

National Assembly for Wales
Children and Young People Committee

Further review of developments in the
provision of advocacy services to children and
young people in Wales

September 2010



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Children and Young People Committee

The Children and Young People Committee was appointed by the National Assembly for Wales to consider and report on issues affecting children and young people in Wales.

In particular, the Committee may examine the expenditure, administration and policy of the Welsh Government and associated public bodies and consider reports of the Children's Commissioner for Wales.

Often adults do not take the views of children and young people seriously. As politicians, we have a responsibility to encourage children and young people to voice their opinions and to listen to them. The Children and Young People Committee was established to help do that.

Powers

The Committee was established on 16 October 2007 when a motion to establish it was agreed in plenary. It will exist for the whole of the Third Assembly. Its powers are set out in the National Assembly for Wales' Standing Orders (SOs), particularly SO 21. These are available at www.assemblywales.org.

Committee Membership



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Chair's introduction

The Children and Young People Committee first reported on advocacy services for children and young people in March 2008. The 12 recommendations made in that report were intended to ensure that children and young people in Wales were guaranteed access to an independent advocate, whom they trusted to speak on their behalf.

In May 2009, the Committee issued a further report which voiced concerns that some children and young people in Wales were still not able to access an independent advocate at a time when they needed their voices to be heard.

More than two years on from our original inquiry, I was disappointed to hear evidence during this review that suggested that a universal, independent advocacy service for children and young people is still not a reality in Wales. Ten years on from the Waterhouse Report, it is imperative that we do all that we can to ensure that the most vulnerable children in our society are enabled to speak up about matters that affect them. As the Waterhouse report illustrated, it is only after we listen to children and young people that we can understand the issues that they face. If we don't listen, then how do we know who is vulnerable? For this reason, the Committee recommends that while advocacy services should be prioritised for vulnerable children, universal access should not be lost.

In the current financial climate, we all have to make difficult decisions about which services should be prioritised above others. Advocacy is essential to the most vulnerable people in our society. An advocate can help a child in immeasurable ways when they find themselves in difficult and often life changing situations in which, without an advocate, they might have very little control of their own destiny. Delivered well, advocacy services can empower children and young people to speak for themselves and even, in turn, help others to do the same. As a Committee we cannot tell the Welsh Government how to prioritise their budget, but we would urge Ministers to take a broad, long term view of the importance of advocacy services. In short, please listen to the children and young people who are still struggling to speak and provide for them the best service you possibly can.

Helen Mary Jones AM
Chair, Children and Young People Committee

Committee Recommendations

The Committee's recommendations for the Welsh Government are listed below, in the order in which they appear in the report. Please refer to the relevant pages of the report for the supporting evidence and conclusions:

Recommendation 1: The Committee recommends that the Welsh Government publishes its statutory guidance without further delay. **(Page 13)**

Recommendation 2: The Committee recommends 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 imperative that the current approach should not be stalled whilst a review takes place. **(Page 14)**

Recommendation 3: The Welsh Government should ensure that commissioners involve children and young people in setting the quality, ensuring independence and in informing the process for commissioning advocacy services to ensure they have confidence in the services being provided. **(Page 15)**

Recommendation 4: The Committee recommends that the Welsh Government should clarify and define the statutory advocacy entitlements for children and young people, prioritising the issue of defining 'children in need', in order to address regional variation of provision. **(Page 17)**

Recommendation 5: The Committee recommends that the Welsh Government ensures that social services make sure children and young people for whom they are corporate parents know about their rights to advocacy. **(Page 17)**

Recommendation 6: The Committee recommends that the Welsh Government should clarify what it means by universal and make clear the advocacy entitlements for all children and young people, in order to ensure there is a consistent and equitable service across Wales. **(Page 19)**

Recommendation 7: The Committee recommends that while advocacy services may be prioritised for vulnerable children and young people in the tight financial climate, universal provision should not be lost. **(Page 20)**

Recommendation 8: The Committee recommends that the Welsh Government should make clear in its statutory guidance that spot purchasing is not acceptable and must only be used in the most exceptional of circumstances. **(Page 21)**

Recommendation 9: Any review of the consortia approach to commissioning advocacy services should consider if a national model would eliminate the need for spot purchasing. **(Page 21)**

