

**‘There for you’:
Review of Advocacy Provision for Children and Young
People in the Scottish Borders**

**Commissioned by the Scottish Borders Children and
Young People’s Planning Partnership**

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The title 'There for you' is a quote from a young person who contributed to the review

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1 Executive Summary

1.1 These are the findings from a review of advocacy provision for children and young people commissioned by the Scottish Borders Children and Young People's Planning Partnership (CYPPP). The project was undertaken between October 2012 and the end of January 2013 by an independent consultant. A project board provided ongoing advice and support.

1.2 The review methodology included meetings with existing networks and teams and interviews with professionals. Children and young people's views were sought with a total of 29 children and young people aged from 8 to 19 years taking part, facilitated by six services and organisations (see Appendix 1).

1.3 The review found that there were not consistent and common understandings of advocacy or of the availability of advocacy provision and support among professionals. Children and young people were generally not aware of the term 'advocacy'. However, children and young people did understand that having someone to support them speak out was helpful and identified a range of situations where this had been beneficial.

1.4 The responses highlighted that advocacy provision in the Scottish Borders could be grouped according to the following categories:

- Provision of Independent advocacy services
- Advocacy support provided by the children's voluntary sector
- Advocacy provided by professionals as part of their role in children's services, health etc.
- Children and young people advocating for themselves and each other
- Parents, carers and family members advocating for children and young people.

1.5 Independent advocacy provision for children and young people was extremely limited with only one organisation, Who Cares? Scotland, commissioned to provide advocacy for looked after children and young people one day a week. Borders Independent Advocacy Service (BIAS) provides a specialist and generic service to adults with a health or social care need. More information about existing advocacy services was requested by many of the professionals.

1.6 The review found that a form of advocacy was often provided by voluntary organisations in contact with children and young people even where they were not advocacy providers. These organisations highlighted that they were not generally commissioned or funded to provide advocacy but they did often undertake this role.

1.7 The review found that many professionals working in children's services sometimes took on a role advocating for a child or young person.

Professionals working with children and young people had a valuable role in supporting children and young people's voices to be heard across formal and informal situations.

1.8 Professionals may be able to provide a form of advocacy support in some situations, where requested to do so by a young person, where the systems and processes allowed and where their professional duty of acting in a child's best interest did not cause any confusion or conflict. This suggests that a more explicit understanding of the role and function of advocacy is needed among professionals working with children and young people.

1.9 Young people had diverse experiences and views on which professionals they would speak to. Some were positive experiences while others were negative. Several professionals identified that services could improve their culture around listening to children and young people.

1.10 A number of participants highlighted that children and young people could be supported to speak out for themselves and that peer advocacy approaches could be effective. Older young people suggested that there were benefits from sharing experiences and supporting each other and that it was important for young people to develop the confidence to speak out for themselves. In addition, not all young people needed or wanted an advocate. Many young people highlighted the importance of friends helping them speak out.

1.11 Many children and young people identified that parents, carers or other family members helped them to have their voices heard while others identified that parents were not the right people on all occasions. Professionals suggested that it was not always appropriate for parents or family members to advocate for young people.

1.12 Significant challenges were identified in accessing advocacy across formal and informal situations. This was due to a number of factors including a lack of information on what formal advocacy was available, from which organisation and in what circumstances. The limited independent advocacy provision meant that there was no independent advocacy available for most groups of children and young people.

1.13 Children and young people identified different situations where they wanted support to speak out. This included help in attending meetings, Children's Hearings, independent living, options for college and school, being treated unfairly or being discriminated against, issues about self-harming and support around mental health.

1.14 A number of factors impacted on the quality of advocacy support. These included: the importance of relationships; an enabling culture around the participation of children and young people; the appropriate age and capacity of children and young people to access advocacy and the impact of geographical and demographic factors in the Scottish Borders.

1.15 Children and young people identified the importance of positive, respectful relationships as being central to supporting them speak out. They wanted to speak to people they trusted, who listened and respected confidentiality.

1.16 Many participants brought up wider issues about the participation of children and young people. It was suggested that having good systems and processes to support participation had to be reflected in positive attitudes to children's participation. Some thought that cultural shifts were needed in professionals' attitudes to listening to children and young people.

1.17 Many identified groups of children and young people and circumstances where there were gaps in advocacy. Many were specific to professionals' areas of expertise while others were a general response to the need for advocacy.

1.18 Not all young people who were looked after and accommodated had access to advocacy. Young people in kinship care or looked after at home did not generally have access to independent advocacy.

1.19 Older young people were identified as being in need of more effective advocacy including: young people leaving care; young people with learning disabilities in the transition to adults' services; those generally in post 16s services; and young offenders. The needs of young people not in contact with services were highlighted.

1.20 There was concern about the advocacy needs of young people with learning disabilities, those on the autistic spectrum, those with ADHD and those who required support from mental health services. There was a need to be better informed about who had access to advocacy because of mental health needs.

1.21 The benefits of collective advocacy, where young people's views as a group were heard, were highlighted by voluntary organisations that regularly undertook collective advocacy.

1.22 Many professionals emphasised the importance of the current policy and strategic environment such as GIRFEC, including the role of the named person, and the Curriculum for Excellence.

1.23 There was concern about the funding of advocacy provision and, more generally, for the voluntary sector and children's services. A number of young people wanted their service or project to continue to be funded.

1.24 The review found that there was considerable interest in the potential for advocacy to support children and young people's voices to be heard and to enhance their participation in services, processes and meetings.

2 Recommendations

The following recommendations are prioritised for consideration by the CYPPP.

2.1 Expand current independent advocacy provision so that is available to more children and young people

The CYPPP should increase the commissioned independent advocacy that is available to children and young people in the Scottish Borders in view of the limited service currently on offer.

The CYPPP should consider how to provide independent advocacy for all children and young people who need it, when they need it. Particular attention should be given to addressing the advocacy needs of children and young people attending child protection case conferences and those who are looked after, including those who are accommodated and those looked after at home. The CYPPP should review the current commissioned independent advocacy resource.

The CYPPP should take into account the role of BIAS as an independent advocacy provider to adults and explore ways in which its service can support older young people who fall within its remit and current commissioning arrangements.

Discussions about increasing the availability of independent advocacy should consider the implications for advocacy arising from the Children Hearings (Scotland) Act 2011 (see Appendix 2).¹

2.2 Support the provision of advocacy support, where appropriate, so that children and young people's voices are supported where there is no access to independent advocacy

The CYPPP should explore how to provide information, support and training to professionals who, by virtue of their role and function, may provide some form of advocacy support to children and young people.

Particular attention should be given to exploring conflicts of interests around professional duties and ways to support children and young people's participation in meetings and processes.

This form of advocacy support should be monitored, where possible, in order to identify met and unmet need for advocacy for children and young people.

