

# **Advocacy in the Children's Hearings System**

**Guidance document**

**March 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

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## Acknowledgements

The Scottish Government would like to thank Who Cares? Scotland for the work that they undertook to develop the National Practice Model for Advocacy within the Children's Hearings System and the Action Research Projects which have informed it.

The Scottish Government supports Who Cares? Scotland in thanking:

The young people who participated in the consultations which form the basis of the National Practice Model and the Who Cares? Scotland staff who supported their participation. The level of engagement with this work gives us confidence that the model developed will deliver for the children and young people who need it most.

The young people who shared their stories and gave permission to use their very personal experiences to illustrate what advocacy means to the children and young people who receive advocacy support.

The Expert Reference Group who gave their time and views so generously.\*

The Lines Between who facilitated the wider stakeholder consultations and all those who participated in the workshops and survey.

The internal working group for their collaborative approach to the task.\*\*

\*Scottish Government, Local Authorities, SIAA, Children's Hearings Scotland, SCRA, CYCJ, CELCIS, Scottish Legal Aid Board, Barnardo's, AdvoCard, Independent Advocacy Perth & Kinross, South Lanarkshire Council, Social Work Scotland, CAPS Independent Advocacy, Clan Childlaw, Partners in Advocacy

\*\*Maciej Alexander, Susan Armstrong, Tom Boyd, Paula Campbell, Cheryl-Ann Cruickshank, David Faith, Brian Houston, Lucy Hughes, Rebecca Kayne, Callum Lynch, Lorraine Moore

# Introduction

I have a voice.

Your rights should be heard!

Young people need help talking.

These are the words of just some of the care experienced young people from across Scotland who were asked to provide feedback on their feelings about Advocacy in the Children’s Hearings System. The Scottish Government’s purpose and vision sets out the kind of Scotland it aims to create, and the national outcome to help achieve its purpose is “that people grow up loved, safe and respected so that they realise their full potential”<sup>1</sup>. In order to achieve this challenge, they are working across sectors, services and organisations to implement new policies and improve outcomes, all underpinned by Getting it right for every child (GIRFEC). The Scottish Government and the First Minister have committed to listening to the voices of those who are impacted most deeply by these policies and services: the children and young people themselves.

As part of this work, the Scottish Government has been working with partners to develop a sustainable model of Advocacy in the Children’s Hearings System since its modernisation in 2013. This work includes action research and projects delivered by Barnardo’s, Who Cares? Scotland, Your Voice, Inspiring Scotland and Griesbach & Associates.

This document outlines the National Practice Model for Advocacy for the Children’s Hearings System. The development of the model was commissioned by the Scottish Government in order to develop a sustainable model of advocacy to realise the policy intention of Section 122 of the Children’s Hearings (Scotland) Act 2011.

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<sup>1</sup> Scottish Government National Performance Framework, <https://nationalperformance.gov.scot/index.php/what-it>

Specifically, the National Practice Model outlines the role of advocacy workers within the Children's Hearings System including their independent status and requirement for: strong understanding of childhood experience and commitment to children's rights; solid knowledge base of policy and legislation related to children and young people; working knowledge of procedures related to Children's Hearings; expertise in advocacy practice; and skills in working with children and young people, to ensure consistent excellence of practice and delivery of advocacy within the Children's Hearings System across Scotland.

As demand for advocacy is on the rise, the model needs to:

1. Fulfil the obligations of Section 122.
2. Be cost-effective.
3. Be responsive to the changing policy landscape.

Long-term, it is expected the model will also provide added value beyond the existing supports such as legal representation, Safeguarders, independent reports and other ongoing strategic work through the 'Better Hearings' action plan.

# Definition of Advocacy

## Background

There are a plethora of definitions and models of advocacy, and while advocacy as a concept is simple because it is about supporting an individual to share their views, perceptions or wishes<sup>2</sup>, defining the tangible parameters of advocacy remains a complex and difficult task.

Many would argue that while advocacy services provided for children and young people differ from those for adults, the underlying principles remain the same<sup>3</sup>. However, both in legislation and in practice, the understanding and currently applied definitions of advocacy vary amongst commissioners, advocacy organisations and those who benefit from it<sup>4</sup>.

Inconsistencies and lack of understanding of advocacy, have a wide-ranging impact on policy, legislation and practice and the take up of advocacy in general<sup>5</sup>.

In the Scottish context, there is no single lead policy on advocacy<sup>6</sup>. Instead, advocacy is intertwined with many policy and legislative areas separately, including, but not limited to:

- The United Nations Convention on the Rights of the Child, namely Article 12
- The Mental Health (Care & Treatment) (Scotland) Act 2003
- The Mental Health (Scotland) Act 2015
- Patient Rights (Scotland) Act 2011
- The Education (Scotland) Act 2016
- The Children's Hearings (Scotland) Act 2011
- The Children and Young People (Scotland) Act 2014

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<sup>2</sup> Constance, A, Discussion Paper: Improving advocacy for children and young people: principles and minimum standards, 2011

<sup>3</sup> Oliver and Dalrymple, 2008

<sup>4</sup> Missing Voices, 2012

<sup>5</sup> Advocacy Action Research Projects, 2016

<sup>6</sup> Scottish Government paper, 12 October 2017

In its broadest sense, advocacy is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision making about their own lives<sup>7</sup>.

The Scottish Government's guidance on Children's Advocacy states that advocacy is about supporting a child to express their own needs and views and to make informed decisions on matters which influence their lives. Advocacy workers do not make choices for children – instead, they support children and young people to make their own choices.

Advocacy will most often be required where a child is engaging with a service, such as health, education, police, social work etc<sup>8</sup>.

These definitions echo the view that advocacy is about ensuring that children and young people can express their views and that these views are heard and considered by those who are involved in decision making about children and young people's lives<sup>9</sup>. The Scottish Independence Advocacy Alliance (SIAA) goes even further by stating that advocacy is about supporting people to help them access information and explore and understand their options, ultimately ensuring they can make an informed decision. It defines advocacy as a process of standing alongside another, speaking on behalf of another and encouraging the person to speak up for themselves. Fundamentally, SIAA argues that advocacy helps to address the imbalance of power in society and to stand up to injustice<sup>10</sup>.

The Institute for Research and Innovation in Social Services (IRISS) goes a step further and deconstructs advocacy by distinguishing its inherent features, namely support, independence from services, empowerment, challenging inequality and unfairness and promoting social justice<sup>11</sup>. Fundamentally, at the heart of advocacy is the need to address an inherent power imbalance.

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<sup>7</sup> Department for Education and Skills, 2004

<sup>8</sup> [Scottish Government Children's Advocacy Guidance](#), June 2014

<sup>9</sup> Elsley, S., *Advocacy makes you feel brave*, Scottish Government, 2010

<sup>10</sup> SIAA, *Working with Children and Young People: Guidelines for Advocacy workers*

<sup>11</sup> Insight 20, *Advocacy: Models and Effectiveness*, April 2013

Within the context of the Children's Hearings (Scotland) Act 2011 specifically, advocacy is defined as services of support and representation for the purposes of assisting a child in relation to the child's involvement in a children's hearing.

## Types of advocacy

Advocacy can take many forms and SIAA distinguishes four:

- Citizen advocacy, where citizens support a person who needs help in their community.
- Collective advocacy, where a group of individual experience similar issues, which they campaign to challenge.
- Peer advocacy, where individuals support one another by sharing their own life experiences.
- Professional advocacy, where a paid or unpaid advocacy worker supports an individual to express views and opinions which the person is otherwise unable to express<sup>12</sup>.

Pithouse, Parry and Crowley (2005), on the other hand, define three different types of advocacy:

- Case or systemic advocacy, where learnings from individual advocacy cases help collective advocacy promoting systemic change.
- Passive and active models of advocacy, which vary from professionals and lay people speaking on behalf of an individual to self-advocating individuals.
- Service models, which are commissioned by service providers who maintain some degree of oversight.

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<sup>12</sup> S. Elsley, 2010, IRISS, 2013

Regardless of its specific form, all types of advocacy are based on a voluntary relationship between two or more individuals and the person in receipt of advocacy is always at the centre of the advocacy process<sup>13</sup>.

The type of advocacy to be used to deliver the National Practice Model for advocacy in the Children's Hearings System will be Professional advocacy, provided by professional advocacy workers, supporting children and young people on an individual basis.

## **Independent advocacy**

While it is argued that anyone can represent the wishes and views of a child or a young person, some caution should be exercised where there is a potential conflict of interest. Individuals who have a legal duty to act in the best interests of the child or young person, such as Social Workers, Panel Members and Safeguarders, should not also act as the child or young person's advocacy worker<sup>14</sup>.