Recommendation 10: The Committee recommends that the Welsh Government should consider how best it can support self-advocacy and peer advocacy, to empower children and young people to learn the skills that will serve them well in their future lives. **(Page 21)**

Recommendation 11: The Committee recommends that inspection of advocacy services takes a broad look at the outcomes of the service and the long term relationship that advocates have developed with service users. In doing this, inspections should take as a starting point the views and experiences of children and young people. Inspections should be led by the Care and Social Services Inspectorate Wales, who should work closely with Estyn and the Healthcare Inspectorate Wales. **(Page 22)**

Recommendation 12: The Committee recommends that service mapping of advocacy provision in Wales is carried out. The Committee considers that the National Independent Advocacy Board is best placed to provide and maintain such an overview. **(Page 24)**

Recommendation 13: The Committee recommends that the Welsh Government should provide greater clarity over the future functions, expectations and workplan of the National Independent Advocacy Board, and its Advocacy Development and Performance Unit. **(Page 24)**

Introduction and Background

1. In November 2007, the Children and Young People Committee instigated its inquiry into advocacy services for children and young people in Wales. The inquiry was to scrutinise the Welsh Government's proposals to deliver advocacy services to children and young people following the consultation on a new service model which concluded in July 2007.

2. The Committee's inquiry took oral evidence from the Deputy Minister for Social Services; Professor Pithouse; Children in Wales; Voices from Care; the All-Party Group on Looked After Children; the Children's Commissioner for Wales; and local government representatives. Twenty other stakeholders submitted written evidence to the inquiry. The Committee also visited children and young people across Wales to gather evidence on their experiences of advocacy services.¹

3. The Committee reported on their findings in March 2008 and made twelve recommendations to the Welsh Government. The recommendations were as follows:

Recommendation 1: Through appropriate consultation, the Welsh Assembly Government should establish a centrally funded advocacy unit, with responsibility for commissioning advocacy services in local areas, and for commissioning specialist services at a national level for groups such as asylum seeking children. In commissioning services in local areas, the advocacy unit would take into account regional and local structures, geography and views of CYPPs.

Recommendation 2: The Welsh Assembly Government's advocacy unit should involve children and young people in determining which advocacy provider should be awarded a contract, except in exceptional circumstances. This recommendation would apply both when the unit was commissioning local, generic advocacy services, and specialist national services.

Recommendation 3: The Welsh Assembly Government should ensure that the national advocacy unit make arrangements for the provision of a training programme for advocates, in a portfolio of nationally recognised skills (including, but not limited to, listening, understanding, relationship building, and counselling

¹ All evidence submitted to the inquiry can be found at www.assemblywales.org

skills). Trainers should include former users of advocacy and children and young people.

Recommendation 4: The Welsh Assembly Government should ensure that the national advocacy unit make arrangements for the provision of training courses, through local providers, for potential lay advocates, such as teachers, counsellors, doctors, learning coaches, cooks and cleaners. The advocacy unit would provide training for local providers themselves in training lay advocates. Lay advocate training would never, however, be a prerequisite for a potential lay advocate to raise concerns on behalf of a child or young person, and a lack of training would never exclude a potential lay advocate from acting in this role.

Recommendation 5: The Welsh Assembly Government should ensure that the advocacy unit provides training for local advocacy services, to assist them in coaching children and young people, using their services, to 'Self Advocate' and 'Peer Advocate' in the future.

Recommendation 6: The Welsh Assembly Government should make arrangements for robust, independent inspection of:

- · the national advocacy unit;
- · local services providing advocacy;
- · national services providing specialist advocacy.

Recommendation 7: The Welsh Assembly Government should make arrangements for inspection of advocacy services to incorporate analysis of advocacy providers' skills (including, but not limited to, listening, understanding, counselling and relationship building).

Recommendation 8: The Welsh Assembly Government should involve children and young people in developing a free advocacy phone and text service for children and young people. This phone service should be free to mobile telephones as well as landlines. In addition to listening to callers' concerns, this service would be able to provide callers with information on advocacy providers able to help with their particular concern. This service should be available 24 hours a day.

Recommendation 9: The Welsh Assembly Government should involve children and young people in developing advertising for its free advocacy

phone and text service for children and young people. This advertising should explain what advocacy is, and how it can help children and young people.