¹ <http://www.legislation.gov.uk/asp/2011/1/part/12/crossheading/childrens-advocacy-services>

2.3 Support the capacity of the voluntary sector to provide advocacy support, where appropriate, and in order to build on existing relationships with children and young people

The CYPPP should support the contribution of the voluntary sector in providing advocacy support to children and young people.

The CYPPP should consider whether there is a role for the commissioning process, where this applies, to take account of voluntary organisations' provision of individual and collective advocacy, recognising that this form of support may be informal and ad hoc.

This advocacy support should be monitored, where possible, in order to identify met and unmet need for advocacy for children and young people.

The CYPPP should explore the opportunities with voluntary organisations for training and professional development of staff on what is advocacy, what contributes to effective advocacy and the potential for conflicts of interest.

2.4 Develop greater awareness of advocacy and its role and function

The CYPPP should identify ways to increase awareness of advocacy, its role and function in order to promote a greater shared understanding of advocacy to professionals, children and young people and their families and carers.

Professional development opportunities should be provided for those working with children and young people in, for example, education, health, social work and community learning and development services in order to increase knowledge and understanding of what is advocacy.

The CYPPP should explore ways to increase awareness among children and young people and their parents and carers about advocacy. This should include independent advocacy where it is available, and other forms of advocacy support. This would be particularly applicable to children and young people who have to participate in a range of formal systems and processes.

2.5 Support children and young people's participation in systems and processes

The CYPPP should maximise opportunities to support children and young people's meaningful participation in systems and processes through advocacy and other approaches

Effective mechanisms for gathering children and young people's views in formal processes should be explored, taking into account critical comments about the effectiveness of Viewpoint for example.

All discussions about advocacy provision should build in sufficient flexibility to take account of children and young people's right to choose the person that supports them to speak out.

The CYPPP should provide guidance on the age at which children and young people should access advocacy support and explore issues around younger children's participation in systems and processes. This should also apply to children and young people with communication challenges. Consideration should be given to developing joint training in these areas.

2.6 Support positive, trusted and respectful relationships between children and young people and adults

The CYPPP should consider how to promote and support positive, trusted and respectful relationships between young people and adults in order to ensure that advocacy support and other forms of engagement are effective.

The CYPPP should consider how to create opportunities for professionals to explore the importance of positive relationships. This should utilise ongoing work on participation in the Scottish Borders (see 'Involved: The Participation of Children and Young People in the Scottish Borders 2012-2015').

The CYPPP should consider how to maximise access to effective pastoral and guidance support in schools. Young people made a number of suggestions including: being able to choose the teacher/guidance teacher that they wanted to speak to; informal drop in times/places to access guidance staff; and shared clarity between students and staff over appropriate boundaries to confidentiality.

2.7 Promote and develop peer advocacy models and self-advocacy

The CYPPP should consider ways in which it can promote peer advocacy and support young people to advocate for themselves.

The review found that there was interest in peer advocacy models and ways in which children and young people can be empowered to self-advocate. The CYPPP should consider the learning from past projects (such as the peer advocacy project at Peebles High School) and consider if there are opportunities to continue, develop and roll out this work, drawing on multi agency expertise (e.g. education; suicide prevention; community learning and development; voluntary sector).

2.8 Use quality assurance systems to support advocacy

The CYPPP should ensure that quality assurance systems are used to promote, record and monitor access to advocacy

Consideration should be given as to what could be recorded and therefore monitored on access to advocacy in different formal meetings and processes. This should take into account the purpose, the benefits and the resource implications (e.g. staff time) of any recording. Information might include whether children and young people brought an advocate/trusted adult to a meeting. This should take account of current reporting processes.

3 Introduction

3.1 These are the findings from a review of advocacy provision for children and young people commissioned by the Scottish Borders Children and Young People's Planning Partnership (CYPPP).

3.2 The CYPP identified the need to review advocacy provision within the Scottish Borders in order to take account of its commitments in the Scottish Borders Children and Young People Services Plan and its statutory responsibilities.

3.3 The Scottish Borders Children and Young People's Services Plan 2012-2015 states its commitment to achieve the following outcomes:

- Children and young people within the Scottish Borders will have access to advocacy support.
- Children and young people will have a voice and be listened to in order to ensure that they are included in any decisions which will affect them.

3.4 It is intended that the findings of the review will inform CYPPP discussions on advocacy provision for children and young people.

4 Requirements for advocacy provision

4.1 There are a number of national statutory and other requirements for advocacy for children and young people which have implications for the Scottish Borders CYPPP.

4.2 **The Children's Hearings (Scotland) Act 2011**² states that advocacy services are to be available to children and young people who are involved in the Hearing process. Advocacy support is defined as 'services of support and representation for the purposes of assisting a child in relation to the child's involvement in a Children's Hearing.' Currently a child can take any person they wish to a Children's Hearing under the Children (Scotland) Act 1995. It is anticipated that the Scottish Government will announce proposals for the form of this provision in 2013.

4.3 **The National Guidelines for Child Protection** (December 2010)³ are based on the principles of *Getting it right for every child and young person*, on the UN Convention on the Rights of the Child, on the Children's Charter, the National Framework and the Principles and the principles which underpin the Children (Scotland) Act 1995. The National Guidelines provide illustrative examples of how children and young people can be involved in planning and implementation of the work of the child protection committees which include: drawing on information and surveys from a range of different organisations and professionals; ensuring that inter-agency quality assurance mechanisms account for the views of children and young people and 'promoting the

² <http://www.legislation.gov.uk/asp/2011/1/contents>

³ <http://www.scotland.gov.uk/Resource/Doc/334290/0109279.pdf>

establishment of community-based advocacy services for children and young people’.

4.4 **The Mental Health & Treatment (Scotland) Act 2003**⁴ applies to children and young people as well as adults. This identifies that independent advocacy should be available to every person (adult or child) with a mental disorder as defined under 328 of the Act. A duty is placed on local authorities and the NHS to ensure that such services are available. The Act states that independent advocacy should be provided by an organisation whose sole role is independent advocacy or whose other tasks either complement, or do not conflict with, the provision of independent advocacy.

4.5 Under the **Education (Additional Support for Learning) Scotland Act (2004) and (2009)**⁵, the Scottish Government has a legal duty to families and young people to provide free lay and legal advice to those who want to go to an Additional Support Needs Tribunal (ASNT) to challenge a local authority’s decisions about educational support. In this context, advocacy means a service someone provides by talking to or making legal representations to, the ASNTS or anyone else involved. This service is currently provided nationally by Barnardo’s and the Scottish Child Law Centre.

4.6 The Scottish Government is looking at how to provide the quality and consistency of advocacy support for children and young people through its current consideration of **national Principles and Minimum Standards for advocacy provision**⁶, including associated guidance for children and young people’s advocacy.