SIAA define independent advocacy as structurally, financially and psychologically separate from service providers and other services.

The Scottish Government has taken the view that independence can be achieved by ensuring that appropriate service design, delivery and management insulation arrangements are in place.

In practice, an independent advocacy worker will not make decisions on behalf of the person or group they are supporting. Instead, they will help the person or group to get the information they need to make an informed decision about their circumstances and will support them to express their choices to others<sup>15</sup>. This reflects the Scottish Government's position that advocacy workers do not make choices for children, but rather support them to make their own choices<sup>16</sup>.

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<sup>13</sup> Who Cares? Scotland, 2016

<sup>14</sup> SIAA, Working with Children and Young People: Guidelines for Advocacy workers, p: 28

<sup>15</sup> SIAA, <https://www.siaa.org.uk/us/independent-advocacy/>

<sup>16</sup> Scottish Government Children's Advocacy Guidance, June 2014

## Non-Instructed Advocacy

Where a child or young person is unable to give instructions due to their age and stage of development, complex communication needs, long term illness or disability, Non-Instructed Advocacy will be provided.

The Mental Health (Care & Treatment) (Scotland) Act 2003 Code of Practice states:

“Where a patient has a degree of incapacity, or cannot for any reason clearly say whether or not they would like an independent advocate, an MHO/ hospital managers/ appropriate person should consider how an independent advocate may be involved... The right of access to independent advocacy is for each patient and is not limited only to those who are best able to articulate their needs.”<sup>17</sup>

“Non-instructed advocacy is... taking affirmative action with or on behalf of a person who is unable to give a clear indication of their views or wishes in a specific situation. The non-instructed advocate seeks to uphold the person’s rights; ensure fair and equal treatment and access to services; and make certain that decisions are taken with due consideration for their unique preferences and perspectives<sup>18</sup>.”

Further guidance on non-instructed advocacy is detailed within the SIAA Non-Instructed Advocacy Guidelines, 2009.

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<sup>17</sup> SIAA, Non-instructed Advocacy Guidelines, p: 4, accessed on 20 Apr 2018 at [https://www.siaa.org.uk/wp-content/uploads/2014/02/SIAA\\_Non\\_Instructed\\_Advocacy.pdf](https://www.siaa.org.uk/wp-content/uploads/2014/02/SIAA_Non_Instructed_Advocacy.pdf)

<sup>18</sup> Ibidem, p: 5

## Advocacy in the Children's Hearings System

For the purpose of the National Practice Model within the Children's Hearings System, advocacy will be defined as:

A discrete child-centred service delivered by skilled practitioners, involving a process of advocacy workers being alongside a child or young person to assist them to participate in decision making processes. Advocacy is based on a relationship between a professional advocacy worker and a child or young person. This relationship is entirely voluntary and the child or young person is in control of how their views are shared. As such, advocacy in this context only represents the views, wishes and concerns of the child or young person.

Advocacy usually involves spending time with the child or young person to understand their life and what matters to them. It involves listening to them and helping them to understand and exercise their rights and options. It also involves explaining the context and purpose of the meetings or proceedings involving them, and then exploring and understanding their situation from their perspective. At the heart of the advocacy relationship is trust - built through transparent, honest, accountable and reliable interactions with a skilled and knowledgeable advocacy worker.

Ultimately, advocacy champions' children and young people's rights, views and wishes, helping them navigate through complex systems and ensuring their voice is taken into account.

# The Legal and Policy Context

## About Scotland's Children's Hearings System

A Children's Hearing<sup>19</sup> is a legal meeting arranged to consider and make decisions about a child or young person who may be having problems in their life<sup>20</sup>. Scotland's Children's Hearings System was introduced by the Social Work (Scotland) Act 1968 and is now governed by the Children's Hearings (Scotland) Act 2011, following extensive modernisation of the system in 2013<sup>21</sup>.

## Existing organisational and operational structures

The Children's Hearings System is administered through a range of agencies. The Hearings System in Scotland is founded on humanitarian principles, emphasising welfare, protection and positive growth for children and young people. The Hearings System is founded on a commitment to children's needs and rights which we believe can only exist in the context of a wider commitment to human rights.

The Hearings System relies on a number of highly interdependent roles – the Panel Members, the social workers, the legal representatives, Reporters and Safeguarders and a wide range of other professionals. We know that when these individuals work well together – the decisions they make and the future outcomes for children and young people are the best they can be. Child-centred, timely decisions, comprehensively implemented, supported by professionals, agencies, families and our communities give children and young people the opportunities that they need to overcome the difficulties and adversity that they may have already encountered in their lives.

The Hearings System is there to meet the needs of children and young people as part of a fair, transparent and lawful process. Decisions have to be made by ensuring a balance is struck between the rights of the child/young person and their family. These rights and obligations are sometimes perceived as competing and irreconcilable.

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<sup>19</sup> N.B. sometimes called a “children's panel”.

<sup>20</sup> Children's Hearings Scotland, About the Children's Hearings System <http://www.chscotland.gov.uk/the-childrens-hearings-system/>

<sup>21</sup> Children's Hearings (Scotland) Act 2011 <https://www.legislation.gov.uk/asp/2011/1/contents>

However, all agencies and professionals involved in the Hearings System, in undertaking their responsibilities, will have, at the centre of their approach a demonstrable and overarching concern for the welfare of children and young people as well as a recognition and respect for the legal decision making role of the Hearing. Put simply, the welfare of the child or young person is paramount.

Panel Members and Reporters have a statutory responsibility to observe this paramountcy, other than in exceptional circumstances. They also have an overarching objective to ensure that the environment within which the discussions take place is as fair, supportive and conducive to participation by the child/young person as far as is possible and will manage the proceedings in order to secure this.

At the core of the system's operation is two Non-Departmental Public Bodies, the Scottish Children's Reporter Administration (SCRA) and Children's Hearings Scotland (CHS). SCRA was formed under the Local Government (Scotland) Act 1994 and continued under the 2011 Act<sup>22</sup>. It became fully operational on 1 April 1996. CHS was formed under the 2011 Act and became fully operational in June 2013.

The structure of the hearings system is based around Reporters employed by SCRA who refer young people to hearings, specially-selected and trained volunteer panel members who make decisions at hearings and are supported by Children's Hearings Scotland, and Local Authorities who implement hearings' decisions.

The grounds or legal reasons for bringing a child or young person to a hearing are set out in Section 67(2) of the Children's Hearings (Scotland) Act 2011<sup>23</sup>.

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<sup>22</sup> Ibid

<sup>23</sup> Section 67(2) of the Children's Hearings (Scotland) Act 2011  
<https://www.legislation.gov.uk/asp/2011/1/section/67>

## Better Hearings (CHIP)

Since the reforms of the 2011 Act, the Scottish Government, CHS, SCRA and other partner bodies have sought to make continuous improvements to the Children's Hearings System. Most recently, they have collaborated under the banner of the Children's Hearings Improvement Partnership (CHIP)<sup>24</sup>. The discussion has focused around working towards a concept of 'Better Hearings' where there is greater personalisation to reflect and meet the needs and expectations of children and young people coming into contact with the system.

CHIP has developed 'Standards for Better Hearings' from areas of consensus – drawing on evidence and experiences from children, young people and practitioners. The standards are written from the perspective of what children and young people should expect from their experience before, during and after their Hearings<sup>25</sup>. The role of advocacy is mentioned throughout the standards, most notably in what to expect before a hearing.

## Current policy and legislative requirements

### The protection of the rights of the child

As the Children's Hearings System has developed, the fundamental principles on which it is based have been maintained. These principles<sup>26</sup> are:

- The welfare of the child is the paramount consideration.
- The state should not interfere in a child's life any more than is necessary.
- The views of the child will be considered, with due regard for age and maturity.

However, processes have changed in light of case law and international conventions, including the specific rights for children contained in the United Nations Convention on the Rights of the Child (UNCRC) and the

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<sup>24</sup> The Next Step Towards Better Hearings, CHIP, 2016

<sup>25</sup> Idem

<sup>26</sup> The Children's Hearings System - Taking Stock of Recent Reforms, Education and Skills Committee, Scottish Parliament, 2017

general human rights contained in the European Convention on Human Rights (ECHR) <sup>27</sup>.

## Human rights

Human rights are the basic rights and freedoms to which we are all entitled in order that we can live with dignity, equality and fairness, and can develop and reach our potential. Everyone, including children, has these rights, no matter their circumstances.

Under international law, states and governments are obliged to respect, protect and fulfil human rights. This legal responsibility applies to all levels of government and all kinds of public services including CHS, Local Authorities and SCRA, who are the duty bearers in this human rights framework<sup>28</sup>.

## Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948 to provide common human rights standards for all peoples and nations in a post-war world. It was signed up to by all member countries of the United Nations and provides the foundation for international human rights law. In addition, there are nine core international human rights instruments or treaties, one of which is the UNCRC.

## United Nations Convention on the Rights of the Child

The UN Convention on the Rights of the Child (UNCRC) <sup>29</sup> is the internationally mandated, cross-government children's rights framework. The UNCRC was ratified by the UK in 1991. Although not fully incorporated into Scots law, the UNCRC underpins much of the relevant legislation.

Part 1 of the Children and Young People (Scotland) Act 2014<sup>30</sup> places new children's rights duties on Scottish Ministers and public authorities, and The

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<sup>27</sup> Children's Hearings System History <http://www.chscotland.gov.uk/the-childrens-hearings-system/background/>

<sup>28</sup> Children's Rights in Scotland, Scottish Government <https://www.gov.scot/policies/human-rights/childrens-rights/>

<sup>29</sup> UN Convention on the Rights of the Child (UNCRC) <https://www.unicef.org/crc/>

<sup>30</sup> <http://www.legislation.gov.uk/asp/2014/8/part/1/enacted>

Children's Hearings (Scotland) Act 2011, together with secondary legislation and other statutes including the Children (Scotland) Act 1995, and the Age of Legal Capacity (Scotland) Act 1991, aim to be consistent with the UNCRC.

The different articles within the UNCRC are interdependent and the mutually-reinforcing nature of human rights means that civil, political, economic, social and cultural rights all have equal status and are indivisible. However, four of the articles are sometimes thought of as being special. These are the "general principles" of the UNCRC that are not only rights in themselves but also underpin, and help us understand, every other right in the Convention:

- For rights to be applied without discrimination (Article 2)
- For the best interests of the child to be a primary consideration (Article 3)
- The right to life, survival and development (Article 6)
- The right to express a view and to have that view taken into account (Article 12)

## **United Nations Convention on the Rights of Persons with Disabilities**

The UN Convention on the Rights of Persons with Disabilities (CRPD) was ratified by the UK in 2009 and represents a major development in achieving equality for disabled people. The CRPD sets out what human rights mean in the context of disability<sup>31</sup>. It builds on the Charter of the United Nations, the United Nations Universal Declaration of Rights, International Covenants on Human Rights and a number of other international laws. It specifically covers the right to respect and dignity (Preamble), equality of opportunity and accessibility (Article 3 & 9) and children's rights (Article 7).

Additionally, the Convention sets a number of requirements to be developed by nation states, such as legislative measures to ensure the rights of persons with disabilities are upheld. It places a duty on nation states to ensure programmes, research, information and training embrace the values of the CRPD.

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<sup>31</sup> Equality Human Rights, accessed on 23 Mar 2018 at <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

## European Convention on Human Rights

The European Convention on Human Rights (ECHR) was the first regional agreement for the protection of human rights and was ratified by the UK in 1951.

The ECHR has been incorporated into UK domestic law through the Human Rights Act 1998 (HRA). Since the HRA came into force on 2 October 2000, all public authorities have been required to ensure that their actions are compatible with Convention rights. Under the HRA, alleged breaches of Convention rights can be taken to domestic courts or tribunals (including Children's Hearings) in the first instance. This provides the opportunity for easier access to courts to enforce rights and for speedier resolution of disputes<sup>32</sup>.

Key articles of the ECHR which may be relevant to the hearings system<sup>33</sup> are:

- Article 6: right to a fair trial
- Article 8: right to respect for private and family life
- Article 3: prohibition of torture
- Article 5: right to liberty and security
- Article 7: no punishment without law
- Article 14: prohibition of discrimination
- The First Protocol Article 2: right to education

## Advocacy

In 2010, the Scottish Government commissioned a scoping study into advocacy support for children and young people. The report 'Advocacy makes you feel brave'<sup>34</sup> found advocacy to be a core service in ensuring that children and young people's rights are upheld. However, the report found that it was difficult to identify whether existing provision met the needs of children and young people: access very much depended on where children lived rather than on need; there was inconsistency in provision across age groups; and there were significant gaps, including for those attending Children's Hearings.

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<sup>32</sup> Children's Rights Legislation in Scotland: A Quick Reference Guide, Scottish Government, 2015

<sup>33</sup> <http://www.chscotland.gov.uk/the-childrens-hearings-system/>

<sup>34</sup> 'Advocacy makes you feel brave': Advocacy support for children and young people in Scotland, Elsley, S. 2010

The report also highlighted that there was a general commitment to independence in the provision, commissioning and funding of advocacy. However, independence was regarded as a complex issue. It was seen to be important that a service was independent to preserve advocacy workers' objectivity. Independent Advocacy – Guide to Commissioners<sup>35</sup> uses the definition of independence set out in the Mental Health (Care and Treatment) (Scotland) Act 2003. This states that in order to be independent, advocacy cannot be provided by the local Health Board or Local Authority, a member of their staff, or any other person involved in providing care, treatment or other services to the person requiring advocacy.

## **Advocacy and the Children's Hearings System**

Advocacy, within the context of the Children's Hearings (Scotland) Act 2011, ('the 2011 Act') is defined as "services of support and representation for the purposes of assisting a child in relation to the child's involvement in a Children's Hearing," Section 122 of the Children's Hearings (Scotland) Act 2011 sets out a requirement for the chairing member of a children's hearing to inform the child or young person of the availability of advocacy. The Scottish Government has delayed bringing this part of the act into force in order to better understand current advocacy provision and the need for it in the lives of care experienced young people.

Who Cares? Scotland, the largest national provider of advocacy for children and young people in Scotland, offer advocacy across most of Scotland's Local Authorities<sup>36</sup>. In 2015-2016, Who Cares? Scotland workers attended just 539 Children's Hearings, out of a total of roughly 36,000 hearings that took place. This equates to only 1.5% uptake. It seems to be the case that the vast majority of children and young people encountering the Children's Hearings System have no knowledge of, or access to, independent advocacy.

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<sup>35</sup> Independent Advocacy – Guide to Commissioners, Scottish Government, 2013

<sup>36</sup> The Children's Hearings System - Taking Stock of Recent Reforms, Education and Skills Committee, Scottish Parliament, 2017

## Wider policy context

### Independent Care Review

In October 2016, the Scottish Government launched a review of care in Scotland<sup>37</sup>. The Review is independent of Government and holistic in its approach, looking at legislation, policy, practice, experience, culture and ethos. The First Minister has stated that the Review will be "driven by those who have experience of care." The voices of care experienced children, families and care leavers, young and old, were at the heart of this Review. It is their experience that guided and shaped the Review, helping to bring clarity and focus to what matters most within a complex and challenging task.

The Independent Care Review was set into 4 stages: Orientation, Discovery, Journey and Destination. The 'Discovery stage' defined the vision and purpose of the Care Review, before moving on to further exploration of the system in the Journey and Destination stages.

The Independent Care Review published on 5 February 2020 its findings, set out in five Reports<sup>38</sup>:

- "The Promise" reflects what over 5,500 care experienced children and adults, families and the paid and unpaid workforce told the Care Review in the hope that Scotland is listening. It will tell Scotland what it must do to make sure its most vulnerable children feel loved and have the childhood they deserve.
- "The Plan" explains how this change must happen.
- "The Money" and "Follow the Money" explain how Scotland can invest better in its children and families.
- "The Rules" demonstrates the current legislative framework and how it must change to achieve "The Promise".
- You will also see a "Thank You" to the army of thousand who have contributed to the Care Review.

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<sup>37</sup> For more information, please see: <https://www.carereview.scot/>

<sup>38</sup> Independent Care Review Reports, 2020

<https://www.carereview.scot/destination/independent-care-review-reports/>

The vision and blueprint for transformational change that are set out in “The Promise” are so vital. At their heart are five foundations of care. The first is voice: children must be heard and listened to in all decisions about their care. The second is family: whenever possible, families should be supported to stay together with their children. The third foundation is care: when living with their own families is not possible, children must stay with their brothers and sisters when it is safe for them to do so, and they must belong to a stable, loving home. The fourth foundation is people: those in the workforce and wider community who look after children must be well supported so that they, in turn, can provide compassionate care and decision making. The fifth is scaffolding: the system of help, decision making, support and, crucially, accountability that surrounds all of that must be more supportive and responsive.

