



Department
for Education

National Standards for the Provision of Children's and Young People's Advocacy Services

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Summary

This publication sets out the expected standards from the Department for Education for the delivery of advocacy services. This guidance should be read alongside the statutory guidance *Effective Advocacy for Looked-After Children, Children in Need and Care Leavers*.

Who this publication is for

This guidance is for:

- providers of advocacy services
- organisations and charities representing children and young people
- local authorities

Who do these standards apply to?

The standards apply to agencies and staff commissioned or employed by local authorities and other organisations providing advocacy for:

- children, including babies and infants, and young people in receipt of social care services: this includes looked after children, children in need and care leavers
- children and young people in residential settings who qualify for advice and assistance: this includes those in residential special schools
- children and young people in secure settings who qualify for advice and assistance: this includes those children placed by the youth custody service in secure children's homes, secure training centres, youth offending institutions and secure schools
- children and young people requiring support into adulthood who qualify for advice and assistance: this includes those children needing continuing care and support in adulthood as well as young carers

Definitions

The term '**child**' is defined in the Children Act 1989 as a person under the age of 18. For the purpose of this document the terms 'young person' and 'young people' are used to mean older children and young adults (aged 16-25). When the term 'child' or 'children' is used it includes babies and infants

A child is a **looked-after child** if a court has granted a care order to place the child in care, or the child has been provided with accommodation by the local authority for more than 24 hours

A **child in need** is a child who is unlikely to achieve or maintain a reasonable level of health or development or whose health and development are likely to be significantly or further impaired without the provision of services or a child who is disabled

A **care leaver** is a young person aged 16-25 years old who has been looked after at some point since they were 14 years old for a minimum of 13 weeks and were still in care on or after their 16th birthday.

‘Advocacy services’ means a group of advocates and their management support arrangement. The service will be working as a distinct independent service separate from the organisations and structures that have statutory responsibility for all children.

The term **‘non-instructed’** when referring to advocacy refers to a child or young person who may be unable to instruct an advocate on a specific issue and is unable to communicate their views, wishes and feelings in ways that work for them.

The purpose of these standards

The standards set the minimum expectations for the delivery of advocacy services. They are designed to show that as well as giving children and young people the power to speak for themselves or instructing someone to speak on their behalf, advocates also offer information, advice and support. Advocates assist children and young people in the early resolution of complaints or concerns before they reach the stage of a formal complaint.

Commissioning organisations should use the standards when setting out a strategy for advocacy for children and young people for whom they are responsible. This should include outlining how children and young people will be made aware of their rights, provided with assistance and signposted to specialist support where required.

Status of this document

The National Standards for the Provision of Children’s and Young People’s Advocacy Services

- are issued under section 7 of the Local Authority Social Services Act 1970, which requires local authorities with social services functions to act under the general guidance of the Secretary of State
- sets out national expectations informed by Article 12 of the UN Convention on the Rights of the Child (UNCRC) and the Human Rights Act 1998. Article 12 of the Convention states that every child has the right to express their views, feelings and

wishes in all matters affecting them and to have their views considered and taken seriously

- should be complied with by local authorities when commissioning independent advocacy for looked-after children, children in need and care leavers. Only in exceptional cases may local circumstances justify a variation

This document should be read alongside the statutory guidance for local authorities on effective advocacy.

Children and young people using advocacy services have helped us to develop these standards. Their actual words are used throughout this document and illustrate the core principles that underpin how effective advocates operate. We are grateful for their help.

Information on advocacy entitlements is summarised at Annex A.

Document history

This document replaces *National Standards for the Provision of Children's Advocacy Services*, published by the Department of Health in 2002.

Introduction

What is advocacy?

Advocacy is empowering children and young people to speak out for themselves. It is about acting independently in representing the views, wishes, feelings and needs of children and young people to professionals making decisions about their lives. It is about helping them to navigate the system, especially when the children and young people have concerns about their experiences or are transitioning from children's to adult services and in education.