4.7 The statutory and guidance commitments to supporting a child’s rights to be heard, either with the support of advocacy or across the area of participation are underpinned by Article 12 of **the United Nations Convention on the Rights of the Child (UNCRC)**⁷ which states that children and young people have the right to speak up and have their opinions listened to and taken seriously by adults. The **United Nations General Comment 12**⁸ on the child’s right to be heard explores in more detail the ways in which the child’s voice should be supported. It identifies, amongst other issues, that representatives providing support to a child should ensure that they represent exclusively the interests of the child, that they are free from conflicts of interest and that representatives should have sufficient working knowledge of the decision making process as well as experience in working with children.

⁴ <http://www.legislation.gov.uk/asp/2003/13/contents>

⁵ <http://www.scotland.gov.uk/Topics/Education/Schools/welfare/ASL>

⁶ <http://www.scotland.gov.uk/Resource/Doc/362518/0122680.pdf>

⁷ <http://www2.ohchr.org/english/law/crc.htm>

⁸ <http://www2.ohchr.org/english/bodies/crc/comments.htm>

5 Purpose and Objectives

5.1 In order to help meet its commitments to advocacy, the CYPPP commissioned a review from an independent policy and research consultant. The advocacy review had the following aims and objectives:

Aim of review

- To undertake a review of advocacy services for children and young people in the Scottish Borders that will identify current advocacy provision for children and young people across sectors and interests in order to inform future service delivery.

Objectives of review

- To take into account current statutory responsibilities for advocacy and the full range of circumstances where children and young people may require advocacy.
- To take into account the Scottish Borders Operational Principles of early intervention; partnership working, the locality model, participation and monitoring and evaluation in order to maximise strategic links across advocacy and these areas
- To explore awareness and understanding of advocacy provision among children and young people as potential service users and adult stakeholders, both providers and commissioners, across different sectors and services
- To facilitate the participation of children and young people who are potential services users in the review and to ensure that this participation is meaningful and draws on their expertise in different ways
- To work closely with the project board in order for their views to inform the work and maximise opportunities for consideration of key issues.

6 Methodology

6.1 The project was undertaken between October 2012 and the end of January 2013. A project board provided ongoing advice and support and met three times during the review. It included representatives from Integrated Children's Service (social work and educational psychology), Education and Lifelong Learning, Child Protection, NHS Borders and the Scottish Children's Reporter Administration (SCRA) (see Appendix 1 for details).

The following methodology was used for the review:

6.2 Meetings/group discussions with networks and teams

This included meetings with networks and teams to inform them about the review, seek their input on key questions and identify further useful contacts.

6.3 These included: the Integrated Children's Service Senior Management Team; Voluntary Sector Specialist Youth Providers Network; Child Protection/Looked after Children Co-ordinators; and NHS Borders Children and Young People's Health Network (see Appendix 1).

6.4 Interviews with professionals

Professionals who participated were identified by the project board and other contacts or proactively contacted the researcher. The majority of these interviews were face to face with some undertaken by phone.

6.5 Contributors included representatives from voluntary organisations such as GYP Borders, Action for Children, Borders Voluntary Community Care Form and BIAS as well as those from a range of professionals from the public sector (see Appendix 1).

6.6 Consultation meetings with children and young people

A total of 29 children and young people aged from 8 to 19 years participated, facilitated by six services and organisations: Action for Children Scottish Borders Young Carers Service; Borders Production Unit; GYP Borders; Howdenburn Schoolhouse; LGBT Youth Borders; and Who Cares? Scotland.

6.7 Five groups of children and young people and two individual young people participated in the review. Services and organisations working with children and young people were proactively contacted through existing networks.

6.8 Children and young people were not asked about their individual circumstances but had a range of experiences including: being looked after, Children's Hearings, mental health, learning disability, LGBT and as young carers. The views of the children and young people who took part were not representative of the population of children and young people in Scottish Borders. Instead, their perspectives provide a snapshot of the views of children and young people who are in contact with particular services.

6.9 Consent for taking part in discussions was sought from parents and carers as well as ongoing consent from young people themselves. Most discussions took place in groups and were digitally recorded. Approaches varied depending on the needs of each group of young people. Children and young people's anonymity was assured. Service or project staff were present at group discussions.

6.10 Analysis of data

All interviews and discussions were noted or recorded and transcribed. The data was analysed by theme and issues. Quotes from participants have been used as illustrative of different contributions.

6.11 Contributions to the review

It should be noted that, although a wide range of professionals and children and young people contributed to the review, others could have contributed and provided additional perspectives. The review was limited by the constraints of time and resources. The considerable consensus about the areas explored in the review indicates that additional interviews and discussions would not have contributed significant new information.

6.12 Areas explored in the research

- What is advocacy and how is it defined?
- What advocacy provision is available?
- Who provides advocacy and for what groups of children and young people?
- Are there any restrictions on access to advocacy provision e.g. due to age, geography, funding or other issues?
- Is existing provision able to meet needs of all young people who require advocacy? What advocacy provision meets statutory requirements?
- Are children and young people aware of current advocacy provision? How are young people referred to advocacy provision?
- Do professionals working with children view advocacy as being part of their role?
- Are there any issues particular to commissioners or providers of advocacy?
- What are the gaps? What advocacy provision should be available and for which groups of children and young people?

7 Definitions of advocacy

7.1 The review was underpinned by definitions and understandings of advocacy used in legislation and guidance, by national advocacy organisations and from research and consultation.

7.2 Advocacy is an activity which supports people to speak out for themselves or where others support them to do so. Advocacy can help people who are vulnerable or discriminated against to make informed decisions and provide support where they cannot speak for themselves (SIAA, 2008)⁹. Advocacy ensures that children and young people are able to express their views and that 'these views are heard and taken into account by those who involved in decision making about children's and young people's lives' (Elsley, 2010)¹⁰.

7.3 Advocacy can be provided in a number of ways to children and young people. Children and young people can advocate for themselves or access

⁹ Scottish Independent Advocacy Alliance (2008) Principles and Standards for Independent Advocacy <http://www.siaa.org.uk/content/view/187>

¹⁰ Elsley, S (2010) Advocacy makes you feel brave: Advocacy support for children and young people in Scotland <http://www.scotland.gov.uk/Publications/2010/01/07144331/0>

advocacy support from a family member, friend, peers or another trusted adult who may be from a service, project or community. Advocacy can be provided by an independent organisation which solely provides advocacy. The Mental Health and Treatment Act (Scotland) 2003 defines independent advocacy as a service which is provided independent of other services, ensuring that there is not a conflict of interest between a person accessing advocacy support and an advocate.

7.4 This review takes into account the spectrum of advocacy relationships that may help children and young people to speak out. The report identifies where an advocacy service is independent in line with Mental Health and Treatment Act (Scotland) 2003 definition. It uses the term 'advocacy support' to describe other forms of advocacy which are not independent and which participants described. The review found that this form of support was not necessarily explicitly described as 'advocacy' at the point of contact with a child or young person although participants reflected, during the review, that they viewed it as a form of advocacy.