The report also makes an important but challenging point about risk. Of course, we must always consider the immediate risk of harm to a child when decisions are made about their care. However, we must also consider the risk that is created when we remove a child from their family or overburden their childhood with bureaucracy. The risk then is that we compound their trauma and make it harder for them to enjoy stable, loving, long-term relationships. Protecting family relationships and, above all, allowing children to enjoy the kind of childhood that others take for granted is often the best way of protecting them from harm.

The Scottish Government is determined to get on with implementing the conclusions at pace. That will involve practical change at every level but, more fundamentally, it will require a transformation in the culture of care.

Action will be taken straight away to implement “The Plan” section of the report. There are two key immediate elements to that. The first is the establishment of a team to quickly turn the report into a detailed delivery plan. Although the report recognises that full implementation of its vision will take time, the process of change must and will start immediately.

The second is the creation of an independent oversight body. Both groups will include people with experience of care. In fact, half the members of the oversight body – including the chair, who will be from outside the Scottish Government – will have experience of care. Those groups will ensure that we keep up the momentum that has been established by the review.

## Getting it right for every child

Getting it right for every child (GIRFEC)<sup>39</sup> is Scotland's approach to improving outcomes and wellbeing for all children and young people. It builds on, and is reflected in, a wide range of policies and strategies. It involves working across organisational boundaries and putting children and their families at the heart of decision making. A key element of GIRFEC was the introduction of eight wellbeing indicators to help make sure everyone – children, young people, parents, and the services that support them – has a common understanding of what wellbeing means. The eight wellbeing indicators are commonly referred to by their initial letters – SHANARRI – which stands for:

- Safe
- Healthy
- Achieving
- Nurtured
- Active
- Respected
- Responsible
- Included

The implementation of GIRFEC offers a significant amount of learning in relation to making practice child-centred and listening to children's voices.

GIRFEC's National Practice Model (NPM)<sup>40</sup> is an evidence based approach to practice used in recording, assessment, planning and review for children who need help either in a single or a multi-agency context. It has been developed from theory and research and provides the foundation for every practitioner in all sectors.

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<sup>39</sup> resources which give an overview about the Getting it right for every child (GIRFEC) policy, Scottish Government, <https://www.gov.scot/policies/girfec/girfec-resources/>

<sup>40</sup> GIRFEC National Practice Model <https://www.gov.scot/publications/girfec-national-practice-model/>

## Common Core

The Common Core describes the skills, knowledge, understanding, and values that everyone should have if they work with children, young people and their families.

The skills, knowledge and understanding are described as “essential characteristics” and are set out in two contexts: relationships with children, young people and families and relationships between workers. They are also explicitly cross-referenced to the guiding principles of the UNCRC and the values are drawn from the ‘Getting it right for every child’ approach aimed at improving the wellbeing of all children. They are considered from the perspective of children, young people and their families, and are the minimum expectations they will have of anyone who works with them<sup>41</sup>.

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<sup>41</sup> [Common Core of Skills, Knowledge & Understanding and Values for the “Children’s Workforce” In Scotland: Final Common Core & Discussion Questions](#), Scottish Government, 2012

# National Practice Guidance

## Principles, Standards, Outcomes, Practice Guidance and Indicators

This section of the National Practice Model specifies the core values and beliefs of advocacy in the Children's Hearings System and supports them with detailed, practical guidelines for advocacy workers and advocacy organisations. The Principles and Standards put into clear, concise language, the underlying beliefs and behaviours children should be able to expect from advocacy. Each Principle and its underlying Standards are accompanied by a set of Practice Guidelines and a set of Indicators.

### Principles

The principles are broad statements which outline the basis on which advocacy is offered, and the foundations of what advocacy should achieve. Each core principle outlines the key tenets of practicing advocacy, which is child-centred and focuses on creating the best possible advocacy experience for children and young people who are involved with the Children's Hearings System, or have a need for advocacy in meetings or proceedings that may be connected with hearings.

### Standards

The standards support the principles with statements that explain how the core values of advocacy should be translated, and applied in practice. They provide a more detailed description of what the principles mean in relation to advocacy in the Children's Hearings System. Advocacy workers and advocacy organisations must work to these standards.

### Outcomes

Outcomes are the desired effects for the child or young person receiving advocacy achieved when the relevant standard(s) is met.

## **Practice Guidance**

These statements provide practical actions and guidance for advocacy workers so they can understand how to fulfil the standards and principles of advocacy in their everyday work. Each set of statements shows how the core beliefs can be translated into the practice of advocacy in the Children's Hearings System.

## **Indicators**

Indicators suggest ways of collecting evidence to show whether the principles and standards are being met. They are measurable and can demonstrate, through tangible evidence, how advocacy is being practiced and experienced. The views of the children and young people receiving advocacy will be central in assessing whether the advocacy they receive is of a high quality, thereby meeting the principles and standards laid out in the Advocacy in the Children's Hearings National Practice Model.

## **Principle 1: Advocacy puts the child or young person first**

### **Standard 1.1**

Advocacy workers will listen to children and young people to understand what matters to them, help them explore their options and have their voice heard.

#### **Outcome:**

The child or young person feels listened to. The child or a young person is able to express to their advocacy worker what matters to them. The child or a young person has explored their options and had their voice heard.

### **Standard 1.2**

Advocacy workers will only work for and on behalf of the child or young person, meaning the child or young person is in charge of how and with whom their views are shared.

#### **Outcome:**

The child or young person knows that their advocacy worker works only for them. The advocacy worker will only share what the young person wishes to be shared.

### **Practice Guidance**

Advocacy workers will ensure that the child or young person receiving advocacy understands that they are in control of the relationship.

Advocacy workers will take time to directly introduce the service they are offering to the child or young person, what it means and what it offers the child or young person in the context of their own involvement in systems, meetings or proceedings.

Advocacy workers will explain their role to the child or young person and that they have control over what the advocacy worker expresses on their behalf or supports them to express.

Advocacy workers will clearly explain to the child or young person that they have a choice about whether they want to use the advocacy service and can change their mind at any point during the advocacy relationship.

When receiving advocacy referrals from professionals or others, the advocacy worker will clearly explain to the referrer that it is the child or young person's choice whether they take up the offer of advocacy.

Advocacy workers will have easily accessible materials to explain the purpose of their role to children, young people, carers and other professionals.

Advocacy workers will make sure they come to an agreement with the child or young person as to how they wish to receive advocacy support.

Advocacy workers will take the time required (within the constraints of time-limited proceedings) to build the advocacy relationship and work with the child or young person to explore their concerns, wishes, views and questions, and agree with them how they want to express what matters to them.

Advocacy workers will make sure throughout the advocacy relationship that the view and voice of the child or young person is respected, especially by adults.

Advocacy workers will be sensitive to the child or young person's wishes as they develop over time during the advocacy relationship.

Advocacy workers will seek to ensure that advocacy is fully understood by the child or young person and others at all times during the advocacy relationship.

## Indicators

Proportion of children and young people who feel listened to by their advocacy worker.

Proportion of children and young people who feel listened to by others involved in their care as a result of receiving advocacy.

Proportion of children or young people who have expressed how they want to communicate their views.

Record of consent given by the child or young person- either a written record of verbal consent, written consent or another format recognised by the advocacy provider.

Supporting information materials effectively explaining to the child or young person the approach and role of advocacy workers.

Level of satisfaction with the with advocacy support received.

Proportion of children and young people who report that they understand the reasons for the decisions made by the Children's Hearing.

## **Principle 2: Advocacy seeks to understand and explain what is going on**

### **Standard 2.1**

Advocacy workers will have detailed knowledge of children's rights and entitlements.

#### **Outcome:**

The child or young person feels they are better informed about their rights and entitlements.

### **Standard 2.2**

Advocacy workers will understand the law and procedures that apply to the Children's Hearings System and to other care and justice procedures as they apply to young people. They will be able to help children and young people understand what is happening and explore their options.

#### **Outcome:**

The child or young person has a better understanding of the Children's Hearings System as it relates to their life. They better understand their options and rights within the Children's Hearings System.

### **Standard 2.3**

Advocacy workers will speak to relevant professionals and carers on behalf of the child or young person with their permission, to help them get answers to any questions or concerns they have.

#### **Outcome:**

The child or young person feels supported in seeking answers to the questions that matter to them.

## Practice Guidance

Advocacy workers will help the child or young person understand the Hearings process.

Advocacy workers will have an understanding of human rights, including the United Nations Convention on the Rights of the Child, and how these rights apply to children and young people in the Children's Hearings System.

Advocacy workers will have excellent up-to-date knowledge and awareness of the Children's Hearings System and the relevant legislation, guidance and processes.

Advocacy workers will understand the broad range of children and young people's rights and the opportunities within the Children's Hearings System for the child or young person to seek to exercise these rights.