Advocacy services provide independent and confidential information, advice, representation, support and advocacy for eligible children and young people. High quality advocacy is an important preventative measure that helps ensure:

- practical problems do not escalate
- that children and young people are protected from harm or risk of harm to their wellbeing
- that potential system level failures are identified and addressed at the earliest opportunity

Effective advocates

- are independent and work for children and young people and no one else
- value and respect children and young people as individuals and challenge all types of unlawful discrimination
- ensure that children and young people can understand what is happening to them, can make their views known and, where possible, exercise choice when decisions about them are being made
- understand that children and young people with complex needs living in institutional settings are more vulnerable to abuse and rights violations and take prompt and appropriate action to address concerns
- help children and young people to raise issues and concerns about things they're unhappy about. This includes making informal and formal complaints under section 26 of the Children Act 1989

Local authorities must make arrangements for advocacy assistance and should positively promote the use of advocacy across the organisation. This includes assisting children and young people to access advocacy services arranged by the Secretary of State for Health and Social Care. Children and young people should be proactively encouraged to use advocacy services where necessary and there should be no repercussions for doing so.

Children and young people eligible to access advocacy services who are not doing so should be reminded regularly of their right to an advocate. This includes those who choose not to access advocacy and later change their mind. Should a child or young person change their mind arrangements for an advocate should be made.

While advocacy may often be provided in local premises it may also be provided in other places and ways, for example in the home or on a Teams call.

What is an advocate?

An advocate is someone who empowers children and young people to have their views, wishes and feelings heard in decisions being made about their lives. Children and young people with an entitlement to advocacy must be given the choice to be represented by an independent advocate who has received the appropriate training and has the expertise required to provide professional advice and support.

Advocates

- look out for the children and young people they represent, ensuring that their views are heard and their rights are respected
- are independent and act as an important safeguard, ensuring that children and young people receive the help and support they are entitled to
- put children and young people's views, wishes and feelings at the heart of the decision-making process
- can provide an important safety check in the system by providing early intelligence of systemic issues
- can also provide help specifically when a child or young person feels that a concern or problem is not being resolved or when they need help to understand and respond to changes to the services they receive

Requirement to offer advocacy

It is a requirement that advocacy is offered in the following circumstances:

- after any use of restraint or a period of segregation or seclusion in a residential/secure setting
- when a child is subject to a full search in a residential/secure setting

When an advocate can be most useful

A child or young person can request an advocate at any time. There are, however, key points in their lives when having an advocate will ensure that their views, wishes and feelings are listened to and taken in to account.

Examples of circumstances where commissioning organisations should proactively be offering children and young people advocacy assistance to protect their rights are provided in the box below. This is not an exhaustive list.

Indicative situations when advocacy assistance should be offered

- when a child or young person is subject of a child protection plan and the local authority is considering care proceedings
- when a child or young person first enters care and is considered a looked-after child
- prior to moving to a new placement
- when a child or young person is placed out of their authority area
- when a child or young person is admitted to a residential or secure setting
- when a child or young person takes part in a review meeting
- when a child or young person has an Education, Health and Care Plan, including when there is a review of the appropriateness of the provision and placement
- when a looked-after child, child in need or a care leaver has been excluded from school or college or there is imminent risk of such exclusion
- at the point of a child or young person moving schools or making the transition from school to a further education college or higher education
- when a child or young person makes a complaint that should invoke a statutory complaints procedure

Indicative situations when advocacy assistance should be offered

- when a child or young person in foster care or a residential/secure setting has made an allegation
- after a child or young person has gone missing or run away and wants support in their return home interview
- when preparations are being made for a young person to leave care or a residential / secure setting
- when a child is an unaccompanied or separated migrant or refugee
- when a young person is transitioning from children's to adult services
- when navigating the children's social care and housing systems
- when a young person is pregnant and there is a risk of her baby being removed at birth
- when a young person needs support to access their care records
- when a young person aged 16 or 17 is seeking help because they may be homeless or there is a threat of homelessness and they need assistance to understand and balance the implications of any decisions when navigating the children's social care and housing system.