Recommendation 10: Through service level agreements, set by the advocacy unit, the Welsh Assembly Government should ensure that children and young people would normally have choices about the identity of their advocate.

Recommendation 11: Through service level agreements, set by the advocacy unit, and through training and inspection, the Welsh Assembly Government should ensure that comments made by children and young people are kept in confidence by their advocate, unless to do so would expose that child or young person, or another vulnerable person, to a risk of immediate danger to significant harm. A policy definition of 'significant harm' and 'immediate danger' is provided by the Children's Commissioner for Wales' Confidentiality Policy, Annex 3.

Recommendation 12: The Welsh Assembly Government should instruct the advocacy unit to normally commission advocacy services on three year contracts, with the opportunity for extensions, to ensure stability and continuity.

4. The Welsh Government's response to the report agreed with nine of our recommendations, and agreed in part or in principle with the remaining three.

5. In March 2009, the Committee scrutinised the Minister for Children, Education, Lifelong Learning and Skills on the implementation of the recommendations made in the 2008 report. In an oral evidence session, the Committee discussed the progress made in implementing a new model for advocacy services which would be independent of local authorities and provide an appropriate level of support for the vulnerable children and young people accessing advocacy services across Wales.

6. In May 2009, following the discussion with the Minister, we issued our report 'Scrutiny of developments in the provision of advocacy services to children and young people in Wales'. The report made a further 5 recommendations to the Welsh Government. They are as follows:

Recommendation 1: Members of the National Independent Advocacy Board should have the opportunity to report to the National Assembly for Wales, on an independent basis of the Welsh Assembly Government.

Recommendation 2: Children and Young People Members of the National Independent Advocacy Board should be directly asked whether they wish to have the opportunity to meet separately to adults on the Board, prior to its meetings.

Recommendation 3: The Welsh Assembly Government should clarify what funding will be utilised to enable the establishment of consortiums of Children and Young People Partnerships, for jointly developing and commissioning integrated advocacy services.

Recommendation 4:

4.1. The Welsh Assembly Government should determine the cost of establishing a telephone and text advocacy and advice service, which is free to call from mobile phones.

4.2. Following this determination, the Welsh Assembly Government should ensure that the Advocacy Development and Performance Unit has sufficient funding to establish this service.

Recommendation 5: The Welsh Assembly Government must set out, in its commissioning guidance for Children and Young People Partnerships, clear direction that children and young people should be able to change a professional advocate representing them, without having to explain why they are unhappy and want to change.

7. In June 2010, the Committee invited key stakeholders to give evidence to a further review of the progress made in delivering advocacy services to children and young people. Oral evidence was received from the following:

Roger Bishop, Trustee, Children in Wales

Sean O’Neil, Policy Director, Children in Wales

Keith Towler, Children’s Commissioner for Wales

Huw Lewis, Deputy Minister for Children

Suzanne Chisholm, Head of Children and Young People’s Rights, Welsh Assembly Government

Elin Gwynedd, Head of Participation and Advocacy Unit, Welsh Assembly Government

Carol Floris, Advice and Support Manager, Voices from Care

Phil Diamond, Chairman of the National Association of Children and Young People’s Partnership Support Officers

Helen Gregson-Holmes, Manager, Conwy Children and Young People’s Partnership Team, Association of Children and Young People’s Partnership Support Officers

8. The Committee is grateful to all the witnesses for their valuable evidence to this inquiry.

Key Issues

Progress in implementing the Welsh Government's Advocacy Model

9. In March 2008, the Welsh Government announced its new service framework for the future provision of advocacy services in Wales, which was to be implemented over a two-year period. The evidence received in the Committee's latest inquiry suggests that, so far, developments and changes in advocacy provision have been limited.

10. Sean O'Neil, Policy Director of Children in Wales, told the Committee that:

"We feel that there has been sufficient lead-in time for this to have moved forward a lot quicker than it has. We are rather concerned and disappointed that things have not moved faster, considering that there has been plenty of warning and lead-in time for partnerships to work more effectively together to look at specialist advocacy provision and roll it out to a wider group of children, beyond just looked after children."²

11. Children in Wales also said that "little has changed on the ground in the last 2 years,"³ while the Children's Commissioner for Wales felt that a "sense of urgency is needed"⁴ to fully implement the new model and to monitor outcomes for children and young people.