Before a hearing, advocacy workers will prepare the child or young person to help them understand the range of potential decisions which may be made.

Advocacy workers will help ensure that the child or young person understands the reason for any particular hearing, and the recommendations being put forward. They will help the child or young person to express their views in relation to this information.

Advocacy workers will help the child or young person access the right information if they are unclear about any aspect of the hearing (e.g. grounds for referral, recommendations, child's plan).

After the hearing, advocacy workers will spend time with the child or the young person, providing support, reinforcing their understanding of what has happened and what has been decided and exploring next steps for ongoing advocacy support if applicable.

After decisions have been made in the Children's Hearings System, advocacy workers will help the child or young person understand what they mean, any change in circumstances and what the child or young person's rights and options are now.

Advocacy workers will have a good understanding of the role of legal representation for a child or young person within the Children's Hearings System and in appeals processes and will be able to communicate this to the child or young person they are working with.

Advocacy workers will support the child or young person to access appropriate legal advice or representation, as required.

## **Indicators**

Proportion of children or young people who have a better understanding of the Children's Hearings System.

Proportion of children and young people reporting improved understanding of their rights and entitlements.

Evidence of advocacy worker's commitment to continuous professional development.

Diverse range of methods of communicating young people's rights and entitlements.

## **Principle 3: Advocacy workers only work for the child or young person**

### **Standard 3.1**

Advocacy workers will only work on behalf of children and young people. They will only share information with other people with permission from the child or young person, unless someone is at risk of harm.

#### **Outcome:**

The child or young person trusts that the advocacy worker only works for them and understands confidentiality of the advocacy relationship.

### **Standard 3.2**

Advocacy workers will not give their own or anyone else's views or opinions while advocating for the child or young person, they will only represent the child or young person's wishes.

#### **Outcome:**

The child or young person feels supported in expressing their views. The child or young person knows the advocacy worker is only there to support them.

### **Standard 3.3**

Advocacy workers will not be influenced by anyone or anything else while they are supporting the child or young person.

#### **Outcome:**

The child or young person knows that their advocacy worker is not influenced by the wishes of others and focuses solely on their views.

## Practice Guidance

Advocacy workers will be aware of their own opinions and prejudices. Advocacy workers should not let their personal opinions, choices and values interfere in any way with the child or young person's choices.

Advocacy workers will always value and respect the views of the child or young person and will always be empathetic, non-judgemental and understanding in their interactions.

Advocacy workers will be sensitive, supportive and caring throughout, communicating a sense of being alongside the young person.

Advocacy workers should explain that children and young people have control over what information is shared with others through the advocacy relationship. Advocacy workers will clearly explain to the child or young person the circumstances in which they would have to share information, if there were risks to themselves or others.

Advocacy workers will be imaginative, robust and resourceful in ensuring that the child's voice is heard throughout the meeting or process.

Advocacy workers will ensure that the child or young person is aware of the different ways in which their views can be presented to the hearing and support the child or young person in the options that they choose, even if the young person is excused from the hearing.

Advocacy workers will ensure that the issues identified, and views expressed by the child or young person in preparation for or during the hearing are highlighted, examined and reiterated as necessary to ensure that the child's voice is heard.

Advocacy workers will speak up for the child or young person if they want them to, will support them to speak themselves, and will cultivate the sense of being alongside the child or young person to help ensure that their views are at the heart of the Hearing.

Advocacy workers will only share information that the child or young person has agreed to share in a Children's Hearing.

Advocacy workers will remain alert to what is happening at the hearing, to how the child or young person is experiencing the hearing and to options for the child or young person at different points throughout the hearing, intervening as appropriate to ensure the rights of the child and young person are upheld and that they are always at the centre.

Advocacy workers will have a clear understanding of the distinctness of their role within the Children's Hearings and the responsibilities of other professionals.

## **Indicators**

Level of satisfaction with advocacy support provided.

Advocacy workers demonstrate understanding of the General Data Protection Regulations (GDPR).

Proportion of children and young people who feel supported to express their views during their Hearing.

Record of advocacy issues.

Number of incidents of advocacy support being provided at hearings where the child or young person is excused from their hearing.

Proportion of hearings where the young person's views are fully or partially expressed.

## **Principle 4: Advocacy is for all children and young people who wish to take up the offer of Advocacy**

### **Standard 4.1**

Advocacy workers will liaise with carers and other professionals already working with children and young people to ensure that they are sensitive to the individual child or young person's needs.

#### **Outcome:**

The child or young person's individual needs have shaped the way they receive advocacy and they have been appropriately supported by their carers and professionals in the advocacy process.

### **Standard 4.2**

Advocacy workers will work with children and young people of all backgrounds and respect the identity, culture, needs and preferences of all children and young people and treat them fairly and equally.

#### **Outcome:**

Children and young people of all backgrounds have access to advocacy.

The child or young person feels that they have been treated equally and with respect throughout their advocacy relationship.

## Practice Guidance

Advocacy workers will tailor communications with children or young people based on their individual needs and requirements.

Advocacy workers will have a range of different creative resources available to explore with the child – using an age, stage and ability appropriate approach.

Advocacy workers will make sure that the child or young person can be supported to directly express their views and opinions, in a way that suits them.

Advocacy workers will be flexible and adaptive to changing contexts when planning how best to provide advocacy support to a child or young person.

Advocacy workers will understand the differences between instructed and to non-instructed advocacy.

Advocacy workers will develop networks with other professionals, partners and practitioners to foster understanding of advocacy services, being proactive with raising awareness of what it offers children and young people to improve access.

Advocacy workers will be imaginative and ambitious in their communication with other key professionals about what they can offer children and young people, raising awareness, understanding and the impact of the service.

## Indicators

Range of communication tools aimed at children and young people from all backgrounds.

Proportion of children and young people who feel respected and treated fairly by their advocacy worker.

Diversity of backgrounds, age and ability of children and young people accessing advocacy.

Proportion of advocacy workers who have received training on non-instructed advocacy.

# Advocacy Relationship Timeline

## Practice guidelines in action

In the previous section, Practice Guidance and Indicators were grouped according to the four key Principles of advocacy which underpin the entire model. This creates a clear, direct link between the actions and behaviours of the advocacy workers and the core beliefs they are to uphold throughout their work. However, the day to day reality is that advocacy workers are not going to stop to identify a specific principle and standard every time they speak to a young person, share information about rights or attend a hearing, nor should they be expected to do so. Therefore, it is equally imperative that the Practice Guidelines are also framed in such a way that they can be easily accessed and identified at particular stages throughout the advocacy process.

The 'Proposed Standards for Better Hearings'<sup>42</sup> identify what children and young people should expect Before, During and After a hearing. This section details five stages of practice for advocacy workers in the Children's Hearings System: Throughout, Introductory, Before, During and After. The additional two stages, Throughout and Introductory, offer greater clarity and identifies the Introductory meeting as a unique circumstance which requires special consideration.

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<sup>42</sup> The Next Step Towards Better Hearings, CHIP, 2016

## **Stage 1: Throughout the advocacy process**

Practice Guidance that must be continuously practiced throughout the advocacy relationship.

## **Stage 2: Introductory meeting with a child or young person**

Practice Guidance for the introductory meeting with a child or young person, including children and young people who have yet to attend their first Children's Hearing.

## **Stage 3: Before a Children's Hearing**

Practice Guidance that will be used before each Children's Hearing that a child or young person may have during the advocacy relationship.

## **Stage 4: During a Children's Hearing**

Practice Guidance to be used during a Children's Hearing.

## **Stage 5: After a Children's Hearing**

Practice Guidance to be used after a Children's Hearing has taken place.

## Stage 1: Throughout the advocacy process

### Practice Guidance

Advocacy workers will be sensitive, supportive and caring throughout, communicating a sense of being alongside the young person.

An advocacy worker must always value and respect the views of the child or young person, always expressing an empathetic viewpoint.

Advocacy workers will tailor communications with children or young people based on their individual needs and requirements.

Advocacy workers must have a range of different creative resources available to explore with the child – using an age, stage and ability appropriate approach.

Advocacy workers will make sure throughout the advocacy relationship that the view and voice of the child or young person is respected.

Advocacy workers will remain aware of their own opinions and prejudices. Advocacy workers should not let their personal opinions, choices and values interfere with the children or young person's choices.

When receiving advocacy referrals from professionals, the advocacy worker must clearly explain to the professionals around the child or young person, that it is the child or young person's choice whether they take up the offer of advocacy.

Advocacy workers must be robust in their communication with other key professionals about their roles and responsibilities to raise awareness of the service.