The ten standards

The ten *National Standards for the Provision of Advocacy for Children and Young People* are shown below grouped under three thematic headings. These emphasise that:

- children and young people must be central to all advocacy services
- advocates should act with skills and knowledge needed to represent them and
- advocacy services are independent and well managed

Children and young people are at the heart of advocacy

Standard 1: Advocacy is led by the views, wishes and feelings of children and young people

Standard 2: Children and young people are active partners in the design, delivery and evaluation of advocacy services

Standard 3: Children and young people who may be unable to give instructions on a specific issue have their rights articulated and championed through non-instructed advocacy

Advocates are professionals who champion children and young people

Standard 4: Advocates ensure children and young people's views, wishes and feelings are known, understood and considered in decisions. They champion and protect the rights of children and young people.

Standard 5: Advocates have the values, knowledge, skills, experience and training to meet these standards. Their conditions of employment, including supervision and continuing professional development, support high quality professional practice.

Standard 6: Advocacy services are committed to equality of opportunity and inclusion and advocates are recruited from a wide range of backgrounds.

Advocacy services are independent, high quality and well managed

Standard 7: Advocacy services are independent and accessible. They operate to the highest level of confidentiality and ethical practice.

Standard 8: Advocacy services have an easy-to-use complaints procedure which ensures children and young people are listened to, their concerns are taken seriously and they understand the outcome. Advocacy services are transparent and open when things go wrong.

Standard 9: Advocacy services have effective safeguarding and whistleblowing arrangements.

Standard 10: Advocacy services are well managed and effective. They have sufficient resources to meet the needs of children and young people and are used effectively.

Standard 1: Advocacy is led by the views, wishes and feelings of children and young people

'They are there to help with all problems and make sure you get certain entitlements and make sure your wishes are heard. Sometimes when things are too hard to face alone it's nice to know there's someone there to help.'

Why this standard is important

Advocacy is a unique service: it is unlike any other adult relationship with children and young people. The advocate is the voice of the child or young person and helps them to express their wishes, views and feelings. This is key to delivering effective advocacy for children and young people.

How to meet this standard

1.1: Children and young people receive advocacy help only if they want it. Where they do want advocacy support it should be from a named advocate. They have control over the advocacy relationship. This does not stop non-instructed advocacy (see Standard 3).

1.2: Children and young people should be informed of their right to an advocate as soon as they are entitled to one. This information should be provided in multiple accessible formats and avoid the use of jargon, acronyms and complicated terms. This should not be a one-off occurrence but a regular reminder for children and young people even where they have previously decided not to access an advocate.

1.3: When a child or young person is informed of their right to an advocate, they are given sufficient time, space and information to decide whether or not to have such help. They are informed about the range of circumstances (such as those identified on 10) where advocacy services should be offered. A child or young person can make their own referral to an advocacy service if they wish to do so. If they want an advocate they should be helped proactively by staff to access one.

1.4: Advocates should make the time to develop a trusting relationship with the child or young person. This can be in a setting that the child or young person is comfortable in and where they can speak openly.

1.5: The advocate acts only upon the child's or young person's express instructions and permission. There are two limited exceptions to this:

- when non-instructed advocacy is provided (see Standard 3).
- when the advocacy service considers that action is necessary to prevent significant harm or abuse. In these circumstances, although information may be shared without the consent of the child or young person (as part of the performance of a task in the public interest or in the exercise of official authority if there is a lawful basis to share personal information), the advocacy service provides the child or young person with information and support to help them retain as much control as possible (see Standard 8)

Advocates do not promote or act on their own opinions and views. They never assume what it is the child or young person needs or wants or seeks to influence them. The advocate's role is to represent the child's or young person's views, wishes and feelings and to champion their right to be listened to and heard and their other rights. Advocates show respect to children and young people and encourage others to act similarly. Advocates encourage and support children and young people to represent themselves where they want and are able to do so.

