



Advocacy for Children and Young People in Scotland

Draft
Summary of Key Findings
of a
National Research Study
conducted by

David Cameron & Jo McFarlane,
Development Workers,
Advocacy Safeguards Agency

Why do Children & Young people need advocacy?

Children and young people are vulnerable because of their:

- Critical stage of development (if damage is done during childhood, they can be physically and psychologically scarred for life)
- Limited capacity to understand what is happening to them
- Dependence on adults (e.g. for nutrition, shelter, safety, and education)
- Lack of social, legal and economic status and rights
- Minority status of young people, as population declines
- Marginalised due to popular negative stereotypes of them as either “victims or villains”

In addition, certain groups of children and young people may be in particular need of advocacy due to disability, ethnicity or their personal and social circumstances.

What does the law say?

The following legislative and policy directives refer to the need for children’s advocacy:

- The U.N. Convention on the Rights of the Child (ratified by the U.K. Government in 1991)
- Children (Scotland) Act 1995
- Child Strategy Statement (Scottish Executive, 2000)
- “Implementing Inclusiveness, Realising Potential” (The Beattie Report, Scottish Executive, 1999)
- The Strategic Framework for Planning Children’s Services (Scottish Executive)
- The Commission for Children and Young People (Scotland) Bill, 2003
- The Draft Education (Additional Support for Learning) Bill (Scotland), 2003
- The Mental Health (Care and Treatment) Act (Scotland), 2003.

Current Advocacy provision for Children and Young people in Scotland*

- Who Cares? Scotland workers in all but three local authorities (Western Isles, Orkney and Shetland) – only for children/young people who are/have been in care
- Two S.I.P funded generic children's advocacy and Rights projects – one in North Ayr and one in Drumchapel, Glasgow
- One citizen advocacy project for children and young people with learning difficulties, in Dunfermline, Fife
- One independent anti-bullying advocacy project for children and their parents in East Lothian
- Non independent advocacy provided on ad hoc basis as part of a wider function by voluntary sector providers of children's services

Only 3% of total statutory funding for advocacy in 2003/4 is spent on children and young people.

There is only one independent advocacy organisation for children and young people in Scotland.

Adult advocacy organisations do not accept referrals from clients under the age of 18, or in some cases, 16.

**Information taken from 'A Map of Advocacy in Scotland', 2003/4, Advocacy Safeguards Agency*

Aim of ASA research study on Advocacy for Children and Young People

To find out from young people and marginalised groups across Scotland:

- Whether they would use an advocate and in what situations they would find advocacy helpful
- What kind of advocacy service, and models of advocacy, they would find helpful
- Potential barriers to them using advocacy and ways of overcoming these.

To find out from other appropriate stakeholders, including current children's advocacy providers:

- Their perceptions of the issues that need to be addressed to take forward advocacy for children and young people, both at local and national levels.

People who informed our research study:

- Young people with physical/intellectual impairments
- Young people in an adolescent psychiatric unit
- Young people experiencing homelessness
- Young Gypsy Travellers
- LGBT young people
- Young people subject to criminal proceedings
- Young people from S.I.P areas
- Two advocacy organisations providing an advocacy and rights service to children and young people
- Children's Rights organisation which is about to extend its service to provide advocacy
- Children's Advocacy Strategy officer for a Local Authority
- Ongoing discussions with Commissioners intending to set up children's advocacy

(age range of young people: 12 – 22)

Through the following methods:

- Individual interviews
- Focus Groups

SUMMARY OF KEY FINDINGS

Young People's Views

General

- Young people did identify a need for advocacy in situations where they are particularly vulnerable. These included: school exclusion, bullying (both by other pupils and teachers), contact with the police, social workers, and The Children's Hearing System, homelessness, using hospital services, and for some young people, at home, in their local communities and during the transition to college or workplace.

