

Childrens service advocacy support and legal representation

SCHEDULE 1 – SPECIFICATION AND SERVICE LEVELS

The Scottish Government is seeking a supplier to provide a demand led service for both Advocacy Support and Legal Advice service to children, aged 12-15.

Background

The Education (Additional Support for Learning) (Scotland) Act 2004 (2004 Act) provides the legal framework for the provision of additional support for learning. The Education (Scotland) Act 2016 (2016 Act) amends the 2004 Act to provide that children (aged between 12-15 with capacity) can access certain rights conferred on them by the 2004 Act.

Section 31A of the 2004 Act places a statutory duty on Scottish Ministers to secure the provision of a support service to be available, on request and free of charge, to children who have attained the age of 12 years and - (a) who wish to exercise, or are considering exercising, relevant rights, or (b) whose parents wish to exercise, or are considering exercising, relevant rights.'

This service provision consists of the management/ administration and delivery of the following:

- 1) Advocacy support – to support children to prepare to use their rights, use their rights and understand the outcome of using their rights, and to support children to understand the outcome where their parents have used their rights in relation to the child.
- 2) Legal representation – to provide advice and representation in support of children using their rights to make a reference to the Additional Support Needs jurisdiction of the Health and Education Chamber of the First-tier Tribunal for Scotland (ASN Tribunal).

These must be able to be delivered in partnership with the Advice and Information service provided by Enquire and the service which seeks children's views. All organisations involved in delivering the four elements of the service will work collaboratively to support children in accessing their rights, in relation to additional support for learning.

Requirement and Mandatory Standards

The Service Provider will have appropriate arrangements for working with children and vulnerable adults in place, and holds, prior to contract award, approved PVG scheme membership from Disclosure Scotland.

For the Advocacy requirement, the Service Provider is a full member of the Scottish Independent Advocacy Alliance (SIAA) and agrees to abide by the SIAA Principles and Standards for Independent Advocacy and the SIAA Code of Practice for Independent Advocacy.

For the Legal Representation service, the Service Provider holds a legal qualification which is compliant with Scots Law and is a qualified solicitor (LLB plus Diploma in Professional Legal Practice) and a member of the Law Society of Scotland. The Service Provider is regulated by the Law Society for Scotland.

All service requirements are mandatory unless otherwise stated and form the minimum standard required to conduct the service.

Note: any sub-contracted service requirements are subject to the service requirement levels outlined in this specification. It will be the responsibility of the Service Provider to ensure that disclosure clearances, accreditations and service levels are met by the sub-contractor. Scottish Government expects to approve the use of sub-contractors at any time during the contract period.

Advocacy support

The Service Provider will be required:

- To provide an accessible service to all children with additional support needs across Scotland. In particular, the service must seek to ensure that it is accessible to those children who are care experienced or young carers;
- To provide an adequately qualified and resourced service which delivers advocacy support to children across Scotland in the preparation for, and the undertaking of, the use of their rights under the Education (Additional Support for Learning) (Scotland) Act 2004;
- To support the child's understanding of the outcome of using their own rights, or their parents using their rights, under the 2004 Act;
- To seek to resolve individual cases at a local level where possible;
- To work collaboratively and in partnership with the other parts of the children's service to ensure that the child's needs are being met;
- To refer children to other parts of the children's service, as appropriate;
- To provide an environment in which children can confidently raise issues knowing that it is as free from conflicts of interest as it can be;
- To provide an advocacy service in line with the [Scottish Government's Children's Advocacy Guidance](#) and the SIAA Independent Advocacy Principles, Standards & Code of Best Practice;
- To ensure all staff are suitably trained and have sufficient knowledge of the supporting legislation to allow the service to provide appropriate support to children;
- To maintain a mechanism for obtaining feedback from children to determine their views on the service as well as a mechanism for obtaining feedback from other stakeholders;
- To maintain a system for dealing with compliments and/or complaints;

- To demonstrate commitment to the ongoing learning and development needs of staff and provide an induction programme; training on equality and diversity issues and opportunities for ongoing professional development of these staff. The Service Provider shall ensure that its staff have knowledge of the needs of children who come into contact with this requirement.

Reporting

The Service Provider must provide a quarterly report against meeting the terms of the contract. This report must be provided electronically and will be published as part of the Report to Parliament on the implementation of additional support for learning. As a minimum, this should include:

- the number of referrals received
- the issues presented by the child
- the type of intervention required
- the number of referrals to other parts of service
- the number of referrals to other agencies
- any other points to review in terms of delivery of the service.
- detailed information on geographical split of children who access the service
- anonymised statistics on the age, gender, ethnicity and additional support needs of the children who access the service
- evidence of partnership working, details of any training and development undertaken by staff and also actions taken to disseminate information and build awareness of the service, including working with the Scottish Government and other stakeholders.

This information must be analysed by the service provider to ensure a wide reach and it may inform work around targeting hard to reach groups.