7.5 Advocacy can be required by a child or young person across a range of formal and informal situations including: Children's Hearings and court proceedings; meetings and processes related to child protection and being looked after; MAC (meetings around the child); school systems and processes including school exclusions; planning for key transitions; as service users; mental health services and health services more generally; to support young people in the criminal justice system; to counter bullying and discrimination; and as young carers.

7.6 The areas where advocacy can support children and young people's voices are therefore extensive and cover many aspects of children's well-being. In many instances, children and young people's circumstances dictate that they require advocacy across systems and processes as well as dealing with challenges in their everyday lives at home, school or in the services they access. This range of formal and informal situations was reflected in the responses by children and young people and by many of the professionals.

7.7 Generally, most adult participants described advocacy in line with the definitions of advocacy described in 5.2:

'giving children a voice'

'someone independent – not tainted by views'

'speaking on behalf of young people [with] difficulty in communicating'

'representation of children's rights'

7.8 Adult participants stated that not all professionals were aware of, or understood, the function and role of advocacy. This resulted in professionals not always promoting advocacy or recognising the value of advocacy in supporting children and young people's voices to be heard. One participant

pointed out that the term 'advocacy' was more systems driven than focused on relationships, making it challenging for young people and others to accept because of its professional connotations. In addition, members of the public were not generally aware of the term.

7.9 Children and young people were generally not aware of the term 'advocacy'. This is in line with the findings of other research (Pithouse, Parry and Crowley, 2005)¹¹. The discussions with children and young people focused on 'who helps you to speak out' in order to address participants unfamiliarity with the term 'advocacy'.

7.10 A small number of children and young people- those who had accessed advocacy services previously and were older- had come across advocacy before:

'is it when if you are going to speak to someone, have someone speak on your behalf?'

'people who helps you in meetings. Says what you want to say in a meeting but says it for you'

'someone helping you tell the truth'

7.11 However, children and young people did understand that having someone to support them speak out was helpful and identified situations where this had been of use. One group identified the benefits of collective advocacy, identifying the role of their worker in speaking out on their behalf in schools and to other professionals. Increasingly young people contributed to this collective advocacy.

7.12 The lack of consistent and common understandings of advocacy and its role and function indicates that there needs to be opportunities for developing awareness among professionals.

7.13 In addition, ways should be explored about how to increase awareness among children and young people about advocacy. This is particularly applicable to children and young people who have to participate in a range of formal systems and processes.

8 Provision of advocacy for children and young people

8.1 Participants were asked the following questions about advocacy provision for children and young people in the Scottish Borders:

- What advocacy provision is currently available?
- Who provides advocacy services and support?

¹¹ Pithouse, A., Parry O, Crowley, A and others (2005) *A Study of Advocacy Services for Children and Young People in Wales* Cardiff: Welsh Assembly Government
<http://wales.gov.uk/topics/childrenyoungpeople/childrenfirst/publications/studyofadvocacyservices?lang=en>

- Which groups of children and young people have access to advocacy?

8.2 Responses identified independent advocacy provision and advocacy support which was provided by other children's organisations and professionals. In many cases, this form of support was not called 'advocacy' by either professionals or children and young people.

8.3 The responses highlighted that advocacy provision in the Scottish Borders could be grouped according to the following categories:

- Provision of independent advocacy services
- Advocacy support provided by the children's voluntary sector
- Advocacy provided by professionals as part of their role in children's services, health etc.
- Children and young people advocating for themselves and each other
- Parents, carers and family members advocating for children and young people.

8.3 Independent advocacy provision

Independent advocacy provision for children and young people was extremely limited with only one organisation, Who Cares? Scotland, provides advocacy for looked after children and young people. Borders Independent Advocacy Service (BIAS) provides a specialist and generic service to adults with a health or social care need. People First Borders provides collective advocacy for adults with learning disabilities. The review's findings on the availability of independent advocacy reflect those of a previous review¹² commissioned by NHS Borders. This report recommended that the CYPPP should consider designing and developing an independent advocacy service for children and young people.

8.4 Who Cares? Scotland is commissioned by Scottish Borders Council to, provides 8.5 hours advocacy service per week to looked after children. Who Cares? Scotland is a national organisation which provides advocacy across Scotland as well as national and local collective advocacy opportunities for children and young people. It works to its own set of national principles and standards¹³.

8.5 The Who Cares? Scotland worker provides advocacy support to looked after young people who contact or are referred to its service. There is regular contact with young people who are accommodated at Wheatlands Children's Unit and young people who are accommodated out of authority. These young people may be placed at some distance from Scottish Borders. Who Cares? Scotland has also had referrals from independent fostering agencies.

8.6 Professionals who were aware of the Who Cares? service highlighted that this was a very limited service in terms of capacity. It was also highlighted that some groups of looked after children and young people did not access this

¹² Scobie, A and Travers, K (2011) Review of Independent Advocacy in the Scottish Borders: Borders Voluntary Community Care Forum

¹³ <http://www.whocaresscotland.org/about-us/our-principles-and-standards/>

service to any great extent. Specific groups included children in foster care and children and young people looked after in kinship care as well as limited advocacy for young people leaving care.

8.7 The BIAS service is for adults and does not provide advocacy services to children. It has supported some older young people in its commissioned role to provide services under the Mental Health and Treatment (Scotland) Act 2003.

8.8 BIAS previously ran two projects that are relevant to this review. It was funded by the Big Lottery to run a peer advocacy project based at Peebles High School. This project was highlighted as effective and good practice with disappointment that it was no longer continuing due to lack of funding. The project trained S5 and S6 students to support younger students with additional support needs. BIAS also ran a Family Advocacy Project funded by the Tudor Trust which supported families going through the child protection process. This service was targeted at parents rather than children and young people and also no longer received funding.

8.9 Many of the participants were aware of at least one of these services. This was more likely where services' interests were closely aligned with those of the advocacy service. Independent advocacy organisations were less likely to be known by professionals who did not routinely engage with these areas. For example, the Who Cares? Scotland service was not widely known by education staff who were child protection/looked after children co-ordinators.

8.10 More information about existing advocacy services was requested by many professionals contributing to the review so that they could refer young people as appropriate to these services. There was also wide interest in learning more about what these services provided and how.

8.11 Advocacy provided by the voluntary sector

The review found that a form of advocacy was often provided by voluntary organisations in contact with children and young people even where they were not advocacy providers. These organisations highlighted that they were not generally commissioned or funded to provide advocacy but they did often undertake this role.

8.12 Children's voluntary organisations provided this support where asked to by children and young people. This was rarely called 'advocacy' by staff or young people. Instead, this activity was described as supporting young people to get their voices heard, preparing them for important meetings, being there when other adults could not be present and generally undertaking the role of a trusted adult:

'sitting alongside the young person'

'saying it as they want to say it'

This role and activity was not generally recorded or reported to funders as it was not commissioned as a specific activity.

8.13 Children and young people also acknowledged the importance of the role of voluntary organisations working with children and young people. They identified projects and staff who supported them speak out and getting their voices heard. Several young people stated that these staff supported them in the absence of any other professional support.