"Most of my life it has felt like no one was listening to me"

"An advocate could defend young people's rights"

- Young people are more concerned about an advocate being a good listener, patient, trustworthy, loyal, and effective, than whether he/she is independent.
- The majority of the young people we spoke to talked about the voluntary sector project workers who currently support them, as being the people whom they trusted and in whom they had confidence. These are the people to whom they naturally turn to advocate for them.

"She [worker] helped to sort things out, and prepared me to move on to the next school, she helped me build up my confidence"

- Young people are not familiar with the word 'advocacy' and find it off-putting. They prefer terms like "sticking up for you" and "someone who's on your side".

"Advocacy is not a good word. It's too posh. It should be called 'putting your voice forward'"

"The words 'independent advocacy' are a bit confusing. You could call it 'being heard with help' or 'if you need help, putting your voice across'"

"people don't understand what the word means, it should be called something else, like 'someone who sticks up for you in the face of authority'"

- Confidentiality is an important issue for young people. Most of the young people we spoke to did not mind their parents knowing that they were seeing an advocate, but they did feel that what they discussed with the advocate should be confidential. They would want the advocate to clearly explain to them what could be kept confidential and what would need to be disclosed to their parent/carers.

“They [the advocate] should be discreet and confidential”

“The advocacy role could be explained to parents, but not divulge to the parents what the young person has talked about”

“They should explain what the boundaries are – what they would keep to themselves – and what they would tell others”

Profile of advocate

- There were mixed views as to the optimum age of the advocate. Many of the young people we spoke to would prefer to work with a younger advocate to whom they could relate more easily, especially someone who had recently been through similar experiences. Others felt that an older person would be more confident, assertive, and have more credibility with other adults. This suggests the need for choice, including perhaps the option of peer advocacy where appropriate.

“Someone young. You feel with someone older that you have to do what they say, like they’re a parent”

“They should be older, they can draw on their own experiences but not be prejudiced by them. They should be responsible”

“it doesn’t matter what the age of the advocate is, as long as they can get things done and that you can trust them”

- In general, the gender of the advocate was not an issue, other than where the issues were of a sensitive nature. Again young people would like to be given the choice.

“There should be a choice of both male and female advocates”

- The knowledge and competence of the advocate was perceived to be very important to young people. They wanted someone who was “clued up” and “knew their way round the system”, also someone “who had done their research” and “wasn’t fobbed off by awkward

questions". Therefore careful selection and training of advocates would be an important issue for any potential advocacy organisations.

'They should be competent'

- There were no strong views as to whether advocacy should best be provided by paid members of staff, or by volunteer advocates, although one person did say she felt that volunteers were more likely to be dedicated, and doing it because they wanted to. It was very important to the young people we spoke to that the advocate cared, liked them and was committed to them, and that they enjoyed their role.
- Other qualities young people would like to see in an advocate:

"The advocate should be patient, a good listener, and loyal. Also the advocate would need time to help someone"

"Someone who is open minded"

"They should be understanding and be a good communicator"

"They would need to have a clue where to go to help you...the advocate would need to help by giving you options, to signpost you, but you would choose which of the options would be best"

"If they had a hard time themselves they can help you better cos they know what you are going through, although nobody knows exactly how you feel"

"You need someone who's got experience in that field, someone who's been through the system. That person would probably listen to you better than anyone else"

"you would have to trust them, they shouldn't judge you and should understand you"

"someone who is pushy, they should be assertive"

"They shouldn't just be swayed by other people's opinions. They should listen and think for themselves"

"When they're speaking for you, they should use your own words"

“someone who talks to you normally, not in a baby voice”

“informal”

“More like a friend”

Accessing Advocacy

- The main barrier to advocacy for young people is lack of information.

