

Advocacy in the Child Protection Process

Introduction

This protocol sets out how advocacy is provided to young people to support their participation in the child protection process.

Participation means the child or young person is aware of, informed about, and involved in decision making throughout each process that affects them, this includes participation at any Child Protection Conference.

Children should be encouraged to attend Conferences provided they have capacity to benefit from the attendance. This is more likely the case when:

- They are of sufficient age and understanding
- They have expressed an explicit or implicit wish to be involved
- Their attendance will not cause them distress
- Their attendance would not increase the risk of their abuse and
- The Conference will be able to consider more fully the wishes and views of the child in determining the protection plan

A guiding principle is that children aged 11 and over will be invited to conference and in order to support their involvement in the meeting they will be offered additional support from an independent advocate who will help them to express their views regarding the decisions being made.

Children and young people who do not attend should still participate - their views can be inputted by their social worker and where also involved, their advocate. This can take the form of letters, drawings or audio/videotape or by having their views represented by others.

Please note advocacy is an additional safeguard in the child protection process. Social workers should always seek the child's view regardless of whether or not there is an advocate is supporting the child or young person to express their views at conference.

Legal and policy context – why the child’s view is important:

1. It is the child / young person’s **right** to be heard in all matters affecting them (Article 12, United Nations’ Convention on the Rights of the Child’)
2. Working Together (2013) emphasises that ‘effective safeguarding systems are child centred. Failings in safeguarding systems are too often the result of losing sight of the needs and **views** of the children within them, or placing the interests of adults ahead of the needs of children’
3. Children Act 1989 (as amended by section 53 of the Children Act 2004).requires local authorities to give due regard to a child’s wishes when determining what services to provide under section 17 of the Children Act 1989, and before making decisions about action to be taken to protect individual children under section 47 of the Children Act 1989.
4. The Equality Act 2010 puts a responsibility on public authorities to have due regard to the need to eliminate discrimination and promote equality of opportunity. This applies to the process of identification of need and risk faced by the individual child and the process of assessment. No child or group of children must be treated any less favourably than others in being able to access effective services which meet their particular needs.

Protocol

When child protection conferences are planned, all young people aged 11 and over (and their younger siblings) will automatically be referred to the local advocacy service by the Child Protection Administrative Team.

The advocacy service will first make contact with the Social Worker to discuss how best to proceed with the offer of advocacy support.

Any other children who would benefit from advocacy to express their views in the child protection process should be referred directly to the local advocacy service by their social worker:-

Shout Out!
Off the Record,
Open House Centre,
Manvers Street,
Bath
BA1 1JW
Tel 01225 312481
Mobile 0775 389 1745

Email office@offtherecord-banes.co.uk
www.offtherecord-banes.co.uk/advocacy.aspx

At the point of convening a Child Protection Conference, discussion will take place between the Child Protection Chair and Children's Social Care Team Social Worker in order to clarify how the child / young person's views have been elicited and what form their participation will take in the conference process. Where the child / young person is attending the conference the discussion should address the following points:

- the plan to enable the child / young person's participation – options include
 - by providing written information
 - advocate speaks on behalf of young person
 - child speaks directly to Child Protection Conference to give their views
 - child attends start of the Conference to present their view and wishes regarding the Child Protection plan
 - child attends with specific agencies to present their view and wishes regarding the Child Protection plan
 - child is supported in providing taped comments to the Conference(this is not an exhaustive list, please be creative)

For legal and practical reasons, permission for children to attend Conferences should be sought by the social worker from their parents.

- Consideration needs to be given to parental participation and any conflicts of interest which may impact on the young person's participation. Where there is a conflict of interest, the attendance of adults with parental responsibility will take precedence over that of the child. The child's involvement will preferably not be curtailed by parental veto, however, and the type of involvement chosen may solve this problem in some cases. The Social Worker still has the responsibility to ascertain the child's wishes and feelings
- Any special needs arising from the child / young person's gender, language, culture, disability.
- When booking the venue for the conference sufficient time should be allowed for pre-Conference discussions between the Chair and child/ young person prior to the Chair meeting with the parents.
- Consideration should be given to the impact on the child of the formality of the Child Protection Conference environment and any appropriate adjustments made.
- The Chair will also confirm that the Social Worker will provide all appropriate information required to the young person and advocate enabling their participation.
- Any disputes about attendance will be resolved at Team Manager or Service Manager level.

Roles/Responsibilities

The Social Worker will:

- Ensure the child / young person understands the reason and purpose of the conference
- Ask the child / young person for their views on the situation
- Agree the type and level of the child / young person's participation with relevant parties (young person /advocate /chair /parents) – please refer to the bullet points in the introduction as a guide to deciding when to invite a young person to conference.
- Ensure the advocate is properly briefed before contacting the child / young person
- Feedback to the child / young person on the outcome of the conference and ensure they understand the Child Protection Plan

The Advocate will:

Prepare, support and advocate for children / young people who choose to participate in the Child Protection Conference process.

Before the conference the advocate will:

- Contact the social worker for a briefing before arranging to meet the child / young person.
- Help the child / young person to understand the reason and purpose of the conference (including any written content).
- Inform the child / young person they have a right to be heard and that their views will be taken seriously, albeit alongside the views of others, when making decisions.
- Explore what the young person wants to say about their current situation, including their concerns and anxieties, keeping a focus on what needs to happen to keep them happy, healthy and safe
- Decide with the young person how best to present these views to conference (self / advocate / writing / recording / pictures). If the child/young person wants to give this information to the social worker or chair outside the conference they can do so.
- Other issues that are important to the child / young person but not relevant to the child protection process can also be raised with the social worker outside of the conference
- Liaise with the Chair prior to Conference about whether the setting is suitable for that child / young person's planned form of participation and what adaptations may be needed

At the conference the advocate will:

- Assist and encourage the young person (where present) to express their views directly to Conference members in their chosen way or, where the child / young person prefers, represent the child / young person's view on their behalf
- Be child focused and not accept unquestioningly what those responsible for the child / young person believe to be in their best interests. It is recognised that there may be a need to challenge when it appears to the advocate to be in the child/ young person's best interests.

After the conference the advocate will:

- support the young person but may not be in a position to fully debrief them e.g. the advocate may leave the conference with the young person early or at specific points and, like the child / young person, may not fully understand the decision made. **It is the social worker's role to ensure the child / young person understands the child protection plan.**

The Conference Chair will:

- Manage the process of the Child Protection Conference when a child/ young person attends .This will include the timing of the Conference, the level and type of participation and ensuring that other attendees are aware that a child/young person is attending the conference.
- Chairs will confirm to the child/young person that their views will be heard and taken seriously. Their views will be considered alongside other views in reaching any decision.
- Chairs will discuss with parents, if attending, the child/young person's participation in the conference.
- Chairs will deliver an opening statement which will advise conference of the need for attendees to be mindful of their responsibilities in hearing the child/young person and not using their presence to cross examine the child/young person
- Chairs are responsible for facilitating introductions for young people, ensuring that language is appropriate, and managing the process in a way that is not oppressive to the young person.
- The Chair will be available following Conference to further advise the young person and/or their advocate of the outcomes of the conference if they so wish.

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