‘ [name of worker] is only person got left’

‘You can come and have a good time. If there is something you want to say...can say it. Not judge it’

8.14 Both voluntary sector staff and young people identified that already knowing and trusting the person made this support possible, highlighting the importance of longer term relationships. The fact that voluntary organisations did not have a decision-making role made this support acceptable to children and young people. In many situations, voluntary organisations had ongoing contact with a child’s family. As one worker stated ‘I am fighting their corner more than anything’.

8.15 Voluntary organisations provided advocacy support in specialist areas. This included, for example, work with young carers, on alcohol and drug use and support to young victims of crime. This expertise enabled voluntary organisations to provide informed support to children and young people which would not otherwise be available.

8.16 Organisations and projects who provided this form of advocacy support generally did not have policies or guidance on advocacy as this was not their primary or funded function.

8.17 Advocacy provided by professionals as part of their role

The review found that many professionals working in children’s services such as social work, education, health and community learning and development identified that they sometimes took on a role advocating for a child or young person. In some instances, children and young people asked them to take on this role. In other situations, professionals viewed advocating for young people to be part of their responsibilities and they proactively initiated this support. This was particularly the case where there was a lack of other alternatives for a child to access support.

8.18 Several professionals said that they had acted as advocates on occasion. Many were aware of the complexity of this role. In one instance, a social worker working closely with looked after children and young people identified that their team did act as advocates, and that the relationships and trust built up over time were key to this role. This professional also pointed out that young people chose who they wanted to advocate for them and that this could include any member of staff in that particular setting.

8.19 There was a range of people that might provide some kind of support to children and young people. Those mentioned included: teachers, guidance staff, head teachers, classroom assistants, Home Link workers, school nurses, nursery staff and janitors, social workers, youth workers, care workers, and domestic staff. What was of most significance was whom the child or young person chose to speak to.

8.20 Providing advocacy support could be challenging with the potential for conflicts of interest to arise because of the roles and duties of professionals. The duty of those in statutory roles to uphold the best interests of a child could be in conflict with supporting a child's views. One professional pointed out that they could not 'wear two hats' while others thought that sometimes it was necessary to do that. There were different perspectives about when conflicts of interest might arise with some professionals fully aware of these situations and others unclear about when these conflicts might arise. One professional pointed out that, without some form of independent support:

'Who is going to be able to step back and look at the whole picture from the child's perspective?'

Another highlighted that the boundaries when a professional could not provide independent support needed to be clear for both professionals and for the young person:

'There comes a point where we have to be really conscious that we can't be all things to them'

A significant number of professionals stated that contributing to the review was the first occasion that they had considered these issues, highlighting an opportunity for future professional learning and development.

8.21 Some professionals stated that they provided support in situations where there was no obvious conflict with their role or where children and young people had developed relationships with staff over time and expected this support. This was most obvious in discussions with young people and staff at a unit for young people with learning disabilities where the relationships between staff and students were built up initially over a period of months and where young people's communication needs were intensively supported.

8.22 Several participants highlighted that there were different views in their team about whether members of the team could act as advocates because of the potential conflict with their role and professional duties. A number pointed out that advocacy was not necessarily identified as an important contributor to children's participation in systems and processes in their professional area. As one person pointed out, it was not always at the 'forefront of professionals' thinking' in spite of otherwise good practice.

8.23 Several suggested that professionals' had an important role supporting children and young people's voices to be heard regardless of whether they provide advocacy support. This already happened through active, ongoing

engagement with children and young people, using tools such as Viewpoint, ensuring that children's views were accurately recorded, and making sure that children and young people knew that they could bring an advocate or trusted adult to meetings. Others pointed out that some of the systems in place to support children and young people's views were not always as effective as they could be.

8.24 In addition to providing some form of advocacy support, professionals were also gatekeepers to other services, including advocacy. As part of their role they had to identify where advocacy might be needed, highlight this to children and young people and then facilitate access to advocacy. This highlights the necessity of ensuring that professionals and services are fully aware of the availability of advocacy support.

8.25 Children and young people had a range of views on whether professionals in these roles could help them to speak out. For some young people, a specific teacher or a social worker was someone they could speak to:

'My social worker. Good person to talk to bring it up in meeting and get it sorted out'

'At times teachers ...depending on what kind of teachers they are'

Children and young people often stated that they could speak to one teacher, for example, but not to another. However, many young people were emphatic that they could not speak to professionals they already had contact with. They would not go to these adults for support:

'Would not tell guidance teacher. Does not like me'

'I don't speak to teachers. No help whatever'

'Personally I think that the whole profession of psychologists, social workers and teachers – it feels uncomfortable speaking to them because they have got that profession they can't fully express how they feel and could get into trouble expressing it'

One young person who had extensive experience of advocacy was clear that it was fine to talk to a teacher about education related issues but would not be the best person to advocate on care issues. It was a 'completely different kind of role'. This young person wanted someone who could clearly state that 'I am here to speak for you.'

8.26 Young people had therefore diverse experiences and views on who they would speak to among professionals, suggesting that there were different needs which were both met and unmet by their relationships with professionals. Several professionals identified that services could improve their culture around listening to children and young people.

8.27 It was stated that there was not an opportunity to access advocacy support for a child or young person that was independent of a service in a crisis or challenging situation. In schools this could be particularly problematic. One teacher recalled a situation where an adult support worker had been asked to support a young person who was deemed to require advocacy in the absence of other independent and informed support.

8.28 The review found that all professionals working with children and young people had a valuable role in supporting children and young people's voices to be heard across formal and informal situations. They may be able to provide a form of advocacy support in some situations, where requested to do so by a young person, where the systems and processes allowed and where their professional duty of acting in a child's best interest did not cause any confusion or conflict. This suggests that a more explicit understanding of the role and function of advocacy is needed among professionals working with children and young people in children's services.

8.29 Children and young people advocating for themselves and for each other

A number of participants highlighted that children and young people could be supported to speak out for themselves or that peer advocacy approaches could be effective. Peer advocacy could involve older young people supporting younger people and/or those with similar experiences. Examples of peer advocacy and more general peer support were highlighted such as the project at Peebles High School previously mentioned and a young person taking on a supportive role with other looked after young people. The recent work of the Scottish Borders Youth Commission on Bullying was also highlighted as an example of recent good practice. Several professionals thought that advocacy from peers could be effective:

Children...can be really good advocates for other children...Really can have voice in measured way

8.30 A number of older young people suggested that there were benefits from sharing experiences and support and that it was important for young people to develop the confidence to speak out for themselves. In addition, not all young people needed or wanted an advocate. One highlighted that young people should learn to 'how to voice their own opinion' and the importance of getting support to build confidence to do this. Another thought that 'maybe if kids share what they have been through' it would be helpful. Several young people thought that someone their own age or a little older might be supportive while others did not want to talk to someone their own age. One young person suggested that young people with experience supporting others was useful as long as 'boundaries were put in place' and that young people in these roles had to be professional. This young person also thought that mentoring had merits and could help in confidence building.

