

## Children's Services

### Children and young people's access to advocacy

#### 1. Purpose

The purpose of this procedure is to ensure that practitioners and support teams:

- i) Understand which children and young people we work with can benefit from the support of an independent advocate
- ii) Identify children and young people who can significantly benefit from advocacy and seek their consent to make a referral for them, unless they are able to refer themselves
- iii) Encourage children and young people to arrange advocacy for themselves, if appropriate
- iv) To ensure that the data rights of children and young people are upheld when we refer them to an advocacy provider, and
- v) To ensure that referrals are made in an accurate, timely and effective manner
- vi) Know how to also refer to the Independent Visitor service (section 4)

For information about the Independent Visitor service, please see the tri.x procedure [Advocacy and Independent Visitors](#) and our Additional procedure for identifying Children who need an Independent Visitor.

#### 2. Context

2.1 Children and young people have a legal right to be heard, and to be involved in decisions made about them and their lives.

2.2 An advocate can support a child or young person to share their views and help to make sure that their rights are respected. Advocates, and advocacy providers, are independent of organisations that arrange and provide health and social care services, so that children and young people can trust them to represent their views without conflict.

2.3 Articles 6 and 8, European Convention on Human Rights and the Human Rights Act 1998 state that all children and young people (and adults) have the right to participate in proceedings and decision-making that impact on them personally.<sup>1</sup>

2.4 Government guidance sets out:

'The right to advocacy of looked-after children, children in need and care leavers, making or intending to make representations under sections 24D and 26 of the Children Act 1989.

- A child is a looked-after child if a court has granted a care order to place a child in care, or the child has been provided with accommodation by the local authority for more than 24 hours.
- A child in need is a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

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<sup>1</sup> [Right to advocacy – Article 39](#)

- A care leaver is a young person aged 16-25 years old who has been looked after at some point since they were 14 years old for a minimum of 13 weeks and were still in care on or after their 16th birthday.<sup>2</sup>

2.6 Dorset Children’s Services is committed to ensuring that all children and young people who want and need an advocate will have access to one as soon as possible. It will seek to ensure this in two ways:

- By increasing awareness among children and young people listed in 3.3 that advocacy is available, that it can help them and that it is easy for them to get an advocate.
- By identifying those who are likely to benefit most from advocacy and seeking their consent to make a timely referral to the provider.

### 3. Making advocacy available to children and young people

3.1 Appendix A explains the procedures for referrals, including self-referral. Appendix B lists the children eligible and the relevant advocacy providers.

3.2 We have a duty to ensure that children’s rights and entitlements to advocacy are met. The Department for Education commenced consultation on revised Advocacy National Standards<sup>3</sup> and Statutory Guidance<sup>4</sup> between 21 September 2023 and 18 December 2023. They aim to publish the final documents in Spring 2024. The revised documents include:

- strengthened content on the effective delivery of advocacy services
- stronger focus on the needs of children and young people
- creation of new standards

This access to advocacy procedure is based on the revised national standards and will be reviewed when the new standards are finalised. These standards apply to advocacy for:

- children in receipt of social care services
- children in residential special schools
- secure children’s homes
- secure training centres
- youth offending institutions
- secure schools (when open)
- young carers who may need support in adulthood
- where a child may need continuing care and support in adulthood

Some of these cohorts are out of the scope of our contract with NYAS (also see appendix B):

Cohort	Provider
Secure training centres and youth offending institutions	Commissioned nationally: <a href="#">Children in custody: Advocacy services</a>

<sup>2</sup> [Effective Advocacy for Looked-After Children, Children in Need and Care Leavers](#), p.4, viewed Nov 2023

<sup>3</sup> [Revisions to the advocacy national standards](#)

<sup>4</sup> [Revisions to the advocacy statutory guidance](#)

Young carers (16+) who may need support in adulthood	<a href="#">SWAN</a> are commissioned to provide adult advocacy across Dorset and BCP Council areas, including for Young Carers aged 16+
Secure schools (when open)	N/A until opened

3.3 Table 1 below sets out circumstances when children and young people may require an advocate. It takes account of statutory guidance, national standards, and good practice. Not all children and young people listed will want or need an advocate. Guidance on identifying priority needs for advocacy is given in 3.4.