Advocacy workers must create networks with other professionals to foster understanding of advocacy services, being proactive with raising awareness of what it offers children and young people to improve access.

Advocacy workers must have excellent up-to-date knowledge and awareness of the Children's Hearings System and its different processes and legislation.

Advocacy workers must understand the broad range of children and young people's rights and the opportunities within the Children's Hearings System for the child or young person to seek to exercise these rights. (For example, measures within a Compulsory Supervision Order).

Advocacy workers will be flexible and adaptive to changing contexts when planning how best to provide advocacy services to a child or young person.

Advocacy workers will be sensitive to the child or young person's wishes, as they develop over time during the advocacy relationship.

Advocacy workers will return to explaining and introducing their role both to the child or young person and others, supporting them as required, to ensure understanding.

Advocacy workers will understand the required approach to non-instructed advocacy.

## **Stage 2: Introductory meeting with a child or young person**

### **Summary**

Introduction, making the service offered feel real, personal and understandable.

Start relationship building.

Confirm and support the child's understanding of the process (alongside central roles for Lead Professional (LP) and SCRA).

Confirm and support the child's understanding of their rights relating to their participation in the process (alongside central roles for LP and SCRA).

Explain Independent Advocacy and confirm whether the child wishes to have that support.

Ensure that the child is aware that they can ask for that support at any stage.

### **Practice Guidance**

Advocacy workers must clearly explain to the child or young person that they have a choice about whether they want to use the advocacy service and can change their mind at any point of the advocacy relationship.

Advocacy workers must ensure that the child or young person receiving advocacy understands that they are in control of the relationship.

Advocacy workers will take time to directly introduce the service they are offering to the child or young person, what it means and what it offers the child or young person.

Advocacy workers must respect young person's decision should they decide not to engage in advocacy.

Advocacy workers will state that the offer of advocacy is always available even if young people change their mind.

Advocacy workers will have easily accessible materials to explain the purpose of their role to children, young people, carers and other professionals.

Advocacy workers will also communicate with carers and professionals around the child or young person to make sure they understand the role of advocacy, explaining that it is up to the child or young person to choose to use advocacy.

Advocacy workers will use sufficient time to build the advocacy relationship and work with the child or young person to agree how they want to express their views.

Advocacy workers will make sure they come to an agreement with the child or young person how best they want to make use of the service.

Advocacy workers should explain that any information shared will be up to the child or young person.

Advocacy workers will clearly explain to the child or young person the circumstances in which they would have to share information, if there were risks to themselves or others.

## **Stage 3: Before a Children's Hearing**

### **Summary**

Explore the child's views, wishes and concerns.

Explore how the child wishes to communicate those views.

Support the child in doing so, using broad range of options available.

Links with Reporter and Lead Professional to support child's preferred ways of participating.

Links with Reporter and Lead Professional to support pre-Hearing visit to the hearing venue if child would like to do so.

If the child has received their Child's Plan, explore whether it accurately captures their views on the assessment, on the plan and on the recommendations made for the Children's Hearing.

Confirm and support the child's understanding of their rights in relation to the Grounds of Referral, and what their views are on them.

Links with legal representation for the child if relevant.

Support the child's understanding of the range of their rights, as they relate to different aspects of their life and their views, wishes and concerns.

### **Practice Guidance**

Before a hearing, advocacy workers will prepare the child or young person to help them understand the range of potential decisions which may be made.

Advocacy workers will reinforce what other professionals have told the child or young person about their situation and upcoming hearing.

If the child or young person is unclear about any aspect of the upcoming hearing, the advocacy worker would help the child or young person access the right information – or ensure that other professionals provide it (i.e. grounds, recommendations and child's plan).

Advocacy workers will ensure that the child or young person understands the grounds for their hearing and the recommendations being put forward. They will help the child or young person to express their views in relation to this information.

Advocacy workers will support the child or young person to access appropriate legal representation, as necessary.

Advocacy workers must explain their role in the Children's Hearing to the child or young person and that they have control over what the advocacy worker expresses on their behalf.

Advocacy workers will help the child or young person understand the hearing process and explain (if relevant) that they may be excused from appearing at the hearing.

## **Stage 4: During a Children's Hearing**

### **Summary**

Independent advocacy support immediately prior to and during the hearing.

Support for the child to participate in the hearing in whatever way best suits them, including asking to speak to the hearing on their own with support from their advocacy worker.

Communicate their views, wishes and concerns in whatever way best suits them.

Ensure that any material prepared by the child prior to the hearing is considered at the hearing.

### **Practice Guidance**

Advocacy workers will have a clear understanding of the distinctness of their role within the Children's Hearings process and the responsibilities of other professionals.

Advocacy workers will make sure that the child or young person can be supported to directly express their views and opinions, in a way that suits them.

During the hearing, advocacy workers will be there for the child or young person if needed by them. The advocacy worker will speak up for the child or young person if they want them to and will listen to what is happening at the hearing.

During the hearing, the issues identified, and views expressed by the child or young person before the hearing must be introduced, examined and reiterated when necessary.

Advocacy workers should only share information that the child or young person has agreed to sharing in a Children's Hearing.

## Stage 5: After a Children's Hearing

### Summary

Confirm and support the child's understanding of what has taken place and what has been decided (alongside central roles for Lead Professional and SCRA).

Confirm and support the child's understanding of their procedural rights, including in relation to any Court proof application, appeal and early review (alongside central roles for Lead Professional and SCRA).

Link with legal representation for the child as appropriate.

Confirm and support the child's understanding of ongoing processes such as Child's Plan/Team Around the Child reviews (alongside central role for Lead Professional).

Explain and support the child's understanding of and access to independent advocacy support in those processes (with the same advocacy worker providing that relationship-based service if possible).

### Practice Guidance

After the hearings, the advocacy workers will make sure the young person is okay, will reinforce their understanding of what happened and explore next steps for ongoing advocacy.

After outcomes and decisions have been made in the Children's Hearings System the advocacy worker will make sure the child or young person understands what this means and any change in circumstances, alongside other professionals.

Advocacy workers must have a good understanding of legal representation for a child or young person within the Children's Hearings System and in appeals processes and must be able to communicate this to the child or young person they are working with.

Advocacy workers will support the child or young person to access appropriate legal representation, as necessary.

## Qualifications, Skills and Training

### Qualifications

Qualifications, skills and training are key elements in ensuring advocacy is meaningful, empowering and ultimately successful.

In the Scottish context, there are currently two formal qualifications which explore advocacy: Scottish Qualifications Authority (SQA) qualification for Panel Members and Reach Advocacy.

SQA qualification for Panel Members<sup>43</sup>, comprising a number of existing SQA modules from this award and others, could be brought together to create a new qualification along the lines of "Advocacy in the Children's Hearings System." In the short term it seems there is enough existing content and modules to create a meaningful qualification which could be improved over time to reflect the learnings from the implementation of the National Practice Model.

Reach Advocacy (Coatbridge)<sup>44</sup> provides advocacy around recovery, addiction and mental health. The provider is an accredited training centre with funding from Big Lottery and has already developed a SQA-approved qualification in advocacy at SCQF Level 7. As Reach Advocacy is actively looking for partners this could be an option for the advocacy provider to consider.

The two formal qualifications could be considered separately or in tandem to provide a comprehensive formal training package for advocacy workers working in the Children's Hearings System. While the SQA package provides a good understanding of the Children's Hearings System, the Reach Advocacy model could be further adapted and developed to provide a more tailored formal advocacy qualification.

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<sup>43</sup> PDA Children's Hearings in Scotland: Panel Members SCQF level 7  
<https://www.sqa.org.uk/sqa/68430.html>

<sup>44</sup> <https://www.reachadvocacy.net/>

Additionally, the content of a new qualification could be further enhanced by incorporating learnings from Level 3 Certificate in Advocacy in Northern Ireland. While the qualification is rooted in a different social care and legal setting, it provides transferrable skills and knowledge in independent advocacy management and independent advocacy with children and young people.

## **Skills**

In addition to formal qualifications, advocacy providers should consider embedding the Common Core<sup>45</sup> in provision of advocacy in the Children's Hearings System as "from the perspective of children, young people and their families, the Common Core describes what is fundamentally important to them, no matter what service they are using or their own circumstances or backgrounds. From the perspective of workers the Common Core describes the fundamentals that every worker should demonstrate and contains the basics needed to build positive relationships and promote children's rights".

The final Common Core focuses on the two following areas which are supported by the guiding principles of the UNCRC:

1. Skills, knowledge and understanding and values
2. Essential Characteristics of those who work with children, young people and families in Scotland (relationships with children young people and their families; relationships between workers).