12. Given that guidance had been issued by the Welsh Government in June 2009, with updates issued in October 2009 and March 2010, the Deputy Minister for Children made it clear that "at this point, everyone should be more than aware of what is expected from them."⁵ He underlined this by saying "No-one should have the excuse that they do not know what they are working towards or that this is a surprise to them."⁶

13. The Association of Children and Young People's Partnership Support Officers confirmed that the Children and Young People's Partnerships had been taking note of the advisory guidance and are moving forward. However, it was clear from the evidence received that some Partnerships have been moving quicker than others.

14. Voices from Care told the Committee that:

² ROP, 29 June 2010, paragraph 161

³ ROP, 29 June 2010, paragraph 165

⁴ ROP, 29 June 2010, paragraph 88

⁵ ROP, 29 June 2010, paragraph 47

⁶ *ibid*

“We have seen a very mixed picture of delivery. Some areas are focusing on the new model and taking great steps forward; in other areas, there has not been the same will to put advocacy high up on the agenda.”⁷

15. The Deputy Minister for Children said that although “some changes would take a little time”⁸ he had “every reason to be confident”⁹ that the Children and Young People’s Partnerships would be ready to deliver the model, and confirmed that statutory guidance will be issued this year.¹⁰

16. However, given the mixed picture of delivery identified by witnesses, the Committee considers that this statutory guidance is urgently needed to move forward the advocacy agenda.

Recommendation:

The Committee recommends that the Welsh Government publishes its statutory guidance without further delay.

The Welsh Government’s regional commissioning model

17. The Committee recommended in its 2008 report that the Welsh Government should establish a centrally funded advocacy unit, with responsibility for commissioning advocacy services in local areas, and for commissioning specialist services at a national level for groups such as asylum seeking children. The Welsh Government ‘accepted this in part.’

18. An advocacy unit was established within the Government and is responsible for commissioning a national advocacy and advice service available to all children and young people. However, the Government did not support the recommendation that the unit should commission local services, which are being commissioned by the Children and Young People’s Partnerships instead.

19. The new model of commissioning requires local authorities to work together and commission on a regional basis. However, Mr Diamond of the National Association of Partnership Support Officers told the Committee that such commissioning was proving to be problematic. He said that in his region:

”The five local authorities explored joint commissioning at a regional level; I admit that it is only when one looks at the variety of services offered across the five areas that it starts to become difficult to look at joint

⁷ ROP, 13 July 2010, paragraph 9

⁸ ROP, 29 June 2010, paragraph 8

⁹ ROP, 29 June 2010, paragraph 47

¹⁰ ROP, 29 June 2010, paragraph 12

commissioning within the region, because the services that are offered are so different.”¹¹

20. Mr Diamond felt that regional commissioning might harm services in some areas of Wales. He said:

”There is still variation in the types of services available. One area may offer the bare minimum – literally advocacy only for those children known to social services – while another area may offer a full universal service. What we do not want to see is an equalising of services that may result in taking services away from one area that has worked in this field and giving services to another area. It is not so much that that area may not be ready for those services, but we do not want to take away services from an area where they are working well.”¹²

21. The Committee is concerned that consortia are struggling to put the regional commissioning model into place and shares Mr Diamond’s concerns that services in areas where advocacy provision is more advanced, should not have their services diminished by the new model.

Recommendation:

The Committee recommends 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 imperative that the current approach should not be stalled whilst a review takes place.

Independence for advocacy providers

22. The Committee has previously expressed disappointment in the Welsh Governments decision to only partially accept the Committee’s recommendation for a centrally funded advocacy unit to commission both local and specialist services. Witnesses to earlier inquiries, and to this review, have been clear that independent advocacy services are vital to the children and young people using them. Only a centrally funded advocacy unit can provide that independence.