**Table 1:** When children and young people may require an advocate

Who can have an advocate?	Consider advocacy when...	Provider
Children subject to an Initial Child Protection Conferences (ICPC) and RCPC	ICPC/RCPC is arranged	<a href="#">NYAS</a>
Children in care	When child comes into care (or reaches 8 years of age) and for any child in care review	<a href="#">NYAS</a>
Children in need (may include SEND)	For any re-assessment or review	<a href="#">NYAS</a>
Care Leavers approaching their 18th birthday Care Leavers' reviews	Final two Child in Care reviews and first Care Leaver review	<a href="#">NYAS</a>
A child or young person wishing to complain about local authority children's social care (up to 25 if they have SEND)	Complaint is made, and throughout process	<a href="#">NYAS</a>
A child placed in an unregistered setting	Before placement is confirmed	<a href="#">NYAS</a>
A child placed in a setting deemed inadequate by the regulator	When notification of inadequate status received	<a href="#">NYAS</a>
A child served notice by their placement	When the risk of notice becomes apparent	<a href="#">NYAS</a>
Children at risk of criminal exploitation	Where risk is assessed as high	<a href="#">NYAS</a>
Homeless 16 and 17 year olds	From assessment through to resolution	<a href="#">NYAS</a>
Any child wishing to complain about NHS services	When the complaint is made, and through the process	<a href="#">The Advocacy People</a>
Any child eligible for an <u>Independent Mental Health Advocate (IMHA)</u>	When the child or young person becomes eligible. NYAS is the	<a href="#">NYAS</a> or <a href="#">SWAN Advocacy</a>

	provider for those under 16, SWAN for those over 16 years.	
Any child eligible for an <a href="#">Independent Mental Capacity Advocate (IMCA)</a>	When the young person (16+) becomes eligible	<a href="#">SWAN Advocacy</a>
Young people with SEND in transition to adult services who have advocacy needs as set out in the Care Act	First transition planning meeting at age 14	<a href="#">SWAN Advocacy</a>
Young carers (16+) who may need support in adulthood	Before first Young Carer review after 16 <sup>th</sup> birthday	<a href="#">SWAN Advocacy</a>

3.4 Not all the young people in the groups listed in table 1 will want or need an advocate. It is the responsibility of the lead practitioner to identify and refer children and young people with the most significant advocacy needs, using the following criteria as guidance:

- i) The following are likely to indicate a higher need for advocacy for children and young people:
  - They do not have any trusted adults who can support or represent them appropriately
  - There are substantial disagreements between them and their family or carers
  - They have experienced trauma, and this is frequently affecting their mood, ability, or behaviour
  - There is a risk of their needs escalating (for example, involvement in the criminal justice system, requirement for specialist residential services)
  - They have faced, or are at risk from, discrimination because of a protected characteristic
  - They experience mental ill-health
  - They are an unaccompanied migrant
  - They are disabled and placed in a residential setting
- ii) Advocacy is always voluntary. At an early stage, consent will be sought from (or on behalf of) children and young people. Where a child is in care under s20, the consent of the person(s) with parental responsibility will be sought. It will be made clear that consent can be withdrawn at any time. If the child or young person is the subject of a Care Order and the Local Authority holds Parental Responsibility, there is no need to gain further consent from Children's Services. In these circumstances the Social Work team will seek the views of others with PR where required.

The view of the child or young person will always be sought. Where they do not want an advocate, no referral will be made, even if parental consent has been given. Where a young person in care under s20 has Gillick competence, this may be taken as sufficient consent for a referral, and those with parental consent can simply be informed of the young person's decision.

- iii) Some children and young people are good at speaking up for themselves, and do not need others to speak for them. Their ability should be recognised and encouraged. Bear

in mind, however, that they may be confident in one setting (e.g., a child in care review) but less confident in another (e.g., an Initial Child Protection Conference).

- iv) Some children and young people will have another trusted adult who knows them well and is supportive. If the young person wants this individual to support them at meetings etc., this should be encouraged. However, this excludes where the individual has a conflict of interest or is otherwise not suitable for this role.

3.5 The guidance in 3.4 is not exhaustive. Practitioners should discuss with their supervisor or line manager if they are unsure about the level of a child or young person's advocacy need.

3.6 All children and young people in table 1 should be made aware they have the option to [refer themselves to NYAS](#) or other relevant advocacy provider. Very few young people currently self-refer, so it is the responsibility of practitioners, care providers and advocacy organisations to work together to raise awareness among young people of the availability and benefits of advocacy. Appendix A explains how they can self-refer as well as how professionals may refer them.

3.7 Whilst practitioners should encourage eligible children and young people to refer themselves for advocacy support, in many situations they will lack the confidence or skills to do so. Practitioners should therefore actively seek the consent of children and young people to make a referral on their behalf where advocacy is likely to benefit them.

3.8 As set out at 3.4(i), practitioners must gain consent of the child or young person before referring them to an advocacy provider. The exception is when a child or young person is unable to give consent or instruct an advocate. They will require an advocate who will understand their circumstances and speak up for their rights and interests (known as non-instructed advocacy).

3.9 We usually only consider advocacy to be appropriate for children aged 8 years or older. If you believe that a younger child needs advocacy, please discuss this with your line manager.

3.10 If a sibling group requires advocacy, the referral should state your professional judgement on whether the same advocate is appropriate for all of them, or separate advocates. At the introductory meetings, advocates will explore these options with the children, and take account of their views.

