governmental organisations. One-third of the third sector responses were from stand-alone advocacy service providers, and these comprised a fifth of responses overall.

There were 112 responses from children and young people who ranged in age from 6-25. Of these, 88 were from individuals and the remaining 24 were group responses. For various reasons, three of the individual responses were excluded from analysis. Group responses were used to highlight specific issues as appropriate, but the main analysis was restricted to the responses from 85 individual children and young people.

Of these 85 children, around two-thirds reported that they had help to speak out, most often from a family member, advocate, or social worker. The qualities that were looked for most often by children and young people in this regard were for someone who would listen, who would help, and who was kind.

Summary of key findings

The responses to this consultation revealed very strong support for promoting, extending and improving advocacy services for children and young people. These services were thought to be vital, and to be currently under-resourced.

Two-thirds of respondents expressed support for the idea of a separate set of principles and minimum standards for children’s advocacy services. There was also agreement in principle with the idea of involving a broader range of individuals and groups in providing advocacy, support and guidance to children and young people. However, significant concerns were raised with the proposals set out in the consultation document by a wide range of respondents.

In their responses to the closed questions, approximately half of all respondents expressed agreement with each of the five proposed principles and associated standards, whereas a third (mainly those from stand-alone advocacy services) were less supportive — ticking boxes to indicate only partial agreement.

However, both groups expressed reservations about the principles and minimum standards as set out in the consultation document. These were highlighted in their responses to the open questions.

Therefore, in considering how to take this work forward, the focus should be placed mainly on the qualitative findings — which indicate a need for substantial clarification and revision of the suggested proposals.

Is a separate set of principles / minimum standards needed?

The main difference between those identified as stand-alone advocacy service providers and other types of respondent concerned the question of whether a separate set of principles and minimum standards focusing specifically on children and young people were needed.

Respondents from stand-alone advocacy services felt strongly that existing SIAA guidance and materials were sufficient to address the provision of advocacy for children and young people. Respondents pointed out that the SIAA standards had been developed through extensive consultation and in collaboration with the Scottish Government. They argued that developing a *separate* set of principles and minimum standards would cause confusion, result in a *lowering* of standards, and lead to a proliferation of standards for different groups.

Those who were in *favour* of a separate set of principles and minimum standards for children’s advocacy services argued that children and young people have unique needs and the range of circumstances in which they may require advocacy support are very different to those for adults. In addition, these respondents felt that particular skills and specialised training should be expected of people who provide advocacy services to children and young people, and that the development of a separate set of principles and minimum standards would provide an impetus for ensuring that children and young people’s voices are heard.

Beyond these divergent views about the need for a separate set of standards, respondents often expressed similar reservations in relation to the proposed principles and minimum standards, and in relation to the consultation document itself.

Lack of clarity regarding the consultation document

Respondents felt that the document needed to be clearer about basic definitions and key concepts (including a definition of the advocacy role; a definition of who can be an advocate; a definition of ‘independent advocacy’ and ‘conflicts of interest’, etc.). Moreover, respondents wanted clarity about the relationship between the proposed principles / minimum standards and other extant guidance, legislation, codes of conduct and frameworks.

Respondents also frequently requested clarification about who the principles and minimum standards were aimed at. Despite statements in the document that the standards were intended for a broad target audience, respondents felt that they could only apply to individuals providing advocacy in a professional capacity. Consequently there was confusion about the relationship between the Scottish Government’s proposals and the existing standards for independent advocacy.

Concerns about the proposed principles and minimum standards

In addition to the need for greater clarity expressed by respondents in relation to the consultation document itself, there were substantial reservations raised in relation to the principles and minimum standards as drafted. Even among those who generally supported the principles, there were concerns about how the principles / minimum standards would or could be applied in practice.

Two issues were raised repeatedly: the issue of conflict of interest and a related issue of who is an appropriate person to be an advocate for a child / young person.

Conflicts of interest

Respondents strongly agreed with Principle 4 that advocacy support should be free from conflicts of interest. They were also supportive of the idea expressed in Principle 3 that children and young people should be able to choose their own advocate. However, respondents’ comments suggested that this right to choose could be incompatible with the principle of ensuring that advocacy is free from conflicts of interest. At the very least, this could result in children and young people’s views not being expressed or heard. At the worst, and more importantly, the child could actually be put into a position of risk.

Some respondents proposed a compromise solution which provided the most vulnerable children and young people with independent advocacy but which also gave children and young people the option of choosing from a wider range of advocates for other less sensitive issues.

Who is an appropriate person to be an advocate for children and young people?

In relation to this latter point, respondents identified a hierarchy of advocacy provision involving three levels:

* Independent advocacy (the gold standard): This should be provided by trained, qualified professionals who should meet certain standards and work to agreed codes of conduct. A wide range of respondents, including those beyond the stand-alone advocacy service sector, felt the most vulnerable children and young people should have access to this form of advocacy.
* Advocacy provided by non-independent professionals (i.e. those who have an ongoing relationship with the child by virtue of a service they provide). This group of potential advocates should also be subject to agreed principles and standards, but not necessarily the same ones as independent advocates. Advocacy provision by this group might be appropriate in certain situations (and these should be clearly defined), but not in others (because of the potential for a conflict of interest).
* Informal advocacy (provided by friends, family members and carers): This form of advocacy may be used in certain (probably limited) circumstances where there is little or no concern about the implications of having a conflict of interest. This group of advocates should be provided with guidance, but could not be expected to comply with standards. Some respondents felt it was not appropriate to refer to this type of support as ‘advocacy’.

Other issues

Other issues regularly raised by respondents included:

* Concerns about the lack of resources attached to the proposals
* Uncertainty about how the proposed principles and minimum standards could or should be monitored and evaluated
* Tensions regarding children’s understanding of the purpose of advocacy
* The nature of advocacy provision for children with particular needs (i.e. those who have disabilities, complex communication needs, and those from black and minority ethnic or religious communities).

Conclusions

There was a great deal of support for the Scottish Government’s efforts to improve advocacy provision for children and young people among the respondents to this consultation. However, respondents’ comments often suggested that, in their current form, the proposed principles and minimum standards could only be understood as aspirational.Many struggled to see how the proposals could be implemented in practice.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, or would like further copies of this research findings summary document or the full research report, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 7560.