The Common Core would be threaded through advocacy training with suggested areas for core training for the advocacy provider to deliver on a rolling basis. The advocacy provider would align training opportunities to the advocacy worker's personal development plan and commitment to individual learning.

## **Training**

The below topics should be considered by the advocacy provider to provide a comprehensive training package linked directly to personal development.

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<sup>45</sup> Common Core of Skills, Knowledge & Understanding and Values for the "Children's Workforce" in Scotland, Scottish Government, 2012 <http://www.gov.scot/Publications/2012/06/5565>

## **Understanding Children's Hearings**

- Understanding the process of Children's Hearings.
- The role of the independent advocacy worker in Children's Hearings.
- Secure Orders – understanding this process.

## **Independent Advocacy**

- Understanding what advocacy is.
- Considering the roles, processes, ethics and principles of advocacy.
- Exploring the cornerstones of advocacy: child-led, independence, confidentiality and equality of access.
- GIRFEC and advocacy – ensuring the child remains at the centre.
- The rights of children, young people and vulnerable adults.
- Practical challenges and dilemmas.

## **Unaccompanied Asylum Seeking Children (UASC)**

- Understanding the role of the advocacy worker/the appropriate adult in the age assessment process.
- Ensuring the child is at the center.
- Focusing on relevant legislation, legal aspects and protocols including age assessments and disputes and Home Office decisions.
- Exploring the journey of the child before arriving in the UK and the impact of trauma.
- Considering the different terminologies used to refer to UASC.

## **Safeguarding Children, Young People and Vulnerable Adults**

- Exploration of relevant legislation.
- Discussions around why inter-agency working is so important, including exploration of the different roles and responsibilities of different services.
- Consideration about when it is appropriate to share information and with whom.
- Knowing what to do if you have a serious safeguarding concern about a child, young person or vulnerable adult.
- GIRFEC and its role in safeguarding children and young people.

## **The Role of the Independent Person in Secure Accommodation**

- Understanding the nature and purpose of the secure accommodation.
- Looking at the legislation, guidance and best practice around secure accommodation.
- Exploring processes and procedures.
- Considering the roles carried out by other professional's panel members.
- Thinking about children's rights in relation to secure accommodation hearings.

## **Data Protection and Information Security**

- Understanding why it is so important to protect data and keep information secure.
- Looking at relevant legislation such as the Data Protection Act.
- Considering how data protection and information security affect you in your working.

## **Equality, Diversity and Inclusion**

- Developing an understanding of the legal framework around Equality, Diversity and Inclusion in the workplace.
- Creating and promoting a culture where differences are valued and any threats, challenged.
- Considering what unconscious bias is and why this is relevant in the workplace.
- Understanding your own role with regard to challenging inappropriate behaviors and the impact you can have on changing the culture within your workplace.

## **Other Training Options to consider:**

### **Training for Independent Advocacy workers**

- The principals of Advocacy
- The role of the Advocacy worker
- Communication of the Advocacy worker
- Understand equality, diversity and inclusion
- Understand the importance of confidentiality and professional boundaries
- Understand Advocacy Standards
- Your Rights explained
- Understanding the Human Rights Act
- Understanding the Equality Act
- Understand different types of Advocacy
- How to work in Crisis
- How to support themselves and learn coping skills

### **Compliance training**

Compliance training includes sessions that learners working with children and young people are expected to undertake as part of their working role, for example safeguarding, data protection and information security and equality, diversity and inclusion.

### **Practice based training**

Practice based training includes sessions that learners can access to further their learning within the practice arena and from a practical perspective. Sessions will help the learners by informing their practice; such sessions may include the child protection process or residential visiting advocacy sessions.

### **Awareness training**

Awareness training sessions focus on particular pieces of legislation, primarily new and updated legislation. Awareness training sessions can be tailored to develop the learning and understanding of a workforce with specific focus on legislation that's important for care experienced young people attending Children's Hearings in Scotland.

## Quality Assurance

### Quality Assurance Model

The Quality Assurance Model for the National Practice Model and the Service Delivery Model sets out the overarching approach to ensuring advocacy within the Children's Hearings System is of high quality.

Quality assurance is a process of systematic, planned, regular and reflective assessment of a service or a process. As such, it is fundamental in supporting learning and continuous improvement as it helps improve outcomes, identify areas of strengths and areas for development within practice, policy and strategy.

The Quality Assurance Model is rooted in the National Practice Model, developed in partnership young people with experience of the Children's Hearings System and key stakeholders from across Scotland.

The Quality Assurance Model aims to:

- Establish the quality of outputs for advocacy within the Children's Hearings System for:
  - Children and young people
  - Commissioners
  - Advocacy organisations
- Assess to what degree advocacy is:
  - accessible to all who need it
  - child-centred
  - effective within the Children's Hearings System
- Provide learning mechanisms to improve advocacy in the Children's Hearings System.
- Ensure advocacy in the Children's Hearings System is of consistent quality across Scotland.
- Monitor performance of advocacy provision at local level within the Children's Hearings System.

The Quality Assurance approach incorporates three functions: Defining, Measuring and Improving Quality.

## **Defining**

Defining quality includes setting expectations or standards of quality practice engrained in the principles - that is, broad statements of advocacy within the Children's Hearings System.

## **Measuring**

Measuring quality consists of quantifying the level of performance or compliance against agreed standards or expectations. This process requires determining performance indicators which should be specific, reliable, consistent, proportionate and valid, and directly related to the standards. Indicators measure how well the outcome or process has been achieved.

## **Improving**

Improving quality includes an ongoing assessment of collected data in order to identify gaps in the quality of work delivered.

## PDSA

This process should be based on the Plan-Do-Study-Act (PDSA) quality improvement method which focuses on change, translating ideas into actions and ultimately improving the quality of service provided.



The PDSA concept is central to many quality improvement approaches, including lean, sigma and quality management. PDSA, and the Quality Assurance approach in particular, gleans information from a variety of sources and stakeholders, predominantly directly from children and young people who have experienced advocacy within the Children's Hearings System.

The Quality Assurance Model covers organisational, policy, practice and advocacy process and outcome activities and is:

- Evidence-based and rooted in the views and experiences of children and young people who do or could access advocacy.
- Child- and young person-centred.
- Fair and proportionate to ensure the advocacy relationship is not undermined by onerous feedback processes.
- Imaginative and participative.
- Ethical.

The quality assurance model will establish the quality of advocacy within the Children's Hearings System through:

- Review of organisational policies and procedures.
- Review of relevant reports, documents and plans.
- Assessment of practice and its evidence.
- Direct involvement of key stakeholders, namely children and young people.
- Review of organisational and inter-organisation structures.

Key messages of effective quality assurance when delivering advocacy within the Children's Hearings System are:

- Advocacy organisations should clearly define their role so that children and young people understand what their involvement entails.
- Advocacy organisations should adopt a person-centred approach.
- Advocacy organisations should be independent of commissioners and external and internal influencers.
- Advocacy should be co-produced with children and young people.
- Advocacy organisations should ensure they reach and meet diverse needs.
- Advocacy workers should be knowledgeable and experienced in human rights.
- Outcomes of advocacy should be recorded and monitored.

**This Quality Assurance Model consists of:**

- **Examples of evidence supporting the National Practice Model**
- **Self-assessment tool**

# Examples of evidence supporting the National Practice Model

## Principle 1: Advocacy puts the child or young person first.

### Standard 1.1

Advocacy workers will listen to children and young people to understand what matters to them, help them explore their options and have their voice heard.

### Standard 1.2

Advocacy workers will only work for and on behalf of the child or young person, meaning the child or young person is in charge of how and with whom their views are shared.

### Outcome 1.1

The child or young person feels listened to. The child or a young person is able to express to their advocacy worker what matters to them. The child or a young person has explored their options and had their voice heard.

### Outcome 1.2

The child or young person knows that their advocacy worker works only for them. The advocacy worker will only share what the young person wishes to be shared.

## Examples of Evidence

Advocacy issues

Analysis of complaints

Complaints system

Consent policy in place

Documented policies explaining how organisation deliver advocacy (peer, systemic, etc)

Ethical guidelines

Evidence of consent being informed and meaningful

Evidence of children and young people being able to self-advocacy worker

Evidence of how feedback from children and young people is used to improve advocacy

Evidence of ongoing evaluation of advocacy

Feedback from children and young people about advocacy workers

Induction policies  
Information about advocacy available in various formats  
Involvement of young people in decision-making  
Non-discriminatory and cultural awareness training undertaken  
Peer and individual practice observations  
Policies on confidentiality and personal information  
Policies related to non-instructed advocacy  
Policies up-to-date and in line with legislation

## **Principle 2: Advocacy seeks to understand and explain what is going on.**

### **Standard 2.1**

Advocacy workers will have detailed knowledge of children's rights and entitlements.

