



ADSS Cymru

Leading Social Services in Wales

Yn arwain Gwasanaethau
Cymdeithasol yng Nghymru



WLGA • CLILC

National Approach to Statutory Advocacy for Children and Young People – Local Government Implementation Plan 2016/17

Advocacy under Part 10 of the Social Services and Well-being (Wales) Act

1. One of the principles embedded in the Act is that people are at the heart of the new system and have an equal say in deciding the care and support they receive. It emphasises voice and control – putting the individual and their needs at the centre of their care and giving them a voice in, and control over reaching the outcomes that help them achieve well-being.
2. The child or young person's views, wishes and feelings, and (where appropriate) those of their parents, are crucial in determining what their personal outcomes are and how they can best be met. The extent to which a child or young person can contribute to, and participate in, defining and achieving those outcomes will depend upon their age and understanding, and they should be supported in this by a range of professionals and other people involved with them, including (as appropriate) their parents, family and friends, social workers, independent reviewing officers, independent visitors and advocates. In implementing the Act, local authorities have placed considerable emphasis on 'Better Conversations' and 'Inspirational Conversations' training. This is intended to increase levels of competence among staff across relevant organisations in delivering 'What matters?' conversations right from the point of initial discussions with the people who make contact because they may need care and support.

3. It is important then to be aware that advocacy can and should be undertaken by a wide range of people and professionals. Anybody exercising functions under the Act must have regard to the importance of providing appropriate support to enable the individual to participate in decisions which affect him or her, to the extent which is appropriate in the circumstances. Also, the National Outcomes Framework for Social Services sets out well-being outcomes for people who need care and support and carers who need support. The framework states that people must speak for themselves and contribute to the decisions affecting their lives, or have someone who can do it for them. The extent to which this is achieved must be measured.
4. As set out in the United Nations Convention on the Rights of the Child (UNCRC), children and young people have a right to be heard in matters affecting their futures. Wales has ratified the UNCRC as a basis for taking forward children's rights. Under the Rights of Children and Young Person's (Wales) Measure 2011, Welsh Ministers have a duty to pay due regard to the UNCRC in all of their functions. The Social Services and Well-being (Wales) Act requires any persons to have due regard to the UNCRC. Detail on exercising this duty has been provided in the Code of Practice in relation to Part 2 of the Act.
5. Throughout the Act and under Part 10 specifically, there is a clear and strong emphasis placed on the role of advocacy. It is vital that people are supported appropriately in order to ensure that an individual is enabled to represent their interests, exercise their rights, express their views, explore and make informed choices. A local authority's duty to provide advocacy services (or assistance by way of representation) in relation to its social services functions is re-stated under Sections 171-178 of the Act.
6. Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in this code. The overarching duty is to have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason (section 6(2)(d)). Paragraph 35 sets out the roles of family, friends, carers, wider support networks or independent advocates in providing appropriate support to ensure individuals are actively involved in their care and support.

7. Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts of the Act. Commissioners of advocacy service and advocacy service providers should be able to establish the quality as well as the quantity of their work, providing assurance that they are making a positive difference to children and young people's lives. The Part 10 Code of Practice (Advocacy) applies.
8. In relation to children, this will depend on their age and understanding and they should be supported in this by a range of practitioners and other people involved with them including their family and friends. Any persons providing care and support to a child under the age of 16 must ascertain the views of persons providing parental responsibility for the child. This will be crucial in determining how personal outcomes can be achieved. The code of practice sets out the functions when a local authority, in partnership with the individual, must reach a judgement on how advocacy could support the determination and delivery of an individual's personal outcomes; together with the circumstances when a local authority must arrange an independent professional advocate. Professionals and individuals must ensure that judgements about the needs for advocacy are integral to the relevant duties under the code. Options include peer advocacy, informal advocacy, formal advocacy and independent professional advocacy. .
9. It is positive that Part 10 recognises that advocacy can take many forms and that it is not confined to arrangements of an independent advocate by a local authority. For example, the role of a trusted adult already known to a child can be vital. There is an important role for local authorities and also for third sector organisations and the NHS to support all types of advocacy and advocates. Ultimately, resources will have an impact on what advocacy services are commissioned and the current financial climate means that we have to be realistic about the expectations being placed on local authorities, without additional funding being provided. This is especially the case given the intention to regulate advocacy services under the Regulation and Inspection of Social Care (Wales) Act.