“More information. I’ve never really heard about it before”

“it should be taught in schools, in Personal and Social Education classes”

- Young people identified a variety of ways of finding out about advocacy that they would find helpful. These included: posters, leaflets, bill-boards, magazine articles, T.V and radio adverts, and websites.
- Information should be displayed in places where young people go, such as schools, health centres, sexual health and family planning centres, youth clubs, leisure centres, music shops, bus stops, and cafes.
- Information should be young person friendly, i.e. bright, bold, colourful, with pictures of young people, and humour. It should not use jargon, or be too wordy, but nor should it be “dumbed down” as this is patronising to young people. Using celebrities, such as music and sport stars, would appeal to many young people, although the comment was made that different young people like and respect different people.
- Young people would find it particularly helpful to hear about advocacy from outside speakers from the advocacy organisation, particularly other young people, coming into schools and youth clubs. They are not so likely to listen to parents or teachers telling them about advocacy.
- In terms of getting in touch with an advocate, most young people would find it helpful to have a card with a freephone number or email address on it. They also identified the need for advocacy to be

offered on an outreach basis in venues they would naturally go to, such as youth clubs, the housing department, children's homes, police stations, schools, drop in centres and doctor's surgeries. Using text messages was also considered a popular method.

- Young people identified the need for advocacy organisations to take into account their various needs in terms of access. For example, for some people, written information would not be accessible, whereas others might not have internet access, then again, many young people cannot afford the price of a bus fare or telephone call to the advocacy organisation. Also, sensitivity to the fact that young people might need to access advocacy in private without their friends and family finding out, would need to be taken into account. The cultural needs of specific groups, should also be addressed, it was suggested.
- It was felt that advocacy organisations would need to be flexible, by not withdrawing the offer of a service to young people "just because they had missed a couple of appointments". This was in recognition of the fact that some young people's lives are quite chaotic, and they have a lot of demands.

Types of Advocacy

- Young people identified the need for professional (issue based), citizen, collective and self-advocacy.
- Citizen advocacy was identified as useful in certain contexts, such as a rural setting where there are not services available for particular disadvantaged young people, such as LGBT young people, and they might need ongoing support.
- Collective advocacy was seen as complementary to individual advocacy, and useful in a number of contexts. Young people felt that they were more likely to be heard and taken seriously if they had "strength in numbers"

Generic v specialist advocacy

- Young people did not think it would be helpful to split advocacy provision for particular groups of children/young people. They wanted an integrated service that treated them respectfully, taking account of their individual needs.

Issues Identified by ‘Adult Interviewees’*

Advocacy, Rights and participation

There is a close relationship between rights, advocacy and participation for children and young people. It was felt that these services should be combined as “children need to know what their rights are before they are likely to ask for help in meeting them”.

Targeting advocacy

The provision of rights information was identified by one interviewee as a service which should be ‘universal’, or available to all children, regardless of particular circumstance. Advocacy, on the other hand, should be targeted as a ‘specialist’ service to children in the greatest need because they are in particular vulnerable situations. It was felt that, in the light of limited resources, recognition needed to be given to the fact that “most parents are perfectly willing and able to represent their children’s needs”.

Likewise, there will be a role for advocates to help children access other even more specialist services. It was suggested that universal, specialist, and enabling services, see below, need to operate more strategically with clear protocols for referring on, and monitoring children to whom they do and do not provide a service. This will assist with identifying unmet need, and help to justify additional funding for advocacy and other services for children.

Reaching vulnerable children

It was suggested that children’s advocates would have to liaise more closely with natural ‘enablers’ to help them reach and engage with the children most in need of advocacy. Enablers would include youth workers, detached streetworkers, teachers, and other people the child comes into contact with on a day-to-day basis.

Advocacy and Representation of the Child’s ‘Best Interests’

The importance of understanding the difference between advocating the child’s views, and representing their ‘best interests’, as defined in legislation, service standards, and largely from an adult perspective, was highlighted. It was suggested that both need to be taken account of to reach the best outcome for the child, and therefore both highlighted, preferably by different professionals: an advocate (the child’s views) and a right’s worker (to represent the child’s best interests). These functions could usefully sit within the same organisation, to aid communication, and

because sometime, if the child lacks capacity to consent, it would be appropriate for the advocate to take on the 'representational' or safeguarding role. However, where these roles are separate the advocate would need to be careful, not to divulge anything confidential between themselves and the child, and to remain loyal to their role.