23. Mr Diamond, Chair of the National Association of Partnership Support Officers, told the Committee that:

”Children and young people ask the question themselves: ‘who pays for you? Social Services? They are the people I’m complaining about’. So we

¹¹ ROP, 13 July 2010, paragraph 110

¹² ROP, 13 July 2010, paragraph 112

are in total agreement that a move to a more independent body, such as the children and young people's partnerships, would be a positive step. It is also worth mentioning that the children and young people's partnerships rely heavily on the lead member, which is the local authority¹³

24. Similarly, the Children's Commissioner for Wales pointed out that:

'On the question of independence, I remember sitting before this Committee and saying that you cannot have degrees of independence: something is either independent or it is not.'¹⁴

25. However, the Deputy Minister told the Committee that:

'it is quite right that we all focus on the independence of advocacy services...the national advocacy board, which consists of four adult professionals and four young people, is independent... The board's job is to ensure that independence across all aspects of what we are doing on this. We are commissioning, through children and young people's plans, on a regional and sub-regional basis, which is the nub of guaranteeing how independence works best.'¹⁵

26. Whilst the Committee recognises that the national advocacy board and national standards create a 'robust framework'¹⁶ it continues to hold a different view to the Welsh Government on the independence of the commissioning arrangements, which it considers should be totally independent to gain the trust of the children and young people it provides services for. However, it also recognises that to stall the roll out of the Welsh Government's chosen model would be set back improvements to advocacy services that would be detrimental to the most vulnerable children and young people.

Recommendation:

The Welsh Government should ensure that commissioners involve children and young people in setting the quality, ensuring independence and in informing the process for commissioning advocacy services to ensure they have confidence in the services being provided.

¹³ ROP, 13 July 2010, paragraph 115

¹⁴ ROP, 29 June 2010, paragraph 89

¹⁵ ROP, 29 June 2010, paragraph 19

¹⁶ ROP, 29 June 2010, paragraph 25

Advocacy services for vulnerable children

27. Under the Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004, all local authorities have a statutory duty to provide advocacy services to certain categories of children and young people. The regulations apply to children in need, including looked after children and care leavers. In all cases, advocacy services have to be provided for a child in need or care leaver directly making or intending to make a complaint on their own behalf.

28. The Deputy Minister told the committee that:

“Built into the model – which, as I say, is the bible for how this system will operate – are five elements. One of them concentrates entirely on the needs of vulnerable groups. Therefore, we will not lose focus on these groups of children and young people. Indeed, I believe that this model will be an enormous step forward for more vulnerable children and young people. We will have made it a great deal easier for them, compared with the systems that existed in the past.”¹⁷

29. However, the Children’s Commissioner raised some concerns in his follow up evidence that there are inconsistencies relating to the eligibility criteria. In his additional paper, submitted following his oral evidence, he stated that:

“Anecdotal evidence suggests that there are inconsistencies relating to:

Eligibility criteria with varying definitions of a ‘child in need’

Whether or not the advocacy provision relates to complaints only

The National Advocacy Development and Performance Unit is currently developing a ‘map’ of advocacy provision across Wales which should assist in gaining a better understanding of the exact nature of provision on the ground.”¹⁸

30. Inconsistencies across local authority areas as to which children are eligible for advocacy provision were also highlighted by Children in Wales. They said in their oral evidence that:

”in some areas there is a very good, pretty comprehensive service, while in others it is very restricted; in some areas it is very very restricted.

¹⁷ ROP, 29 June 2010, paragraph 56

¹⁸ Additional written paper for the Children and Young People Committee from the session held 29 June 2010 from Keith Towler, Children’s Commissioner for Wales, page 4

Therefore, yes, in some areas of Wales, lots of young people are ineligible for specialist services, because services do not exist.”¹⁹

31. The Children’s Commissioner for Wales also expressed concerns that even where services are available, they are not being accessed by those who need them. He said:

“I am very clear about the fact that children and young people are still not receiving what we would call a good advocacy service, because they do not know that it exists. That can be the case for some vulnerable children and young people, too.”²⁰

32. The Committee considers that it is imperative that every looked after child or adopted child can access an advocate (of their choice) and that statutory obligations and entitlements must be delivered.

Recommendation:

The Committee recommends that the Welsh Government should clarify and define the statutory advocacy entitlements for children and young people, prioritising the issue of defining ‘children in need’, in order to address regional variation of provision.

Recommendation:

The Committee recommends that the Welsh Government ensures that social services make sure children and young people for whom they are corporate parents know about their rights to advocacy.