If an advocate is unable to convey the wishes of the child or young person on their behalf, or unable to empower the child or young person to express them, the reasons for this must be explained fully to the child or young person by their advocate. The reasons must be justified and documented.

1.6: Advocates are clear about what the child or young person wants to stop, start or change through advocacy. They provide children and young people with all relevant information and, use communication tools that meet the needs of the child or young person, support them to interpret and understand that information so they can make well-informed choices and decisions.

Advocates should use language that is accessible and age appropriate to children and young people.

1.7: An agreement – verbal or written or in another form that is accessible for the child or young person - is made between them and the advocate. Where appropriate the child or young person's decisions over the matters to be resolved and actions to be taken (the child or young person's advocacy goals), are recorded in writing. The child or young person should be given a copy of this written record where appropriate (see Standard 3 for arrangements relating to non-instructed advocacy). This information is given to the child or young person in a manner appropriate to their age and understanding.

If a child or young person's advocacy goals change a new advocacy agreement is made. The child or young person should be regularly informed and updated throughout the process of the referral and as the case progresses.

1.8: Where a referral for advocacy is made by another professional or a parent or carer without the child or young person's knowledge, the advocacy service may request that the referrer shares information with the child or young person so that they can decide for

themselves whether to seek help from an advocate and to clarify that these are the views of the child.

1.9: Advocacy services have arrangements in place to respond to referrals quickly. They ensure that children and young people who want help from an advocate, wherever they are in the country, can receive this service in a swift and timely manner and **before** any final decisions are taken on a course of action. When a delay may be detrimental to the child or young person – for example, because a move is imminent or an important decision-making meeting is due to take place – the advocacy service will seek to make prompt and direct contact with the child or young person.

1.10: Local authorities (who must have regard to corporate parenting principles) and others with statutory duties to help children and young people access advocacy (such as complaints managers and Independent Reviewing Officers) should routinely check that the child or young person is aware of and understands the unique role of the advocate.

1.11: Children and young people should be given assurances that having, or seeking to have, an advocate will not disadvantage how the child or young person is treated by corporate parents and others with statutory responsibilities towards them.

1.12: If a child or young person is unable to instruct an advocate with respect to a particular matter, decision or proposed action, non-instructed advocacy is arranged (see Standard 3).

1.13: Local authorities and others with statutory responsibilities towards children should continue to keep children and young people informed of their right to access advocacy services even if they have previously declined advocacy help.

1.14: As far as possible advocates attend meetings only where decisions are to be taken about an individual child or young person with the permission of that child or young person (unless non-instructed advocacy is provided – see Standard 3). They champion and support children's and young people's attendance and direct participation in meetings.

1.15: Advocates provide an 'open' service – making sure that no information they have or action they take is hidden from the child or young person. The exceptions to this are: if they are receiving non-instructed advocacy or there is a clear safeguarding need to refrain from sharing information with a child or young person at the present time.

1.16: Children and young people have a choice of an advocate wherever possible. Once an advocate has been allocated to a child or young person the advocacy service does its best to ensure continuity (unless the child or young person requests a change).

1.17: Where contracts are in transition between different advocacy providers, commissioning organisations and advocacy services endeavour to resolve the issues of children and young people already receiving help before the contract ends. Where resolution has not been possible, children and young people are introduced to the new

provider and given reassurance that there will be as little disruption as possible to the help they receive.

Standard 2: Children and young people are active partners in the design, delivery, promotion and evaluation of advocacy services

'I feel like I needed an advocate for lots of things but didn't find out about it until later. If I had been offered [one] earlier – things would have been different and easier.'

Why this standard is important

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states the rights that all children and young people have to express themselves and have their views heard. The benefits of involving children and young people in policy and service development as well as in decisions about their own care are now widely recognised. Services can become more sensitive to and effective towards meeting children's and young people's needs if they consult and involve them at all levels of decision-making.

