

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Ymchwiliad i Eiriolaeth Statudol | Inquiry into Statutory Advocacy Provision

Code SAP03

Ymateb gan: Tros Gynnal Plant

Response from: Tros Gynnal Plant

Our Response

Tros Gynnal Plant welcomes the opportunity to provide written evidence to the NAFW Children, Young People and Education Committee inquiry into statutory advocacy provision.

This response compliments our recent submission to the Committee's previous request for key priorities to inform its forward work plan. In our response we expressed support for the Committee conducting an inquiry into advocacy provision for children and young people in Wales during the Firth Assembly Term.

What are your views on the effectiveness of the Welsh Government's approach to the delivery of statutory advocacy provision? (If you have any concerns in this area, how should they be addressed?)

"Wales has been on an advocacy journey for over 10 years, following the publication of the Waterhouse Report, and yet it finds itself without a clear set of checks and balances to ensure that all children with an entitlement to advocacy also have a genuine opportunity to access it. This situation cannot be allowed to continue and must be addressed as a matter of urgency." Missing Voices (March 2012)

Tros Gynnal Plant has been on that journey and has witnessed a series of failed initiatives to resolve the issue. Successive Welsh Governments over the last fifteen years have sought and failed to put those checks and balances in place from the National Independent Advocacy Board (NIAB) and the Welsh Government Advocacy Unit (both now gone) to the Ministerial Expert Group on Advocacy and its Young People's Group (both now ceased).

Interventions over the years have managed to re-align the meaning and understanding of advocacy away from 'safeguarding' towards a more general participation agenda. Attempts have been made to define and locate Advocacy and its outcomes along the participation continuum. More recently this has been subsumed into 'voice and control'.

Within the Part 10 Code of Practice that accompanies the Social Services and Well-being Act (Wales) 2014.

Section 30: Advocacy has **two** main themes:

- Speaking up for and with individuals who are not being heard, helping them to express their views and make their own informed decisions and contributions, and
- Safeguarding individuals who are at risk.

Whereas we would argue that the **one** theme/focus of advocacy is ‘Safeguarding individuals who are at risk by speaking up for those who are not being heard, helping them to express their views and make their own informed decisions and contributions’

Statutory Advocacy provision should be more strongly re-aligned with the Safeguarding agenda – safeguarding well-being, safeguarding rights and safeguarding children.

What are your views on the latest position in relation to the implementation of the National Approach to Advocacy Services?

Tros Gynnal Plant facilitated the secondment of its Assistant Director to Welsh Government in October 2014 in response to the recommendation of the Ministerial Expert Group on Advocacy (MEGA). Subsequently he served as the project manager on the ADSS Cymru Task and Finish Group and was instrumental in the editing and design of the National Approach Business Case which was completed in November 2015.

We have since then shared the frustrations of our colleagues with the lack of progress from ADSS Cymru and strategic leadership from Welsh Government and shared these concerns in a letter to Welsh Government.

‘While many local authorities express general support for the principles behind the National Approach others continue to question the validity of the Children’s Commissioner’s recommendation of an ‘Active Offer’ and whether there is any need for change. Our Providers Group members’ experience on the ground leads us to believe that some local authorities consider that their current level of investment is ‘good enough’ in the current financial climate and that the Approach will not be delivered without full funding from Welsh Government.

We are now however pleased to advise the committee that very recently we have been approached by the ADSS Cymru with a view to a further secondment of our

Assistant Director to steer delivery of the ADSS Cymru advocacy implementation plan, initially for 6 months. Once agreed we are hopeful that this will provide the required drive to deliver the National Approach in full.

There are however some remaining issues that still need addressing;

- It is unclear at this stage what governance and accountability arrangements are proposed and how a national monitoring and reporting process can be established to feedback the national picture or overview to Welsh Government.
- The Business Case does propose a review of progress at the end of the first year of full implementation, and to report on achievements and any adjustments needed based on performance data and latest population statistics, it does not however set out how this would be achieved.
- The delay in progressing the National Approach to Statutory Advocacy has meant that the revised National Standards and Outcomes Framework, developed as a key component of the National Approach and mapped to the Well-Being Statement, has yet to be issued for public consultation we would wish for that to be done without delay. We would also expect that the National Standards and Outcomes Framework be eventually issued as a statutory document.

What impact has Part 10 of the Social Services and Well-being Act 2014 had on advocacy provision?

As previously identified Tros Gynnal Plant believes that there has been a drift away from identifying advocacy with safeguarding towards presenting it as a part of the participation continuum, and more recently 'voice and control'.

There are however a number of opportunities within Part 10 to further extend the scope of 'statutory advocacy entitlement' beyond those identified within the National Approach.

“Local authorities **must** arrange for provision of an independent professional advocate when a person can only overcome any barrier(s) to **participate fully in the assessment, care and support planning, review and safeguarding processes** with assistance from an appropriate individual, but there is no appropriate individual available”

Some children will benefit from having access to an advocate at the early assessment stage which seeks to identify their personal and well-being outcomes.

Under Section 15 (Preventative Services) and Section 17 (Information, Advice and Assistance) - there is a key role for advocacy as one of the services available to

local authorities, helping to achieve resolution, preventing escalation and additional costs being incurred.

Local authorities have yet to identify this inter-connectedness that will need to be met by commissioning a broader, comprehensive advocacy service and **must not** be delivered to the detriment of the calculations that underpin the National Approach model.

Which priority areas in relation to advocacy provision for children and young people do you believe the Welsh Government should address? (What do you think is needed to achieve that progress?)

- Full implementation of the national advocacy approach with strong strategic leadership to ensure all stakeholders are undertaking the actions required within the business case – fully resourced and funded in line with the range and level mechanism within the Business Case
- National Standards and Outcomes Framework issued for consultation before being issued as a statutory document
- Engagement and involvement of children and young people in line with Advocacy Outcome Statement 5 of the National Standards and Outcome Framework
- Clear governance and accountability arrangements for the National Approach established at both a national and regional level – clear performance and reporting processes to inform a National Overview.
- That this committee undertake a further short review of the National Approach and its progress during the latter stages of this Assembly term.