3.11 Advocacy will be most effective where the child has had the opportunity to develop a trusting and effective working relationship with their advocate, well ahead of any meeting or activity where the advocate will be representing them. However, there may be circumstances (for example, new child protection referrals) where the process will move at pace and there is little time to develop a relationship before the advocate starts to represent the child. Advocacy is still very beneficial in these circumstances, but it may be delivered differently. See Appendix A, step 4.

3.12 We recognise that many children and young people who need advocacy support have experienced trauma and lasting relationships built on trust can help them to process this. Therefore, when a child or young person needs support at a series of meetings or events e.g., child in care child protection reviews, NYAS will endeavour to ensure that the same advocate

supports them throughout. This should bring consistency and develop trust and understanding.

## Appendix A: NYAS advocacy referral and support procedure

### Step 1: Explain

Social Worker, QARO or other professional explains what an advocate is to every eligible child or young person<sup>5</sup> when decisions are being made about them and their lives.

The option of an advocate should also be explained if a child or young person indicates they are not happy with a service they receive from us. The advocate can hopefully help them resolve this informally, or via [our council's complaints process](#).

The explanation should include...

Why they would want an advocate:

- their right to an advocate
- the benefits to them of having an advocate (see [NYAS information](#))
- that advocates work for children and young people and no one else
- that NYAS provide advocacy, and they are independent, so not part of the council
- the service is completely confidential, and the advocate will only share views that the child or young person has agreed they can share

What the process is:

- that you can refer them, or they can refer themselves (step 2a)
- the advocate will arrange an introductory meeting with them (step 4). They can then decide if they want an advocate or not (see also note for short notice requests in step 4)
- they need to give you their consent to be referred
- if they don't want an advocate, and if it's appropriate to do so, explain that they can ask another adult they trust to advocate for them
- if they would prefer to express their views themselves (self-advocate), an advocate can help them do this to if they would like this support
- they can tell the advocate if they know longer want their support at any time

If they don't want an advocate at this stage, go to **step 6**.

Either step 2a: Consent	Or step 2b: Self-referral
<p>If a child or young person indicates they are interested in exploring the option of having an advocate, and wants you to refer them, you must seek verbal consent from the child (or parent) as appropriate.</p> <p>If the child is in care by order of the Court, there is no need to gain consent from the parents or Children's Services.</p>	<p>NYAS's website lists ways children and young people can <a href="#">self-refer</a>:</p> <ul style="list-style-type: none"> <li>- Freephone helpline 0808 808 1001</li> <li>- Online Chat</li> <li>- WhatsApp 07494788875</li> <li>- Email <a href="mailto:help@nyas.net">help@nyas.net</a></li> <li>- Text 85258</li> </ul>

<sup>5</sup> See 3.4 and Appendix B of this procedure for eligible groups  
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<p>Consent outcome should be recorded in Mosaic case notes.</p> <p>If consent isn't given – <b>go to step 6</b></p>	<p>NYAS will talk or message the child or young person directly about their referral and arrange the introductory meeting, for them to decide if they want this support.</p> <p>NYAS will not liaise with the child's social worker, as the arrangement is confidential when the child self-refers.</p> <p><b>Go to step 4</b></p>
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<b>Step 3: Referral</b>
Professionals use <a href="#">NYAS's secure referral portal</a> . It links to guidance on the process if required. There is a two-stage process to refer...

<b>Either step 3a: Initial service request form</b>	<b>Or step 3b: Service specific request form</b>
<p>Complete your contact details.</p> <p>From the <b>service required</b> drop down list, select either:</p> <ul style="list-style-type: none"> <li>• IBA - Issue Based Advocacy</li> <li>• CPA - Child Protection Advocacy</li> </ul> <p>For Independent Visitor referrals, select:</p> <ul style="list-style-type: none"> <li>• VBS - Volunteer Based Services</li> </ul>	<p><b>Sufficient information</b></p> <p>It's important to provide sufficient but proportionate information to help NYAS understand why an advocate is needed and the type of support required.</p> <p><b>Contact details</b></p> <p>Many referrals don't result in an advocate providing support because they can't contact the child or young person. Therefore, you should provide full information about how to contact them. Also, options if they can't reach them e.g., contacting you.</p> <p>See 'other steps as required' below.</p>

<b>Step 4: Introductory meeting</b>
<p>After the referral NYAS will allocate an advocate to the child or young person.</p> <p>The advocate will contact them using the details you provided in the referral (step 3b). The advocate will arrange to meet with them alone. This will usually be in person, unless the child or young person has a different preference or due to other exceptional circumstances.</p> <p>At the introductory meeting the advocate will explain to the child or young person:</p> <ul style="list-style-type: none"> <li>• what the role of an advocate is and how they can support them</li> <li>• their rights</li> <li>• how they will help them plan for their child in care review meetings (if applicable)</li> <li>• how they can help if they have any issues with their care</li> <li>• how NYAS uses and keeps safe their personal information</li> </ul> <p>If the child or young person decides they'd like this support, the advocate will again confirm their consent.</p> <p><b>Short notice referrals</b></p>

If an advocate is required at short notice (within 5 days), including for child protection or family group conferences, it may be necessary for the advocate to meet the child or young person for the first time immediately prior to the conference. The advocate must have spent no less than 15 mins online or in person, introducing themselves, explaining their role, and starting to discover their views and wishes.