How to meet this standard

2.1: Advocacy services (commissioners and providers) routinely seek children's and young people's views, advice and partnership to ensure they are providing the best possible help. The ways in which children and young people are involved with service improvement and delivery include:

- recruitment of staff, particularly those working directly with children and young people
- contributing to staff induction, training and appraisal
- management committees and /or advisory boards and panels
- working groups on policy, ethics and practice development
- evaluating, monitoring and reviewing the service to highlight satisfaction with the service, positive and negative trends and gaps in provision to meet needs
- production and promotion of publicity and information materials

Service providers make every effort to:

- ensure that due regard is given to the views of children and young people. Children and young people should receive feedback about how their advice and suggestions have been used to shape the service or where a different approach has been taken

- achieve a representative balance of views from children and young people, including those with special educational needs and disabilities, who have previously received help from an advocate to help service providers shape future service specifications

Training and support are offered to children and young people to enable them to be involved in the work of the service.

Children and young people involved in formal mechanisms (such as advisory panels) represent the diversity of the communities who are entitled to access advocacy. Children and young people who assist with this service are, where appropriate, reimbursed or rewarded for their time and expertise.

2.2: Advocacy services have systems in place to improve individual practice and service delivery based on the advice and information received from children and young people, through informal feedback, complaints and formal mechanisms such as those in Standard 2.1.

2.3: Advocacy services support children and young people to be involved in training and awareness-raising events for staff, children and young people.

2.4: Advocacy services publish versions of their advocacy policy that are accessible and understandable for children and young people.

Standard 3: Children and young people who may be unable to give instructions on a specific issue have their rights articulated and championed through non-instructed advocacy

'I was struggling with social services. I have no family in the country, it's just me...this is when my advocate came to fight for me. If it wasn't for her, I would be starving.'

Why this standard is important

Access to independent advocacy is essential for children with disabilities and complex health needs in residential settings. There may be times when a child or young person is unable to communicate their views, wishes and feelings. In these instances, an advocate will take the time to understand what these are and will ensure that the child or young person's rights are being upheld.

How to meet this standard

3.1: Advocacy services start with the presumption that children and young people of all ages and circumstances can communicate their views, wishes and feelings in ways that work for them. However, where there is evidence that a child or young person may be unable to instruct an advocate on a specific issue, non-instructed advocacy acts as a safeguard and should be available.

Non-instructed advocacy is a recognised form of advocacy for children and young people whose rights, views and needs may otherwise be unknown, unprotected or potentially breached. Advocates carrying out non-instructed advocacy will, on behalf of the child or young person, express their views, wishes and feelings and work with them on any decisions that affect them.

Unless stated otherwise, all other advocacy standards apply to non-instructed advocacy. This can apply to children and young people who are unable to:

- communicate their wishes in any way about a particular decision, action or situation
- give informed consent for an advocate to assist them
- understand and weigh up their options in respect of a particular decision, action or situation at a specific time

3.2: Non-instructed advocacy is focused on the child or young person's rights, views, wishes and feelings. The advocate does not advocate for anyone else in the child or young person's life.

3.3: The specific nature of non-instructed advocacy requires particular sensitivity and expertise. Advocacy services should have at least one advocate who is trained to carry out non-instructed advocacy. To be sure of meeting needs advocacy services should survey their demographic of children and young people so that service provision reflects the number of children who would require non-instructed advocacy. This includes training in communications systems, including new technologies and multimedia, that assist children and young people to communicate.

3.4: Particular attention is given to the communication needs of disabled children and young people in residential settings, including those who are very young and those with multiple needs and disabilities. Some children and young people will need creative and imaginative approaches, including the use of new technologies and multimedia or non-verbal communication. Some will need trained staff who can interpret their responses.

3.5: Commissioning organisations and advocacy services understand that there are times when a child or young person can make some decisions but not others and that this is not fixed or tied to chronological age. Non-instructed advocacy is therefore issue specific rather than person specific.