Financial pressures and their impact for universal advocacy

33. Some of the witnesses were concerned that the current economic climate’s inevitable squeeze on local budgets might jeopardise the ambition of a universal statutory service all children and young people. Children in Wales told the Committee that:

”Without additional resources, there is a challenge; there has always been a challenge for some of the service providers in meeting their statutory obligations. We are now in a very different situation to the one we were in two years ago; we are hearing about services where funding is being reduced and posts have started to be cut, at the same time as there has

¹⁹ ROP, 29 June 2010, paragraph 209

²⁰ ROP 29 June 2010, paragraph 124

been an increased demand for those services... There is a real threat that we will go backwards, because of the cuts.”²¹

34. When asked if local authorities are likely to focus on meeting their statutory obligations for advocacy services and place the provision of universal access in the ‘if we have any money left’ box, the Deputy Minister responded:

”I will not sit here and pretend that there is no financial risk. What I can say is that we have a cast-iron commitment for 2010-11. Some £0.75 million has gone into Meic, but everyone out there should be resourced sufficiently at the moment to be able to deliver universal access to advocacy... No Assembly Member, including me, can guarantee anything beyond May next year in relation to financial pressures.”²²

35. Voices from Care argued strongly for provision of the best advocacy services possible for vulnerable children. In their oral evidence, Voices from Care reiterated the need to prioritise advocacy services for vulnerable children and young people, saying “you also need that Rolls-Royce model for vulnerable children and young people who need to come across.”²³

36. Voices from Care also made it clear that such services should be provided whilst also promoting advocacy to all children and young people. They felt that this could be achieved by focusing on the full range of advocacy experiences. Their written paper stated that:

”The basis for Voices From Care is user involvement and peer advocacy. Whilst the organisation supports developments for ‘skilling’ professional advocates, we do have some concerns that the ‘skilling’ of other advocates has not been given enough attention and resources. We would like to see a concentrated focus on self- advocacy as an essential tool in empowering children and young people.”²⁴

37. This echoed evidence from the Children’s Commissioner for Wales who said that:

“One thing that we began to think about was that a teacher, a police officer or anyone could be an advocate. On universal provision of advocacy and of workforce development, we may be missing a trick if we think about universal advocacy being a professional spectrum...Local authorities will be mindful of the fact that they have a commissioner and a government that

²¹ ROP, 29 June 2010, paragraphs 172 - 176

²² ROP, 26 June 2010, paragraph 58

²³ ROP, 29 June 2010, paragraph 53

²⁴ CYP(3)-11-10 : Paper 1 : evidence from Voices from Care, paragraph 2.2

will be on their backs if statutory entitlement to advocacy is not delivered. I would expect them to be able to prove that those services are in place, but I do not think that it necessarily has to be at the expense of universal provision”²⁵

38. As Committee member Joyce Watson AM pointed out, “there are probably more unidentified vulnerable than there are identified vulnerable.”²⁶ The Committee considers that it is imperative that universal provision is a reality across Wales for all those children and young people who are not yet identified as vulnerable, but may desperately need their voices to be heard.

39. In its 2008 report, the Committee recommended that arrangements for the provision of a training programme for advocates within a portfolio of recognised skills should be established. The Welsh Government accepted this recommendation.

40. However, Children in Wales raised concerns that there was still a misunderstanding in some professions about the role of advocacy, which meant that it was sometimes seen as ‘something that happens in relation to complaints...we feel that there needs to be ongoing training, but among all professionals, because if we are going to roll out the system, we need training in schools and with health professionals to ensure that everyone can see the benefits of advocacy for children and young people’²⁷.

41. The training programme currently in place is currently training its first cohort of 22 people. It is, therefore, too early to assess the effectiveness of the training or any cascading that will follow.

42. The Committee notes that the Deputy Ministers could not give any reassurances on the future of funding for training or professional development in light of the current economic situation and the planned elections in May.

Recommendation:

The Committee recommends that the Welsh Government should clarify what it means by universal and make clear the advocacy entitlements for all children and young people, in order to ensure there is a consistent and equitable service across Wales.

Recommendation:

²⁵ ROP, 29 June 2010, paragraph 121- 122

²⁶ ROP, 13 July 2010, paragraph 51

²⁷ ROP, 29 June 2010, paragraph 200 - 202

The Committee recommends that while advocacy services may be prioritised for vulnerable children and young people in the tight financial climate, universal provision should not be lost.