### **Standard 2.2**

Advocacy workers will understand the law and procedures that apply to the Children's Hearings System and to other care and justice procedures as they apply to young people. They will be able to help children and young people understand what is happening and explore their options.

### **Standard 2.3**

Advocacy workers will speak to relevant professionals and carers on behalf of the child or young person with their permission, to help them get answers to any questions or concerns they have.

### **Outcome 2.1**

The child or young person feels they are better informed about their rights and entitlements.

### **Outcome 2.2**

The child or young person has a better understanding of the Children's Hearings System as it relates to their life. They better understand their options and rights within the Children's Hearings System.

### **Outcome 2.3**

The child or young person feels supported in seeking answers to the questions that matter to them.

## **Examples of evidence**

Action plans based on feedback from children and young people

Analysis of complaints

Code of practice

Consent policy in place

Consistency of staff in advocacy

Children and young people satisfaction with the advocacy support provided

Data protection policy

Documented policies explaining how organisation deliver advocacy (peer, systemic, etc.)  
Ethical guidelines  
Evidence of consent being informed and meaningful  
Evidence of diversity of children and young people  
Evidence of further professional development of advocacy workers  
Evidence of how feedback from children and young people is used to improve advocacy  
Evidence of multiagency work  
Evidence of outcomes for children and young people  
Evidence of advocacy workers knowledge about human rights  
Induction policies  
Individual and group supervision  
Involvement of young people in decision-making  
Non-discriminatory and cultural awareness training undertaken  
Peer and individual observations  
Policies on information sharing  
Policies on confidentiality and personal information  
Policies related to non-instructed advocacy  
Policies up-to-date and in line with legislation

## **Principle 3: Advocacy workers only work for the child or young person.**

### **Standard 3.1**

Advocacy workers will only work on behalf of children and young people. They will only share information with other people with permission from the child or young person, unless someone is at risk of harm.

### **Standard 3.2**

Advocacy workers will not give their own or anyone else's views or opinions while advocating for the child or young person, they will only represent the child or young person's wishes.

### **Standard 3.3**

Advocacy workers will not be influenced by anyone or anything else while they are supporting the child or young person.

### **Outcome 3.1**

The child or young person trusts that the advocacy worker only works for them and understands confidentiality of the advocacy relationship.

### **Outcome 3.2**

The child or young person feels supported in expressing their views. The child or young person knows the advocacy worker is only there to support them.

### **Outcome 3.3**

The child or young person knows that their advocacy worker is not influenced by the wishes of others and focuses solely on their views.

## **Examples of evidence**

Analysis of advocacy issues faced by children and young people

Analysis of referrals

Appraisal system in place

First person testimony – Case study

Barriers faced and ways of addressing them

Board meeting minutes

Child Protection policy

Code of practice

Complaints system  
Consent policy in place  
Diverse communication resources  
Documented policies explaining how organisation deliver advocacy (peer, systemic, etc)  
Ethical guidelines  
Evidence of consent being informed and meaningful  
Evidence of children and young people being able to self-advocacy worker  
Evidence of children and young people understanding complaints policy  
Evidence of how feedback from children and young people is used to improve advocacy  
Evidence of multiagency work  
Evidence of ongoing evaluation of advocacy  
Evidence of outcomes for children and young people  
Evidence of representative take-up of advocacy within the Children's Hearings System  
Evidence of staff knowledge about human rights  
Evidence of systemic change based on children and young people advocacy issues  
External accreditation  
Feedback from children and young people on how they supported they feel in decision-making processes  
Induction policies  
Individual and group supervision  
Information about advocacy available in various formats  
Involvement of young people in decision-making  
Membership of Scottish Independent Advocacy Alliance(SIAA)  
Memorandum of Association  
Non-discriminatory and cultural awareness training undertaken  
Observations  
Policies on information sharing  
Policies on confidentiality and personal information  
Policies related to non-instructed advocacy  
Policies up-to-date and in line with legislation  
Recruitment policies  
Staff reporting understanding of relevant policies  
Secure advocacy database/recording system in place  
Spot checks  
Strategic and operational plan

## **Principle 4: Advocacy is for all children and young people who wish to take up the offer of Advocacy.**

### **Standard 4.1**

Advocacy workers will liaise with carers and other professionals already working with children and young people to ensure that they are sensitive to the individual child or young person's needs.

### **Standard 4.2**

Advocacy workers will work with children and young people of all backgrounds and respect the identify, culture and preferences of all children and young people and treat them fairly and equally.

### **Outcome 4.1**

The child or young person's individual needs have shaped the way they receive advocacy and they have been appropriately supported by their carers and professionals in the advocacy process.

### **Outcome 4.2**

Children and young people of all backgrounds have access to advocacy. The child or young person feels that they have been treated equally and with respect throughout their advocacy relationship.

## **Examples of evidence**

Action plans based on feedback from children and young people

Analysis of complaints

Barriers faced and ways of addressing them

Code of practice

Consistency of staff in advocacy

Children and young people satisfaction with the way advocacy was explained to them

Ethical guidelines

Evidence of diversity of children and young people

Evidence of further professional development

Evidence of how feedback from children and young people is used to improve advocacy

Evidence of multiagency work

Evidence of representative take-up of advocacy within the Children's Hearings System

Evidence of staff knowledge about human rights  
Feedback from children and young people about advocacy workers  
Information about advocacy available in various formats  
Involvement of young people in decision-making  
Non-discriminatory and cultural awareness training undertaken  
Non-discriminatory policies in place  
Observations  
Policies for information sharing  
Policies on confidentiality and personal information  
Policies related to non-instructed advocacy  
Policies up-to-date and in line with legislation

## Self-assessment tool

Self-assessment tool is expected to be completed by advocacy organisations and returned to the management organisation within one month of the end of financial year.

The advocacy organisation should score itself against each outcome based on the indicators.

For each area scored 0 or 1, the advocacy organisation needs to prepare a SMART plan to address areas for improvement.

Assessment scored 0 should be prioritised.

Assessment scored 2 should be brought to the attention of the management organisation to share good practice across Scotland.

<b>Principle 1: Advocacy puts the child or young person first.</b>			
Standard	Assessment (0-not met, 1-attention needed, 2- outcome met)	Indicator/ Evidence	Action plan based on evidence
Standard 1.1 Advocacy workers will listen to children and young people to understand what matters to them, help them explore their options and have their voice heard.			
Standard 1.2 Advocacy workers will only work for and on behalf of the child or young person, meaning the child or young person is in charge of how and with whom their views are shared.			

**Principle 2: Advocacy seeks to understand and explain what is going on.**

Standard	Assessment (0-not met, 1-attention needed, 2- outcome met)	Indicator/ Evidence	Action plan based on evidence
<p>Standard 2.1 Advocacy workers will have detailed knowledge of children's rights and entitlements.</p>			
<p>Standard 2.2 Advocacy workers will understand the law and procedures that apply to the Children's Hearings System and to other care and justice procedures as they apply to young people. They will be able to help children and young people understand what is happening and explore their options.</p>			
<p>Standard 2.3 Advocacy workers will speak to relevant professionals and carers on behalf of the child or young person with their permission, to help them get answers to any questions or concerns they have.</p>			

**Principle 3: Advocacy workers only work for the child or young person.**

Standard	Assessment (0- not met, 1- attention needed, 2- outcome met)	Indicator/ Evidence	Action plan based on evidence
<p>Standard 3.1 Advocacy workers will only work on behalf of children and young people. They will only share information with other people with permission from the child or young person, unless someone is at risk of harm.</p>			
<p>Standard 3.2 Advocacy workers will not give their own or anyone else's views or opinions while advocating for the child or young person, they will only represent the child or young person's wishes.</p>			
<p>Standard 3.3 Advocacy workers will not be influenced by anyone or anything else while they are supporting the child or young person.</p>			

**Principle 4: Advocacy is for all children and young people who wish to take up the offer of Advocacy.**

Standard	Assessment (0- not met, 1- attention needed, 2- outcome met)	Indicator/ Evidence	Action plan based on evidence
<p>Standard 4. 1 Advocacy workers will liaise with carers and other professionals already working with children and young people to ensure that they are sensitive to the individual child or young person's needs.</p>			
<p>Standard 4. 2 Advocacy workers will work with children and young people of all backgrounds and respect the identity, culture, needs and preferences of all children and young people and treat them fairly and equally.</p>			



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Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83960-656-4 (web only)

Published by The Scottish Government, March 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS723206 (03/20)

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