<b>Step 5a: Advocacy support delivered</b>	<b>Step 5b: Advocacy support declined</b>
<p>The advocate will meet the child or young person alone, unless they request that another person attends with them, or they need an interpreter.</p> <p>Following advocacy representation, the advocate will, where possible, speak to the child and ensure they understand the outcome of the meeting.</p> <p>Feedback from this discussion will be relayed to the child's Social Worker. Where applicable, they will ask the child whether they would like additional advocacy support at meetings to follow. If the answer is yes, the advocate will re-refer (step 6).</p> <p>If the advocate is not present at the end of the meeting or review and is unable to obtain feedback from the child, the Social Worker will update the advocate.</p> <p><b>Go to step 6</b></p>	<p>If the referral has been made and the child or young person decides they don't want it before, during or after the introductory meeting, that's their choice.</p> <p>If the child wishes to decline, they may inform the advocate, their social worker or whoever referred them. All those involved will update each other on this decision.</p> <p>The referrer will record the decision to decline on Mosaic and create a flag.</p> <p><b>Go to step 6</b></p>

<b>Step 6: Re-referral or ongoing support</b>
<p>Each time there is a new review or situation requiring an advocate, the Social Worker, QARO or other professional will repeat step 1 and subsequent steps as applicable.</p> <p>However, if the advocate's support is ongoing e.g., for review meetings. A new referral is not required, and the advocate must be informed of future meeting dates.</p> <p>Where possible, NYAS will ensure the same advocate supports a child whenever they require it, be it longer term support for an existing referral or a new referral.</p>
<b>Other steps as required</b>
<p><b>Advocate unable to contact the child or young person</b> If a child does not respond to requests from the advocate to meet, the advocate will discuss this with their Social Worker, QARO or whoever referred them to establish this contact. If this still hasn't been possible, they will agree at what stage it's assumed that a non-response means that the child or young person does not want an advocate.</p> <p><b>Changes to the status of the child or young person</b> It is important that practitioners advise the advocacy provider of any change in the young person's status (for example, if they move from a Child Protection plan to being a Child in Care). This will enable the provider to respond promptly to any changing advocacy requirements.</p> <p><b>Updating case notes</b> Mosaic case notes should be updated according to steps taken in this procedure.</p>

## Appendix B: Children entitled to an advocate and advocacy providers

Who can have an advocate?	Consider advocacy when...	Provider
Children subject to an Initial Child Protection Conferences (ICPC) and RCPC	ICPC/RCPC is arranged	<a href="#">NYAS</a> – see referral process (appendix A)
Children in care	When child comes into care (or reaches 8 years of age) and for any child in care review	
Children in need (may include SEND)	For any re-assessment or review	
Children with SEND transitioning into adult services.	When decisions about their future are being made such as which college they may wish to attend or living independently for the first time.	
Care Leavers approaching their 18th birthday Care Leavers' reviews	Final two Child in Care reviews and first Care Leaver review	
A child or young person wishing to complain about local authority children's social care (age up to 18 or 25 if they have SEND)	Complaint is made, and through process	
A child placed in an unregistered setting	Before placement is confirmed	
A child placed in a setting deemed inadequate by the regulator	When notification of inadequate status received	
A child served notice by their placement	When the risk of notice becomes apparent	
Children at risk of criminal exploitation	Where risk is assessed as high	
Homeless 16 and 17 yr. olds	From assessment through to resolution	

Any child wishing to complain about NHS services	When the complaint is made, and through the process	<a href="#">The Advocacy People</a> Children and young people can self-refer by calling 0330 440 9000 or completing the <a href="#">contact form</a> .
Any child eligible for an <a href="#">Independent Mental Health Advocate (IMHA)</a>	When the child becomes eligible	<a href="#">SWAN Advocacy</a> Young people can self-refer by calling 03333 447928 or completing the <a href="#">contact form</a> .
Any child eligible for an <a href="#">Independent Mental Capacity Advocate (IMCA)</a>	When the child becomes eligible	
Young people with SEND in transition to adult services who have advocacy needs as set out in the Care Act	First transition planning meeting at age 14	
Young carers (16+) who may need support in adulthood	Before first Young Carer review after 16 <sup>th</sup> birthday	