Spot Purchasing

43. Spot purchasing is the buying in of advocacy services on an ad-hoc basis in reaction to a particular pressure. Such practices are cheaper for local authorities to provide, but do not allow relationships between the advocate and the child or young person they are advocating for to flourish.

44. Voices for Care told the Committee that,

"From our perspective, [spot purchasing] would certainly not be a good enough model for the provision of advocacy. By looking at the mix, we see some situations where advocacy is withdrawn too quickly so that although the situation has been resolved, sometimes young people have time to think about how it has been resolved and then they have further questions. We all know that, sometimes, over time, things do not turn out as they were promised and where one resolution was promised, half of it may have been provided, but the other half may not. That may not be immediately obvious."²⁸

45. The Committee considers that in order for advocacy to be at its most effective, the child or young person must be able to trust the person who will speak for them. Independence is an important part of that, but so too is time to develop a relationship. The Children's Commissioner told the Committee that:

"the difficulty with spot purchasing is that, if it becomes just a telephone number on the wall, to be called or texted when in trouble, and where there is no relationship of trust, then I am a bit confused as to the extent to which children and young people would have the confidence to use such a telephone number, or feel that the service that they were receiving was a good one. While you can understand, in the current economic climate, that it may be cheaper to spot purchase, there are big questions as to the quality, trust and outcomes that children and young people would have."²⁹

46. Voices for Care spoke about advocacy services empowering young people over time to "learn the concept of self advocacy...that will all be preparation for

²⁸ ROP, 13 July 2010, paragraph 19

²⁹ ROP, 26 June 2010, paragraph 109

future life.”³⁰ By its very nature, spot purchasing will not allow for that ongoing learning and development to take place.

47. The Chair of the National Association of Partnership Support Officers told the Committee that he had discussed spot purchasing with others in his area. The five authorities in the region felt that they:

”could develop a framework that was consistent across the board but, where areas had different needs, spot purchasing could be undertaken within the contract.”³¹

It was suggested that such an arrangement would be used if, for example, “there is a need for advocacy for children with disabilities in Monmouthshire, as opposed to Blaenau Gwent, for whatever reason, Monmouthshire could make a spot purchase within the contract.”³²

48. The Committee recognises that spot purchasing may be necessary in the most unusual of circumstances, but is concerned that such practices may be used more frequently in the face of current financial pressures. The Committee also considers that with a national model, spot purchasing would not be necessary as specialist services would be more readily available across Wales as a whole.

Recommendation:

The Committee recommends that the Welsh Government should make clear in its statutory guidance that spot purchasing is not acceptable and must only be used in the most exceptional of circumstances.

Recommendation:

Any review of the consortia approach to commissioning advocacy services should consider if a national model would eliminate the need for spot purchasing.

Recommendation:

The Committee recommends that the Welsh Government should consider how best it can support self-advocacy and peer advocacy, to empower children and young people to learn the skills that will serve them well in their future lives.

³⁰ ROP, 13 July 2010, paragraph 15

³¹ ROP, 13 July 2010, paragraph 173

³² *ibid*

Inspection and Regulation

49. The Welsh Government has previously made a commitment that advocacy providers will be registered and regulated. That commitment was re-iterated by the Deputy Minister who told the Committee that “the advocacy unit is in discussions about how the registration would take place, but the timescale the unit has been given by me is for this to be sorted out by 2011.”³³

50. The Deputy Minister also stated that “I do not have a fixed view yet on inspection. Again, the Committee’s input will be valuable, as will input from the Children’s Commissioner and others.”³⁴

51. The Children’s Commissioner for Wales suggested that the Care and Social Services Inspectorate Wales (CSSIW) should have lead responsibility for inspection, but that it should work closely with Estyn and the health inspectorate.³⁵ Children in Wales also considered that the registration and regulation of advocacy service providers should be carried out by CSSIW.³⁶

52. The National Association of Children and Young People’s Partnership Support Officers concurred that inspections should take place ‘as part of social care and education inspection.’³⁷ They also felt that there should be fewer and joint inspections.