10. At the heart of professional advocacy is the concept of independence. An independent professional advocacy service is designed to provide additional safeguards for children and young people. Consequently, it is imperative that the advocates are free to support them, without any conflicts of interest, and to appropriately challenge service providers on behalf of the children and young people. The subject of such challenge may be very broad and can include:
 - decisions made about a child or young person's care
 - upholding a child or young person's legal rights;
 - the quality of care being provided.
11. The role of the advocate is to support a child or young person in making an informed decision, with their views and wishes as the sole focus. An advocate will help a child or young person to understand his or her rights and the choices available. Ultimately, any decisions taken by the child or young person will be their own, subject to any legal constraints. Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts.
12. The role of the advocate is to support a child or young person to make an informed decision with the young person's views and wishes being their sole focus. An advocate will help a child or young person to understand his or her rights and the choices of action that are available. It is vital that commissioners of advocacy services and advocacy service providers can measure the quality as well as the quantity of their work, to seek assurance that they are making a positive difference to the lives of children and young people.

The National Approach to Statutory Advocacy for Children and Young People

13. On behalf of Welsh Government, Dr Mike Shooter undertook a strategic review of the evidence in relation to the provision of statutory independent professional advocacy services (SIPAS) for children and young people. Ministers were presented with the first report in January 2014. The Report showed that, while there were examples of good practice, commissioning and provision of statutory advocacy services in Wales were patchy and inconsistent.

14. Following this review, in 2014 Ministers invited local government (via ADSS Cymru), to bring forward a model for securing a national approach to SIPAS for looked after children and specified groups of children in need.
15. An advocacy Task and Finish Group (T&FG) was established to take this work forward, chaired by ADSS Cymru. The T&FG took responsibility for developing the key components of a National Approach to advocacy, aligned to a Standards and Outcomes Framework. The group was asked to explore:
 - the recommendation from 'Missing Voices: Right to be Heard' (the report by the Children's Commissioner on independent advocacy services for children and young people in the care system) in respect of an 'active offer'; and
 - how to deliver the National Approach model at a regional level through lead authorities within the existing Social Services Regional Improvement Collaboratives (since replaced by Regional Partnership Boards).
16. The work of the T&FG led to the development of a business case produced towards the end of 2015. It set out in detail the following key components of a national approach:
 - A National Standards and Outcomes framework
 - A Regional Service Specification
 - A Range and Level Mechanism
 - A local/regional performance reporting template.The work of the T&FG identified that the additional cost for local authorities in implementing a national approach with all of these elements would be in the region of £1m.
17. Through the ADSS Cymru Executive Council and WLGA's Social Services Policy Group (made up of Elected Members with a responsibility for Social Services), the implications of adopting a national approach as set out in the business case were considered. It was agreed that, in principle, both were content to examine further how local authorities could take forward a national approach. However, in recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial

implications for their individual authorities. This would enable them to come to an informed view and to engage with other authorities in their region.

18. Having received this information earlier, local authorities indicated broad support for developing a national approach, with agreement on the overall principles that have been adopted. Some authorities identified that the draft National Approach Specification has already been used to influence current contracting arrangements. However, there were concerns raised about some of the implications, especially about how to meet the additional costs identified at a time when budgets are being reduced. Concerns included:
 - Some of the additional costs are a result of new requirements placed on local authorities in an already challenging financial climate; this is especially the case in delivering the 'active offer'.
 - The Business Case uses historical information from 2013/14 as its baseline. For a number of authorities, spend on advocacy has changed since this information was provided; for example, costs in the North Wales region have decreased as a result of regional commissioning. It is likely that the actual costs to some local authorities will be higher than those cited in the business case.
 - A number of local authorities were concerned about the need to protect the rights of children and young people to opt for other forms of advocacy at the outset, as opposed to a narrow choice regarding a uniform 'active offer' from one provider.
19. Since this time, Welsh Government has confirmed its commitment to providing new funding to contribute to and support the provision of independent professional advocacy, including the costs of the active offer in full (as this is a new responsibility) and a contribution towards the resources required to meet a quality service as set out using the range and level tool. This will help local authorities to meet some of the additional costs that will accrue over time.
20. On this basis, it was agreed that a local government technical group would be set up by ADSS Cymru and the WLGA to look at how best to take the work forward and support local authorities. The group met in September to scope out the current

position and to plan the actions required to take forward the national approach. Representatives from each of the Regional Partnership Board areas were part of the group.