Trust

Many young people find it difficult to trust adults, as they have been let down badly. Advocates often need to spend a lot of time and effort building a relationship of trust with the young person, perhaps meeting in informal places, like cafes, for the young person to feel at ease.

Underlying Issues and support for parents

Often young people have many more problems than the one they first present with, and sometimes these can be issues for the whole family, such as homelessness. Advocates often need to respond to such complex issues, but it is important that they retain the focus of their attention on the young person. It may be appropriate to refer parents and other family members to alternative sources of support.

Separate Children's advocacy

Need for children's advocacy to be separate from adult provision, to reduce potential for conflict of interest, and to retain 'children's focus', i.e. a service which takes account of the distinct developmental and cultural needs of children/young people.

Need for children's advocacy to be flexible

Current "pure" models of advocacy were not seen to be appropriate to children and young people. It was felt that children's advocacy tends to operate on a much more 'urgent' basis, i.e. a child is referred and the case is taken on and dealt with immediately, because it cannot wait. Examples of such issues related to school exclusion, Records of needs (without which the child will be denied additional educational support), attendance at children's Hearing with threat of criminal proceedings or being taken into care; homelessness etc. This means that sometimes a children's advocate will take on roles, alongside the advocacy function, which would not ordinarily be regarded as advocacy, because other professionals may have neglected their duty of care, and the advocate may be the only person the child/young person trusts. It was felt, therefore, that children's advocacy organisations sometimes have to be much more flexible in responding to need, rather than adhering to a 'pure set of principles.'

Assessment/prioritisation Criteria

Assessment criteria, when responding to referrals, should, it was suggested, take account of: the appropriateness of the request for advocacy (i.e. is it advocacy and not another service that the child needs?): the urgency of the child's need for advocacy: what other supports they have in place: and what would happen to them if advocacy was not provided. This should help to prioritise referrals. (It was suggested that it would not normally be appropriate to place a child on a waiting list for advocacy.) Additionally, the child, themselves, would have to want advocacy (not just their parent), and they would have to satisfy other funding criteria in place, such as living within a certain area.

Consent

Advocacy organisations should work with children under 12 only if they have the consent of parents/carers/teachers.

Transition to Adult advocacy services

There should be clear guidelines about the transition from children's to adult services at 18. However, flexibility needs to be built in so that each young person's situation is assessed individually. For example, if a young person has lots of changes going on in their life, it may not be the best time to move them on.

Risk/safety

The need for stringent risk assessment procedures, e.g. enhanced Disclosure Scotland checks, protocols re meetings between advocates and young people, is particularly important in children's advocacy.

Lack of understanding among children's professionals

Children's services need to be more accepting of the need for advocacy. It was felt that there was a particular lack of understanding among senior managers in Education Departments, and among members of Children's Panels. Closer joint working is needed to remedy the cultural rift between different sets of professionals, in particular between statutory and voluntary sector providers, for advocacy to be effective.

Information, education and support for parents and potential referrers to advocacy

If advocacy is to be made available to children and young people, it is essential that parents, teachers and children's service professionals are informed about its existence and the value and benefits to them and children. This will enable them to refer, and also to support the young people through this process.

Strategic approach to children's advocacy

Local authorities need to take a more strategic approach to planning and implementing children's advocacy, perhaps with Education Departments taking corporate responsibility.

Mapping children's advocacy

All interviewees recommended that advocacy for children and young people (including that which is provided by children's organisations which offer it alongside other services) should be audited through national and local mapping exercises. This will help to identify how future funding for children's advocacy should best be targeted.

National network of children's advocates

All interviewees recommended that a national network of children's advocacy workers be set up to share ideas on good practice, and inform future developments in the field.

*The terms 'children' and 'young people' have been used interchangeably in this section to refer to both.

NEXT STEPS

ASA and SIAA are proposing that we set up an informal national advisory group, of relevant stakeholders, to inform the development of children's advocacy in Scotland.

We will also pro-actively raise with commissioners in each locality the need to address the issue of children and young people's advocacy as a priority.