53. Carol Floris, Advice and Support Manager for Voices from Care, felt that “there is a need for inspection, but whether it should be on the model of inspections as they are is questionable.”³⁸ She suggested that the ‘softer outcomes’ of advocacy should be measured as part of the recognition that:

“advocacy is part of a longer-term model, and is a continuum ranging from advocacy, self advocacy, or peer advocacy, so that people would have to be looking over the longer term.”³⁹

Recommendation:

The Committee recommends that inspection of advocacy services takes a broad look at the outcomes of the service and the long term relationship that advocates have developed with service users. In doing this, inspections should take as a starting point the views and experiences of children and

³³ ROP, 29 June 2010, paragraph 81

³⁴ ROP, 29 June 2010, paragraph 78

³⁵ ROP, 29 June 2010, paragraph 133

³⁶ CYP(3)-10-10 : paper 3 : Children in Wales, page 5

³⁷ ROP, 13 July 2010, paragraph 176

³⁸ ROP, 13 July 2010, paragraph 27

³⁹ ROP, 13 July 2010, paragraphs 29 - 31

young people. Inspections should be led by the Care and Social Services Inspectorate Wales, who should work closely with Estyn and the Healthcare Inspectorate Wales.

The National Advocacy Service and Advice Line – Meic

54. The National Advocacy Service and Advice Line for children and young people was launched in May 2010. The Deputy Minister told the Committee that:

“It is the first of its kind at a national level. It gives children and young people a single point of contact via telephone, text and instant messaging. It is a seven-day-a-week, 24 hour service. Thus far, the feedback that we are getting is very positive from children and young people. It is being used, and we have some usage statistics, which are very positive.”⁴⁰

55. The Committee recommended the provision of a free, 24 hour advocacy phone line in March 2008 and so welcomes the development of Meic. Witnesses also welcomed Meic as a positive step forward, but there were some reservations about the practicalities of delivering universal advocacy services in a constant and equitable way to all users of the phone and text line.

56. The Children’s Commissioner pointed out that:

“Meic will be only as good as the services that it is able to refer.”⁴¹

57. The Commissioner also had concerns regarding the lack of any advocacy service mapping that would give a clear understanding of the services available across Wales. The Commissioner said:

“I am not entirely sure how Meic can do its work unless it has that information in place, and it ought to be freely available to me and you. My understanding is that it is not, so some work needs to be done; otherwise, how do you deal with a client on the other end of the telephone? You cannot tell them whether a service exists, or whether you can spot purchase. It does not make any sense, so we need this essential tool if Meic is to do its job.”⁴²

58. Children in Wales echoed this view saying:

“we need to know exactly what is happening on the ground and what services are available in each county. We need a clearer picture of this. At

⁴⁰ ROP, 29 June 2010, paragraph 8

⁴¹ ROP, 29 June 2010, paragraph 137

⁴² ROP, 29 June 2010, paragraph 142

the moment, what happens to those calls that comes through the Meic service where there is a serious safeguarding issue, possibly with regard to a child, and there is no service, or the service is running at such reduced capacity that it is not able to deal with the issue or work with the child immediately, and so the child has to wait? We do not want children waiting; we do not want gaps in services.”⁴³

59. The Committee welcomes Meic but is concerned that the expectations of children and young people contacting the service must be met if it is to gain the trust of its users.

Recommendation:

The Committee recommends that service mapping of advocacy provision in Wales is carried out. The Committee considers that the National Independent Advocacy Board is best placed to provide and maintain such an overview.

The National Independent Advocacy Board

60. Witnesses to this review seemed unclear about the different roles and responsibilities of the National Independent Advocacy Board and the Welsh Government’s advocacy unit, and how they would be divided.

61. Voices from Care pointed out that the National board combined with regional commissioning could cause difficulties when trying to provide a consistent and equitable service across Wales. When asked about the role of the independent advocacy board in monitoring such services, Carol Floris of Voices from Care said:

“it should be ensuring that advocacy is available across the board and trying to ensure that consistency, but it will still be difficult to do that with the regional commissioning model, to ensure that consistency.”⁴⁴

Recommendation:

The Committee recommends that the Welsh Government should provide greater clarity over the future functions, expectations and workplan of the National Independent Advocacy Board, and its Advocacy Development and Performance Unit.

⁴³ ROP, 26 June 2010, paragraph 210

⁴⁴ ROP, 13 July 2010, paragraph 46