8.31 Adults too thought that supporting children and young people's self-esteem and confidence to develop was important and empowering:

‘Positive sense of growth...not a dependence based concept’

‘Even providing the skills so that they can put up their hand and says’ I need somebody to speak out for me’, I need help with this’

8.32 Many young people highlighted the importance of friends helping them speak out. One health project reported that young people often supported each other when accessing its sexual health service. However, in other situations, friends were not always seen to be the best people to help. One young person pointed out that ‘young people might not understand’ as they had different experiences.

8.33 Parents, carers and family members advocating for children and young people

Many children and young people, unsurprisingly, identified parents, carers or other family members as helping to have their voices heard:

‘Mum can help with problems’

‘You could get a parent to go into the classroom and sort it out with a teacher’

‘I like to talk to someone I really trust- my brother’

Other children and young people identified that parents were not the right people to help them speak out on all occasions. One young person suggested that support might help a child to ‘tell it to Mum and Dad’.

8.34 Professionals suggested that, although parents and carers did advocate for children, parents or family members would not necessarily be the appropriate people to advocate for children and young people in a range of circumstances. This included, for example, where a young person was LGBT, in child protection systems, where a young person was looked after and where a young person with disabilities was in transition to adult services and might have different views on what they wanted. In these situations, advocacy was seen to be valuable in supporting a young person’s views to be heard.

9 Accessing advocacy

9.1 Advocacy can be required across a range of formal and informal situations. The following were all identified although it is not an exhaustive list: Children’s Hearings and court proceedings; meetings and processes related to child protection and being looked after; MAC (meetings around the child); school systems and processes including school exclusions; planning for key transitions including leaving care and in the transition to adult services; as service users generally; mental health services and health services more widely particularly where children had complex needs; as young carers; suicide prevention; self-harm; to counter bullying, stigma and discrimination such as homophobia and racism. The areas where advocacy could support children and young people’s voices to be heard were therefore extensive.

9.2 However, significant challenges were identified in accessing advocacy. This was due to a number of factors. This included a lack of information for both professionals and children and young people on what formal advocacy was available and from which organisation and in what circumstances. The limited independent advocacy provision also meant that there was no independent advocacy available for most groups of children and young people, regardless of circumstances. This raises an issue about the best ways to promote advocacy as an option to support children and young people's voices in the absence of significant independent advocacy provision.

9.3 Where advocacy was available, it was limited in its reach. The one environment where advocacy was reported as being more consistently available was the Scottish Borders Council residential unit for young people who were looked after and accommodated. The Who Cares? Scotland advocacy worker regularly visited the unit and there was an expectation that young people had information about advocacy including contact details for the advocacy worker. Elsewhere, there was a less obvious route to accessing advocacy.

9.4 Children and young people identified situations where they would like to access support to speak out. This included help in attending meetings, Children's Hearings, sorting out issues around independent living, deciding on options for college and school, when being treated unfairly or being discriminated against, issues about self-harming and support around mental health:

'When things are going wrong'

' When in trouble or in a low mood or in crisis'

'Any time talking to a person in authority'

9.5 Several professionals highlighted the importance of young people choosing and 'not foisting someone' on young people to act as an advocate. It was suggested that having access to an advocate who had rarely met a child previously would not be effective.

10 Supporting high quality advocacy support

10.1 Participants identified different factors which impacted on the quality of advocacy support whether this was provided through an independent advocacy service or by a trusted person. These included: the importance of relationships for effective advocacy; an enabling culture around the participation of children and young people; the appropriate age and capacity of children and young people to access advocacy and the impact of geographical and demographic factors in the Scottish Borders.

10.2 Age at which children and young people access advocacy

There was a range of views on the age at which children and young people should have access to advocacy. In some instances, responses were also linked to discussion about the age at which children could participate in systems and processes and understandings of capacity with the age of 12 years mentioned as being significant. It was pointed out that some children did not attend a Children's Hearing until they were older, raising a concern about their skills to make their views heard in this setting when they attended at an older age. This chimes with one young person's comments about the importance of developing confidence so that young people can speak out for themselves, accessing support from informed and trusted adults when they need it.

10.3 Those working with younger children were clear that they should be supported to have their voices heard. Although there was not an established culture of younger children's voices being heard through advocacy in early years settings, there were routine practices such as circle time which facilitated children speaking out. One participant stated that support from school and Scottish Borders Council would be helpful when providing informal advocacy support.

10.4 Some doubts were also expressed about younger children being able to make use of advocacy. One contributor wondered how an advocacy service could advocate for a 5 year old and suggested that any independent advocacy service should have a minimum age of 10 years.

10.5 Generally, those who had a view thought that younger children could make use of advocacy support. One participant suggested that there should be non-instructed advocacy for the very youngest including unborn children where decisions were being made about their future.

10.6 Importance of relationships

Children and young people, without exception, identified the importance of positive, respectful relationships as being central to supporting them speak out. The necessity of trusting someone, ensuring that that person was prepared to listen and was safe to talk to, were core components of relationships which helped children and young people speak out. The qualities that children and young people wanted in the person they spoke to were consistent, highlighting that an advocacy relationship would be less effective and potentially unsuccessful if these elements were not present.

10.7 The characteristics that children and young people wanted in the person they spoke to included:

'An approachable person has a warm and kind manner, is always listening to you and helps you along the journey. Trustworthy'.

'Someone open-minded, non-judgmental, objective, approachable, good communicator, genuine, positive, empathetic. Someone who you

can trust or someone you know. Someone who is influential and can express views in appropriate manner and be listened to

‘Does not walk away when you are talking’

‘People who have known me for a while’

10.8 Being able to ‘keep stuff confidential’ (young person) was important with children and young people particularly concerned about how information was shared in schools and other environments. This was closely connected with the importance of trust, a quality that children and young people emphasised. One young person stated:

If you did tell something to someone they trust they can say it with your consent. They can say to someone who can really do something.

10.9 Children and young people were reluctant to speak to people they did not know. Several highlighted that they needed know the person they spoke to:

‘hard to talk to someone you don’t know’

Having a good ongoing relationship was an important. This was evident in the people (often named) whom children and young people identified that they would speak to. This also raises challenges around the provision of advocacy relationships which are based on limited and infrequent contact with a child or young person. This was recognised in the professional practice of Who Cares? Scotland where building relationships with looked after young people who might wish to access advocacy was ongoing although this was challenging in terms of maintaining contact with young people placed outside the local authority.

10.10 Many professionals recognised the importance of good quality relationships, emphasising the importance of building up relationships over time and knowing a child or person’s individual needs.