21. The group recognised that the financial implications identified for local authorities in the business case used information from 2014 and so the true costs of implementing a national approach may now be different for a number of them. For example, some authorities have seen significant increases in their looked after and child protection figures. If funding were to be provided on the basis of information currently held, some authorities may not be adequately supported to meet the new requirements. Therefore, one of the key actions required was to update this information to ensure that there is an accurate picture of the financial implications for local authorities. This is work that will be undertaken through the technical group.
22. Each local authority already has contract arrangements in place to provide statutory advocacy to children and young people. Some areas have already moved to regional approaches to commission this service, specifically Mid and West Wales, North Wales and Cwm Taf. Caerphilly, Torfaen and Blaenau Gwent also have joint arrangements in place and have agreed to create a Gwent-wide service when existing contracts expire. Similarly, Cardiff and the Vale have agreed that they will be looking to commission advocacy services on a regional basis when existing arrangements come to an end early in the next financial year. Western Bay local authorities are developing a joint tender next year. Each of the regions has appointed a lead local authority for commissioning purposes. On this basis, it is anticipated that regional approaches could be in place across Wales in the first quarter of the new financial year, once local authorities individually commit to this change. The national approach will need to be supported by the partnership framework that is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards.
23. The draft specification developed as part of the National Approach has already been included as part of the tendering process recently undertaken in Mid and West Wales. The other regions have indicated support for jointly using the specification to re-commission their services. The commissioning approach taken by Mid and West Wales included a separate lot for the provision of the 'active offer'. Subject to a number of conditions being met (full funding being made available from Welsh Government, the current provider having capacity and agreement from the local authorities), this part of the contract is ready to be

instigated and the active offer can be rolled out across Mid and West Wales in this financial year. North Wales is in the second year of a regional contract and the active offer is being piloted in Flintshire. The other regions can learn from these pioneers in terms of the approach to tendering, how the active offer element is included and how this could be built into future regional commissioning arrangements.

24. The Executive Council of ADSS Cymru has received an update on the work of the Local Government Technical Group.

Directors have resolved that:

- the Executive Council would ask Directors of Social Services to agree that they will adopt the national approach;
- each Regional Partnership Board area would undertake to provide a date by which it will have used the national approach to commission an advocacy service.

25. ADSS and WLGA have worked with regional leads to develop an implementation plan identifying how each region has, or how they intend to use the key components of the National Approach to commission a service for the region, once they have access to Welsh Government funding for the active offer and its contribution towards the resources required to provide a quality service as set out in the range and level tool.

National Approach to Statutory Advocacy for Children and Young People Local Government Implementation Plan 2016/2017

Purpose: In order to achieve the best possible outcomes for all children in care and those with care and support needs, to commission and deliver across Wales consistent statutory independent professional advocacy services on a regional basis, in line with legislation and guidance and ensuring provision of the active offer.

No	Action	Desired Outcome	Lead	Timescale	Update	Status
1.	Secure agreement in principle from the WLGA and ADSS Cymru to implementing the key components of the national approach set out in the Task and Finish Group business case (i.e. a National Standards and Outcomes framework; a Regional Service Specification; a Range and Level Mechanism to assist commissioners in calculating the capacity requirements for their local/regional independent advocacy service; and a local/regional performance reporting template).	To ensure that local government is committed to adopting the national approach	ADSS Cymru	April 2016	Achieved - Both the WLGA's Social Services Policy Group (made up of Elected Members with a portfolio responsibility for Social Services) and the ADSS Cymru Executive Council (comprising all Directors of Social Services and Chairs of Heads of Services groups) endorsed the direction of travel. In recognition of the additional costs identified, it was accepted that individual local authorities and regions would need to receive further information on the national approach and, in particular, the potential financial implications for them.	

No	Action	Desired Outcome	Lead	Timescale	Update	Status
2.	Ask Welsh Government to confirm in principle a commitment to providing new funding that will contribute to and support the provision of independent professional advocacy.	To help local authorities meet some of the additional costs that will accrue over time.	Welsh Government	August 2016	Achieved - The Task and Finish Group business case identified that, for local authorities, the additional cost of implementing a national approach with all the components would be in the region of £1m. Welsh Government is willing to meet the costs of the active offer in full (as this is a new responsibility) and to make a contribution towards the resources required to provide a quality service as set out through using the range and level tool.	
3.	Establish a local government technical group.	To plan the actions required to take forward the national approach and to support local authorities in implementation.	ADSS Cymru and the WLGA	September 2016	Achieved - Having received information about the potential financial implications, local authorities indicated broad support for adopting the national approach and agreed to set up a local government technical group to take the work forward. Led by ADSS Cymru and the WLGA, the group started to meet in September. Representatives from each of the Regional Partnership	

