

Pan Bedfordshire Advocacy Guidance and Key Principles

**Article 12 of the UN Convention on the Rights of the Child states that
“Every child has the right to say what they think in all matters affecting them and to have their views taken seriously”**

Advocacy helps to make the above a reality for those children/young people who, for whatever reason, would not otherwise be able or allowed to share their views about something. Advocates can provide children and young people with the knowledge, confidence, and support that they need to influence the decisions which affect their lives. Advocacy should be available to all young people.

The Pan Bedfordshire Voice the Child Group has produced this guidance and key principles to support all other forms of advocacy for children and young people in Bedfordshire. However, it is recognised that to achieve self-advocacy specifically for children/young people this requires overcoming cultural and institutional barriers they face in getting heard in a society in which the non-participation of children/young people in decision making is the norm. This must change.

Advocacy means getting support from another person to help the child/young person express their views and wishes and help them stand up for their rights. Someone who helps the child/young person in this way is called an Advocate. In discussions with children and young people it is acknowledged that whilst we refer to Advocacy/Advocate throughout this guidance and key principles for some children and young people they do not like these terms and would prefer to see the role in terms of support and representation.

Advocacy can be achieved in many different ways;

Advocacy service that has been commissioned to act independently for a child or young person. They work just for the child/young person to help them to be actively involved in decisions that affect their life.

Anyone can act as an advocate for a child or young person. However, they should only take on the role if they properly understand what advocacy does and does not involve. For most children, parents take on the role of advocate. For others, a friend will support them in this way. Teachers, social workers, youth workers and professional advocates can also provide this support for children and young people.

The child/young person identifies who they would like to be their advocate. This might be anyone that they have built a trusting relationship with for example a football coach, someone from their school, their Nurse, Social Worker, GP the list is endless.

Parents have the responsibility and the right to decide how their children should be brought up, and be in charge of actions and behaviour until the child is 16. In some circumstances, there may be a conflict between the child/young person and their parent(s) so it is important to recognise when such conflicts arise and that separate representation should be found for the child and the parent(s). When decisions are being made that will affect children/young people, parents should seek their child's views on these changes and ensure that they are involved in decision making processes, effectively acting as their child's advocate. Advocates should be mindful that parents themselves may have a need for advocacy support in order to express their wishes in relation to decisions affecting their children.

Advocates must;

- be aware of the rights of children/young people
- act on the issues agreed with a child/young person and not be influenced by others
- not let their personal opinions influence the child/young person's choices
- be aware of their own prejudices
- help the child/young person to access the information they need
- be clear that information about the child will not be shared without the agreement of the child/young person, except in very specific circumstances
- understand the different laws that apply to what they do
- not do anything the child/young person does not want them to do, except where the law requires it
- be aware of and act within the law at all times
- be aware that they might have to break the child/young person's confidentiality, if the law requires it
- know how to respond where they are concerned about a risk to the child/young person's wellbeing

The kind of things an Advocate may do for the child/young person include:

- Going to meetings with the child/young person where decisions are being made about them.
- Writing letters/emails on their behalf
- Helping to get all the information the child/young person might need and help them understand what their rights are.
- Speaking for the child/young person if required.
- Helping the child/young person get their voice heard, listened to and acted upon.

Supporting a child/young person to understand and agree to advocacy

It is important that a child fully trusts the individual who is advocating on their behalf. If that trust does not exist, then it is unlikely that a child/young person will be confident about sharing their views.

In order for that trust to be developed it is crucial that the child/young person understands what the advocate's job is and agrees to an individual acting as their advocate. The child/young person must always have a choice in the matter and must be supported to understand who is best placed to support them, whether that be a friend, parent, teacher, youth worker or professional advocate.

Engaging with children/young people

There are a number of key rules which should always be remembered when an advocacy worker is engaging with a child/young person:

- the advocate must have a good understanding of the child/young person's rights
- the child/young person should always be supported to understand their rights
- the child/young person should always be supported to understand the importance of their voice being heard
- children/young people should be given the choice to participate in decisions (this can mean them choosing not to be involved)
- children/young people should be involved as early as possible when decisions are being taken
- advocates must always be honest about what difference a child/young person's view will make, and be clear about what is possible

- children/young people should be encouraged to ask questions and supported to get the information they need
- children/young people need to feel that they are being taken seriously and that their views are being listened to
- children/young people should be supported to understand how their views are being taken into account when decisions are being made
- if a child needs extra help to engage in a matter, they should get that help
- never assume that a child/young person understands what is being said to them – always check
- as part of their work, advocates should consider using activities which are fun and creative and which suit the child/young person's ability
- advocates must view the child/young person as an individual, thinking about their age, ethnicity, ability, language, culture, religion, where they live and anything else that is important
- Any advocacy should be led by the child/young person, allowing them to take part in decisions in the way that is right for them.