10.11 Children and young people stated that it helped to choose who provided advocacy support to them:

‘If you could choose teacher it would probably be a lot easier’

10.12 A number of professionals highlighted that others, apart from social workers and teachers for example, might be best placed to be the advocate for a young person because they had built up positive relationships. These staff could include classrooms assistants, domestic workers or nursery assistants. Children and young people also thought that a range of people could help them speak out:

‘If you get the teachers to sort it. It could be like the assistants’

‘went into support person in college’

10.13 The central importance of relationships and having support from a trusted adult highlights that choice and flexibility needs to exist. However, this also raises issues about awareness, training and support for people who undertake this role, particularly in formal systems and processes. It also highlights challenges in resourcing independent advocacy because of constraints of time and availability.

10.14 Culture around participation and engagement

Many participants brought up wider issues about the participation and engagement of children and young people. It was suggested that having good systems and processes to support participation by children and young people had to be reflected in positive attitudes to children’s participation. Some thought that cultural shifts were needed in professionals’ attitudes to children and young people having a voice. There was little mention during the review about how supporting children and young people’s participation contributed to upholding their rights. This suggests that children’s rights were not seen to be closely related to advocacy or participation.

10.15 Several participants mentioned the work of the Participation Officer (Children and Young People) including work on respectful relationships and participation models. This work was regarded as helpful because of its focus on empowering young people to make decisions.

10.16 In discussion around complaints procedures and how these processes might relate to advocacy, it was highlighted that this was an area of developing work. Children and young people rarely made complaints with parents generally making complaints on behalf of the child. It was pointed out that complaints processes were a very ‘blunt instrument’ to raise concerns.

10.17 Some concerns were expressed about the existing mechanisms for listening to children’s views. Several contributions suggested that Viewpoint, the computer programme for gathering children’s views, was limited, not always giving an ‘opportunity for free narrative’ and that there were challenges in the way it was interpreted. It could be influenced by who sat with the child while they were completing it. It was not seen as a tool which supported advocacy. A smaller number of professionals were supportive of Viewpoint, suggesting that there are different perspectives about its efficacy.

10.18 Others pointed out that formal meetings and Children’s Hearings were often intimidating for children and young people and did not facilitate children and young people’s participation. The number of professionals involved in these meetings was often overwhelming and frightening for a child or young person. These meetings were not a ‘natural environment’ for children and young people and they needed support to participate effectively.

10.19 Children and young people were also concerned about the challenges of attending meetings and Children’s Hearings. One young person highlighted that re-telling her ‘story’ over and over again was difficult. Concern about

whether formal meetings facilitated children and young people's participation was reflected in several contributions from young people:

'I hate panel meetings. They don't seem to understand what you actually are going through'

'Hearings. Well sometimes it can be difficult depending on who is involved'

'Only kid at big meeting like that. Feel rather intimidated...Because there is a lot of them can't say it because of what they will say back'.

Young people with experience of attending formal meetings emphasised the importance of preparation in advance.

10.20 Scottish Borders context

Services were seen to be sometimes 'patchy' in the Scottish Borders because of where they were sited. The locality model resulted in some challenges in terms of getting access to specialist services. Consistently, participants raised practical challenges because of the extensive distances that were needed to travel to meet with children and young people. This also meant that children and young people and their families had to travel substantial distances to access services. This had an impact on travel costs and time.

10.21 There were also other issues around the population size and rurality of the Scottish Borders with challenges in being highly visible or 'known' in small communities. At the same time there were obviously benefits in professionals knowing each other by name and role. Some professionals talked about restructuring or the lack of availability of specialist services which impacted on what services were available to children and young people.

10.22 There was little mention of the needs of the black and minority ethnic community in the Scottish Borders in spite of the increasingly diverse population. It was suggested by one expert that it would be helpful for information on advocacy to be widely available and accessible across all communities.

11 Gaps in advocacy provision.

11.1 Organisations were asked about the gaps in advocacy for children and young people. This was a difficult question to answer in the absence of ways to identify need for advocacy provision for children and young people. However, many highlighted that there was insufficient independent advocacy provision for children and young people.

11.2 At the same time, there was recognition that there were limited resources in the current financial situation and that the range of professionals who might provide a form of advocacy support should be better supported, informed and have opportunities for training and professional development. This would enable support to be provided to children and young people where feasible

and where there was no conflict of interest. There was interest in knowing more about the support that children's voluntary organisations could offer.

11.3 Many professionals highlighted the importance of the current policy and strategic environment including GIRFEC including the role of the named person and the Curriculum for Excellence. It was suggested that more discussions about advocacy could take place in multi-agency networks.

11.4 Several specialists highlighted that young people did not necessarily know where to go for help, whether this was advocacy or other forms of support such as counseling, advice and information. This was a concern where children and young people were highly vulnerable and/or in a crisis situation.

11.5 Professionals who worked in the area of health including mental health, child protection and education highlighted that professional teams in these areas were not always effective in supporting children and young people's voices to be heard and facilitating access to advocacy. There were opportunities to develop skills and knowledge in this area.

11.6 Specific gaps in advocacy

Many identified groups of children and young people or circumstances where there were gaps. Many were specific to professionals' expertise while others were general responses to the need for advocacy.

11.7 Some children were not able to verbalise their feelings, needed support in communicating their views or had significant communication difficulties. With younger children more time was needed to work with children in order to find out their views.

11.8 It was pointed out that not all young people who were looked after and accommodated had access to advocacy. This was accentuated, one pointed out, by young people's mistrust of lead professionals and social workers, if they were living away from home. It was suggested that this group of young people as well as those attending child protection case conferences should be prioritised in their need for independent advocacy. The time when advocacy was needed was at the earliest point in child protection processes, between the investigation and the case conference. This allowed for relationships to be built and children's confidence supported. However, this meant that advocacy had to be provided quickly. Young people in kinship care or looked after at home did not generally have access to independent advocacy and these were unmet needs.

11.9 It was suggested that parents often needed advocacy, particularly in child protection case conferences but in other situations as well. Parents may require support because of their own needs and have advocacy workers themselves through organisations such as DASS or BIAS because of their needs (in these instances due to domestic abuse or mental health). For young carers, there were complex issues around the parents' needs with the possible expectation that a young person continued to care for a parent.

11.10 Some parents were not confident in school environments because of their own school experiences. There was a need sometimes for support for young parents who were care leavers and for their child. The role of foster carers in providing advocacy was highlighted. There could be a conflict of interest in their role alongside a lack of training and support around providing advocacy support.

11.11 Older young people were identified as being in need of more effective advocacy. This included young people leaving care and young people with learning disabilities in the transition from children's to adults' services and those generally in post 16s services. The needs of young people not in contact with services provided by voluntary organisations or youth services were highlighted. Young people who were young offenders needed support from a separate agency to social work as they generally did not have trust in the system. They needed support accessing education, health and housing services.

11.12 There was concern about the advocacy needs of young people with learning disabilities, those on the autistic spectrum, those with ADHD and those who required support from mental health services. There was a need to be better informed about who had access to advocacy because of mental health needs, not limiting it to young people who were detained under the Mental Health and Treatment (Scotland) Act 2003.