No	Action	Desired Outcome	Lead	Timescale	Update	Status
					Board areas are part of the group.	
4.	Identify Lead Authorities for each Regional Partnership Board and lead regional project managers to take forward the task of commissioning of advocacy services for Children and Young People in accordance with the key components of the national approach as set out in the Task and Finish Group business case.	To deliver a regional approach to commissioning advocacy services, to provide consistency and to have a named person responsible for delivery of each regional project.	ADSS Cymru	October 2016	Achieved - The national approach will need to be supported by the partnership framework which is underpinned by the Social Services and Wellbeing Act 2014, namely Regional Partnership Boards. All Regions have identified the Local Authority that will take the lead in their region for commissioning statutory advocacy for children and young people. The relevant Head of Service will act as the senior responsible officer for implementation.	Green
5.	Update the current position relating to the provision of advocacy services for Children and Young People at local and regional levels.	To gain a better understanding of the current position and the capacity of the independent sector to deliver a new service.	Local government technical group	November 2016	Achieved - All regions have provided an update to the Task and Finish Group on their current position relating to advocacy services and future plans.	Green

No	Action	Desired Outcome	Lead	Timescale	Update	Status
6.	Those regions which have just started to implement the national approach on a collective basis develop an indicative implementation plan for commissioning a regional service (subject to corporate requirements).	To establish a realistic date for implementing the national approach in each region, including corporate and political approval.	Heads of Service for the lead local authorities	November 2016	In progress – updates to be considered by the local government technical group in November. Currently, potential implementation dates range from January to June 2017, depending on availability of funding from Welsh Government and the termination dates for current contracts.	Amber
7.	Provide an updated position on actual spend in 2015/16 on advocacy services for children and young people at Local Authority and regional levels.	To updated financial information about the funding available for the provision of independent advocacy services and to identify gaps in funding.	Local government implementation group – Rhondda Cynon Taf lead	December 2016	In progress - Local Authorities are currently gathering the relevant information on spend for 2015/16.	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
8.	Apply the 2015/16 figures for relevant children to the range and level assessment tool to determine capacity required in each region.	To provide an up to date position on the additional capacity required to deliver the active offer and to assist with the calculation of additional funding requirements, including delivery of the active offer.	Local government implementation group - Rhondda Cynon Taf lead	December 2016	<p>In progress - Figures have been requested from local authorities. Since the business case was put together, some of them have seen significant increases in their figures for children who are looked after or in need of protection. Up to date information is also being obtained from Stats Wales.</p> <p>Once the information becomes available, Cordis Bright and the Local Government Data Unit will be asked to put updated information about potential need through the database used in compiling the Business Case (incorporating the range and level assessment tool) to determine capacity requirements.</p>	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
9.	Calculate the additional funding required to deliver the 'Active Offer' as defined in the Business Case.	To provide an up to date figure for the additional funding requirement from Welsh Government to meet these additional costs.	Local government implementation group -	December 2016	In progress - As the financial implications identified for Local Authorities in the business case used information from 2014, the true costs of implementing a national approach may be different for some of them. Calculations based on 2014/15 information estimated that £1,002,663 was needed to implement the national approach (including the active offer). This figure will be updated once the data for 2015/16 is available.	Amber
10.	Calculate the additional funding required to deliver the on-going advocacy services for which Local Authorities are responsible.	To provide up to date figure for the additional funding Local Authorities need to provide to meet the additional costs of delivering advocacy services in line with the national approach.	Local government implementation group - Rhondda Cynon Taf lead	November 2016	In progress – Local Authorities will need to confirm allocation of funding to meet the additional need identified through this process. Welsh Government is looking to provide between £500k and £550k to meet the costs of the active offer in full and contribute	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
					towards the resources required to provide a quality service as set out by using the range and level tool.	
11.	Each region to confirm formal agreement by the Local Authorities in their area to use the key components of the National Approach to Statutory Advocacy for Children and Young People when commissioning this service and to inform their Regional Partnership Board.	To use existing governance arrangements to obtain high level commitment and buy in from each Region to the national approach.	All Regional Partnership Boards	December 2016	In progress – Some regions are well advanced in securing this commitment and others have plans in place to do so	Amber
12.	Appoint a senior manager on a temporary basis (initially six 6 months) to oversee and co-ordinate introduction of the national approach.	To implement this plan within required timescales.	ADSS Cymru	December 2016	In progress - The Implementation Manager will assist the lead local authorities to adopt best practice in commissioning regional advocacy services across Wales and work with Welsh Government on work to underpin the national approach. Welsh Government has agreed to provide a grant for this purpose. A job description	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
					and person specification are being developed to enable recruitment to this post. We are exploring mechanisms for identifying and appointing a suitably qualified person to ensure no loss of momentum.	
13.	Develop a National Independent Advocacy Standards and Outcomes Framework for Children and Young People in Wales which includes an approach to the 'active offer' of advocacy.	To demonstrate how local authorities can evidence the way children and young people are supported to achieve their well-being outcomes by accessing advocacy.	Welsh Government and the Implementation Manager	TBC	Welsh Government to confirm progress with this action.	TBC
14.	Consult with stakeholders on the outcome statements contained in the National Independent Advocacy Standards and Outcomes Framework and develop a final draft of the Framework taking into account this consultation.	To meet the needs of the people using this service and deliver the required outcomes for children and young people.	Welsh Government and the Implementation Manager	TBC	Welsh Government to confirm progress with this action.	TBC
15.	Publish the National Independent Advocacy Standards and Outcomes	To manage expectations and deliver the required outcomes of children and	Welsh Government	TBC	Welsh Government to confirm progress with this action.	TBC