Supporting disabled children/young people

Disabled children/young people may have a range of complex needs which include communication support and support for cognitive ability and capacity to understand. Advocates may need specialist training to enable them to work with children with particular needs (for example, children with autism, a learning disability or a mental health need).

Advocacy has an important role to play in supporting disabled children/young people to express their views. They may struggle to develop friendships and wider social networks independent of their parents/carers, so it is particularly important that advocacy identifies and faithfully articulates their views. It may be particularly important that their views are distinguished from those of parents/carers, who may have taken most decisions on behalf of the child/young person in the past. Genuinely listening to them and including their voice in decision-making should help achieve this. Disabled children/young people may need support to raise issues about access to a wide range of services including leisure and social activities (such as respite care and short breaks) and when moving from primary to high school and making the transition to young adults' services.

Children and young people's capacity to make decisions

In England children and young people over the age of 16 are presumed to have the capacity to consent unless it is established that they lack capacity. The Mental Capacity Act 2005 states that a person is deemed to lack capacity if: a. he or she has an impairment or disturbance (whether temporary or permanent) that affects the way their mind or brain works; and b. that impairment or disturbance means they are unable to make a decision at the time it needs to be made. In order to make a decision, they must be able to understand, retain and weigh up the information relevant to the decision as well as communicate their decision.

In considering whether a child under 16 has capacity to instruct advocacy, it will be relevant to consider whether instructing advocacy would be something a child/young person of that particular age and circumstances would commonly be expected to do. The capacity of the child/young person will depend on an assessment by the advocate of factors such as age, developmental stage, maturity and understanding.

Key Principles

Clarity: Organisations should be open and clear with children/young people that they are able to ask for support and representation if they feel this would be helpful – advocacy or support should be available for all young people. Organisations should be clear on what support is available for example an independent Advocacy service, an organisational representative or family/friend. Organisations should also be open about any limitations there may be in relation to requesting support or representation. Organisations should also be open and clear with the child/young person that if safeguarding issues arise, then referrals or discussions may need to take place with other services to safeguard them or others.

Independence: As mentioned above organisations may offer different types of advocacy or support services, some of which may be in the form of commissioned independent Advocacy services. There may also be options for children/young people to be supported by an individual of their choice who may be a professional or voluntary representative, friend or family member. Advocacy should be as free as it can be from conflicts of interest and an Advocate must act only as an advocate and should not represent the views or wishes of any other person.

Person centred approach: If a child/young person asks for support or representation, the Advocate should always be respectful of the child/young person's needs, wishes, views, culture, identity and lived experiences.

Empowerment: Advocacy, support and representation should always work to empower the child/young person. Organisations should consider that there may be different levels of advocacy or support needed by children/young people, and therefore should be able to offer a range of services or levels of support.

Equal opportunity: Organisations should have a range of policies in place to ensure fairness, equal opportunities and diversity are proactively considered.

Accessibility: Organisations should provide clear, concise, easy to find and up to date information about their free support and representation. This should be available to any child/young person. Promote the importance of child/young person's voice being heard and highlight the role of advocates in making this a reality

Supporting Advocates: If organisations identify staff from within their organisation to act as an Advocate, they should ensure that their staff are provided with learning and training opportunities to develop their knowledge, skills and experience to support them in their role as an Advocate. Likewise, if organisations commission independent Advocacy services for children/young people, these services should ensure their Advocates have appropriate training and support. If a child/young person requests their support is provided by an individual of their choice, the organisation should still work to support and provide guidance to this person to help them represent the child/young person as required.

Accountability: A child/young person should be provided with the contact details and information about how to contact the person providing them with support and representation. That person or organisation should be clear with the child/young person about their role and responsibilities.

Confidentiality: Organisations should have appropriate policies in place that outline confidentiality and GDPR requirements as necessary. This information should be made available to the child/young person (in plain English) so that they are aware of and feel confident about how their information is being handled, used and stored.

Information given by a child/young person to an Advocate would normally be considered confidential. Confidential information should not normally be shared, except in limited circumstances where:

- the law requires information to be shared
- there is a public duty to share information
- the child/young person consents to the information being shared

It follows that, as a general rule, Advocates should not share any information given by a child/young person without their knowledge and consent. There are however some exceptions. Where an Advocate is concerned that a child/young person is at immediate risk of significant harm, they should follow the [Pan Bedfordshire Inter-agency Child Protection Procedures](#)

Complaints: Organisations should be open and clear with children/young people about how they can provide feedback or make complaints about their service (this may also include support from an advocacy or support service). Complaints should be welcomed and encouraged, not seen as a negative process but one that may improve the organisation's services for that child/young person and others.