11.13 The benefits of collective advocacy where young people's views as a group were heard on issues that concerned them were highlighted by two voluntary organisations that regularly undertook collective advocacy.

11.14 Funding advocacy and children's services

There was concern about the funding of advocacy provision and more generally of funding for the voluntary sector and children's services. Voluntary organisations pointed out that they accessed funding from different sources. Funding from charitable trusts was time limited. There were projects which were evaluated as being effective but this work came to an end when there was no more funding, losing services which had become well used and were often innovative.

11.15 In considering potential future development of independent advocacy provision, it was pointed by one professional that services had to be 'proportionate' to the Scottish Borders population size. Many contributors highlighted that there was considerable potential in being more 'clever' in using existing resources and services.

11.16 A number of children and young people, when asked what they would like to see the CYPSP do to support children and young people wanted to see the service or project that they attended to continue.

12 Conclusion

12.1 Limited provision of independent advocacy

The review found that there was limited formal provision of independent advocacy for children and young people in the Scottish Borders. This was provided by one organisation, Who Cares? Scotland for young people who were looked after. There was limited capacity to meet the advocacy needs of children and young people in the Scottish Borders.

12.2 Professionals providing advocacy support

The review found that professionals working with children and young people in the public sector undertook informal advocacy support. However, there could be a tension between a duty to promote a child's best interests and that of supporting a young person's voice to be heard. This highlights the need for professionals to explore how they can support children and young people to speak out through advocacy or other forms of support with an emphasis on identifying potential conflicts of interest that can arise.

12.3 Voluntary organisations providing advocacy support

Voluntary organisations provided some advocacy support to children and young people they worked with. This function was not generally explicitly commissioned or funded but arose from the nature of their work with children and young people. Organisations had knowledge and expertise in particular areas which helped them to support children and young people. Advocacy support could be individual or collective. Children and young people highlighted the value of support from voluntary sector staff. The voluntary sector has a role in providing advocacy support which could be developed and enhanced.

12.3 Children and young people accessing support to speak out

Children and young people described a number of situations where they wanted support to speak out and the people who helped them. In most situations this support was not provided by a formal advocate but by a trusted person such as a professional worker, a parent or carer, a peer or a friend. There was a range of responses on whether a teacher, social worker or other professional could help young people to speak out, identifying that this was dependent on different factors and preferences.

12.4 Children and young people's views on importance of relationships

Children and young people chose the person they spoke to, identifying qualities such as being trustworthy and respectful, listening and maintaining confidentiality as being important. The importance of relationships to children and young people was a significant finding of the review. This has implications for ways in which positive, respectful relationships between young people and adults can be supported across services.

12.5 Understanding of role, function and availability of advocacy

There was not a consistent or shared understanding of the role, function and availability of advocacy among professionals and children and young people.

This indicates that there is a need to promote advocacy in order that professionals can appropriately support children and young people to access advocacy. In turn, children and young people need to know what support is available to help them speak out, in what circumstances and by whom.

12.6 Gaps in advocacy provision

The review found that there were extensive gaps in the current advocacy provision. Professionals identified the lack of a service for all looked after children and young people and those attending child protection case conferences and Children's Hearings. There was a need for advocacy for children and young people in the areas of, for example, learning disability, education, mental health, transitions to adult services, leaving care and young offenders. The range of situations and circumstances where advocacy is required indicates that met and unmet advocacy needs should be monitored in order to inform future strategic discussions.

12.7 Participation and engagement of children and young people

The review also identified that there were wider issues about the participation and engagement of children and young people which were relevant for all services and link to existing work on participation being undertaken by the CYPMP.

12.8 Advocacy supporting children and young people's voices

Overall, the review found that there was considerable interest in the potential for advocacy to support children and young people's voices to be heard and to enhance their participation in services, processes and meetings.

13 Appendices

Appendix 1: Contributors to Review

Project Board

Roger Barrow, Principal Educational Psychologist, Integrated Children's Services

Jayne Bathgate, Senior Policy and Planning Officer, Scottish Borders Council

Stephen Bermingham, Public Involvement Manager, NHS Borders

John Hamilton, Principal Teacher Pupil Support, Hawick High School, Education & Lifelong Learning

Gillian Nicol, Child protection Lead Officer, Child Protection Committee

Susan Robb, Participation Officer (Children and Young People), Scottish Borders Council

Lesley Siewart, Locality Reporter Manager, Scottish Children's Reporter Administration

Susan Robb, Participation Officer (Children and Young People), Scottish Borders Council

Contributors to Review

Action for Children Scottish Borders Young Carers Service

Borders Independent Advocacy Service

Borders Community Care Forum

Borders Equality Forum

Domestic Abuse Advocacy Service

Face to Face

GYP Borders

Health Improvement: Suicide Prevention

LGBT Youth Scotland

NHS Borders Children and Young People's Health Network

NHS Borders Mental Health

NHS Sexual Health

Penumbra Youth Borders

Victim Support Scotland: Scottish Borders

Who Cares? Scotland

Youth Borders

Scottish Borders Council

Child Protection/LAC co-ordinators

Child Protection Team

Community Learning and Development

Criminal Justice

Earlston Primary School

Early years

Education complaints

Howdenburn Schoolhouse

Integrated Children's Services Senior Management team

Legal Services

Mental Health and Addictions

School Services

16 Plus Transitions Team
Social work
Wheatlands Children's Unit

Children and Young People

Children and young people's participation was facilitated by the following organisations/services:

Action for Children Scottish Borders Young Carers Service
Borders Production Unit
GYP Borders
Howdenburn Schoolhouse
LGBT Youth Borders
Who Cares? Scotland.

Appendix 2: Extract from Children’s Hearings (Scotland) Act 2011¹⁴

122 Children's advocacy services

(1) This section applies where a children's hearing is held in relation to a child by virtue of this Act.

(2) The chairing member of the children's hearing must inform the child of the availability of children's advocacy services.

(3) The chairing member need not comply with subsection (2) if, taking account of the age and maturity of the child, the chairing member considers that it would not be appropriate to do so.

(4) The Scottish Ministers may by regulations make provision for or in connection with—

(a) the provision of children's advocacy services,

(b) qualifications to be held by persons providing children's advocacy services,

(c) the training of persons providing children's advocacy services,

(d) the payment of expenses, fees and allowances by the Scottish Ministers to persons providing children's advocacy services.

(5) The Scottish Ministers may enter into arrangements (contractual or otherwise) with any person other than a local authority, CHS or SCRA for the provision of children's advocacy services.

(6) Regulations under this section are subject to the affirmative procedure.

(7) In this section, “children's advocacy services” means services of support and representation provided for the purposes of assisting a child in relation to the child's involvement in a children's hearing.

¹⁴ <http://www.legislation.gov.uk/asp/2011/1/part/12/crossheading/childrens-advocacy-services>