No	Action	Desired Outcome	Lead	Timescale	Update	Status
	Framework	young people.				
16.	Develop a service specification outlining the description and requirements of the advocacy service to be provided.	To assist regions with commissioning the statutory advocacy service that works to deliver a consistent model of independent professional advocacy.	Task and Finish Group	October 2016	Achieved – A service specification has been developed.	Green
17	Co-ordinate use of the national documentation, including the service specification, to commission independent advocacy services.	To ensure that the service specification is fit for purpose and lessons learned are shared with other regions and to adopt best practice in commissioning advocacy services across Wales.	Implementation Manager	From December 2016-June 2017	Mid and West Wales and North Wales have started to share with other commissioning leads their experience of using the national approach.	
18.	Commission independent advocacy services in each Region in line with the national approach to statutory advocacy for children and young people, taking into account the ‘lessons learned’ report.	To enable children and young people in Wales to have access to independent professional advocacy services.	All Regions	June 2017	This work is dependent on the ability of regions to implement their plans on time, on good outcomes from using the national specification and on the capacity of service providers.	Red
19.	Develop a performance management reporting template for use by professional advocacy	To monitor service providers and ensure that high quality services are delivering the	Local government implementation group	November 2016	Achieved - A reporting template has been developed for use by independent professional	Green

No	Action	Desired Outcome	Lead	Timescale	Update	Status
	services, so that information is captured in a consistent format.	outcomes required by children and young people.			advocacy services enabling them to capture consistently data required for reporting on performance and quality monitoring. This data will be collected on local, regional and national levels. The information generated will bring to light any problems in securing a consistent and effective approach across Wales.	
20	Include a regional update on progress in adopting the national approach in the Annual Report produced by each Regional Partnership Board.	To provide robust monitoring on progress.	Regional Partnership Boards	April 2017	The Statutory Guidance (Partnership Arrangements) under Part 9 of the Social Services and Well-being (Wales) Act 2014 require Regional Partnership Boards to prepare a report on the extent to which the Board's objectives have been achieved. The first report must be prepared and submitted by 1 April 2017. There is an opportunity to include in this report an	Amber

No	Action	Desired Outcome	Lead	Timescale	Update	Status
					account of progress made in adopting the national approach to advocacy.	
21.	Liaise with Local Health Boards and Education regarding the provision of advocacy for children and young people accessing these services.	To encourage awareness of the national approach.	Regional Partnership Boards	December 2016	Mid and West Wales have included the requirements for Health and Education services when commissioning its service.	Amber
22.	Liaise with local authorities in ensuring that they use their corporate parenting arrangements to oversee delivery of the advocacy service and respond to issues.	To engage with lead members, Corporate Parenting Panels and Scrutiny Committees to deliver the requirements of the National Standards and Outcome Framework.	Welsh Government, WLGA and ADSS Cymru	TBC	TBC	TBC
23.	Fully implement the national approach across Wales	To secure a national approach to statutory advocacy for children and young people and deliver an outcome focused service.	Local government implementation group	June 2017	Ongoing work in progress. It will be important to engage with CSSIW as this is a regulated service.	Amber
24	Conduct an independent review on progress at the end of the first year of implementation.	To report on improvements made and benefits achieved and to identify any adjustments required.	Welsh Government	March 2018	TBC	