As part of the reporting, the service provider must measure outcomes. This should be done through monitoring and reporting on the following:

- Feedback from children who access the service about the level and quality of support they received.
- Feedback from children about the impact the service has made on their engagement with their learning.
- Feedback from children on the level of input they have provided on how the service is run.
- Feedback from practitioners and other stakeholders on the level and quality of service provided.
- Feedback from practitioners on how the service has developed their learning and improved best practice.
- Feedback from parents on the impact on their child through access to the service.

This report will inform contract management meetings which will take place on a quarterly basis.

This report will inform contract management meetings which will take place on a quarterly basis.

Legal Representation

The Service Provider will be required:

- To seek to resolve individual cases at a local level where possible prior to referral to the ASN Tribunal;
- To provide an adequately qualified and resourced service which delivers legal representation to children across Scotland by supporting the child to prepare and present their case to the ASN Tribunal, with all services provided being overseen and approved at partner level;
- To take instruction from the child and support them in gathering the appropriate evidence to be included in the presentation of their case;
- To support the child to present the case themselves or to present the case on behalf of the child, in accordance with the child's wishes;
- To work collaboratively and in partnership with the other parts of the children's service to ensure that the child's needs are being met;
- To refer children to other parts of the children's service, as appropriate;
- To provide an environment in which children can confidently raise issues knowing that it is as free from conflicts of interest as it can be;
- To ensure all staff are suitably trained and have sufficient knowledge of the supporting legislation to allow the service to provide appropriate support to children;
- To maintain a mechanism for obtaining feedback from children to determine their views on the service as well as a mechanism for obtaining feedback from other stakeholders such as Education Authorities;
- To maintain a system for dealing with compliments and/or complaints;
- To demonstrate commitment to the ongoing learning and development needs of staff and provide an induction programme; training on equality and diversity issues and opportunities for ongoing professional development of these staff. The Service Provider shall ensure that its staff have knowledge of the needs of children who come into contact with this requirement.

Reporting

The Service Provider must provide a quarterly report. This must be provided electronically and will be published as part of the Report to Parliament on the implementation of additional support for learning. This will include:

- the number of referrals received
- the issues presented by the child
- the number of cases taken forward to the Tribunal
- the number of referrals to other parts of service
- the number of referrals to other agencies
- any other points to review in terms of delivery of the service
- detailed information on geographical split of children who access the service
- anonymised statistics on the age, gender, ethnicity and additional support needs of the children who access the service
- evidence of partnership working, details of any training and development undertaken by staff and also actions taken to disseminate information and build awareness of the service, including working with the Scottish Government and other stakeholders.

This information must be analysed by the Service Provider to ensure a wide reach and it may inform work around targeting hard to reach groups.

As part of the reporting, the service must measure outcomes. This should be done through monitoring and reporting on the following:

- Feedback from children who access the service about the level and quality of support they received.
- Feedback from children about the impact the service has made on their engagement with their learning.
- Feedback from children on the level of input they have provided on how the service is run.
- Feedback from practitioners and other stakeholders on the level and quality of service provided.
- Feedback from practitioners on how the service has developed their learning and improved best practice.
- Feedback from parents on the impact on their child through access to the service.

The report will also contain a cumulative and projected spend report detailing all costs in relation to the provision of the service.

This report will inform contract management meetings which will take place on a quarterly basis.

Service Levels, Key Performance Indicators and Milestones for Advocacy Support and Legal Representation

Service Levels and Milestones

Milestones and timescales to meet the service requirements outlined above will form part of the contract following award.

Performance of the services - Performance Criteria (KPIs)

The Service Provider will operate the contract and monitor performance in accordance with this specification of requirements and agreed Key Performance Indicators.

The following levels of performance will be expected as core KPIs listed as follows:

- SG contract manager should be informed immediately of any problem with service provision.
- Provision of reports accurately and on time.
- Quick investigation of complaints and problems. Any complaints regarding the services must be responded to within 24 hours of the notification.
- Ensure that staff responsible for providing this service are supervised and professionally supported.
- Provide a detailed price breakdown for each quarterly meeting (or sooner if requested) with Scottish Government, for all services delivered showing the activities and costs associated with cumulative and projected spend, detailing all costs in relation to the provision of the service, as a minimum.

Payment will be subject to the KPIs being met to the satisfaction of the Scottish Government contract manager as follows:

- Payment will be made quarterly in arrears per annum provided all aspects of performance have been met following quarterly contract management meetings and reports;
- Payments for management/administration of the service will be reduced if performance is not satisfactory and will be paid once the service has been delivered to the satisfaction of the Scottish Government Contract Manager.

Payments

Payments will be made 30 days arrears of a valid invoice being received. Invoices should include an itemised breakdown of work completed. Subject to KPIs being satisfactorily met, invoices will be paid.

The Service Provider will provide an escalation policy in the event of repeated failure to meet agreed KPIs.