3.6: Advocates will always aim to meet a child or young person who could potentially benefit from non-instructed advocacy. However, there may be – albeit very rare - times when this isn't possible. The advocate will not make a judgement about whether the child or young person may be able or unable to make decisions without first making direct contact. Before considering adopting a non-instructed approach, advocates take all possible steps to establish a meaningful mode of communication with the child or young person, with the aim of taking instructions from them.

3.7: Advocates providing non-instructed advocacy understand and identify a child's or young person's relevant rights in each situation and champion these rights by:

- ensuring that the child's or young person's rights are upheld
- representing the child's or young person's rights and best interests
- ensuring that alternative courses of action have been considered
- supporting the child or young person to participate as fully as possible in decision making. Where a child's or young person's rights are being breached, or are at risk of being breached, advocates take appropriate action to defend these rights (see Standard 3.13 to 3.15)

3.8: When a child or young person is clearly unable to give instructions on a specific issue (due to disability, age, mental ill health or debilitating illness, for example), where possible,

advocates should record in writing why they have determined that non-instructed advocacy is appropriate at this time.

3.9: Advocates undertaking non-instructed advocacy adopt a person-centred approach and have sufficient time, training and resources to observe and get to know the child or young person, their unique perspective and preferences, and to assess which of their rights are relevant in the current circumstances.

3.10: Commissioning organisations inform parents, carers and staff of the existence and value of non-instructed advocacy. Staff within children's and young people's services are proactive in making referrals on behalf of children and young people who are unable to give instructions. Where a child or young person is unable to consent to advocacy, services ensure that processes are in place for the necessary person or authority (such as those with parental responsibility) to consent to the advocacy without delay.

3.11: Services and settings respond in a timely fashion to reasonable requests for relevant information, including written assessments and plans.

3.12: Where there is clear consensus that a child or young person is unable to participate in a decision-making process, an advocate providing non-instructed advocacy may attend a meeting on behalf of the child or young person to champion their rights.

3.13: Commissioning organisations ensure advocates undertaking non-instructed advocacy can gather pertinent information and ask questions relating to the child's or young person's rights. They have arrangements in place for swiftly securing parental or other consent when necessary.

3.14: Advocacy services ensure there is access to legal advice and representation for children and young people receiving non-instructed advocacy (see Standard 4.9).

3.15: For children and young people who are unable to instruct a solicitor advocacy services have arrangements in place for referrals to be made to the Official Solicitor, who will act on behalf of the child or young person. Though it is not ideal, where the advocate has a pre-existing relationship with the child or young person and there is no other appropriate person to act as litigation friend¹ for that child or young person, advocates are supported by the service to undertake this role.

¹ A litigation friend is a person appointed by a court to make decisions for a child or young person about a court case.

Standard 4: Advocates ensure children and young people's views, wishes and feelings are known, understood and considered in decisions. They champion and protect the rights of children and young people.

*'Your entitlements and your rights, it's so important you get told them.
That's what advocacy is about, to empower the young
person – they have such a big impact on young people's lives.'*

Why this standard is important

The promotion of the rights of individual children and young people is at the heart of successful advocacy. Advocacy services have an important role to play in using their experience and knowledge to champion and promote the rights of children and young people.

How to meet this standard

4.1: Commissioning organisations / service providers ensure that their staff are aware of the role of advocates and how their work differs from other professionals. They should promote and champion the importance of early referral when a child or young person is experiencing difficulties being heard or requires information and help relating to other aspects of their rights, for example a looked after child requesting a care plan review before a proposed move. The importance of advocacy should be championed and embedded across the organisation. This could be done through induction, training and general awareness-raising. All relevant staff should understand the process for referring children and young people to advocacy services.

4.2: Commissioning organisations understand and value the positive role visiting advocates can play for children and young people living in institutional settings because of the risk of their not being heard and understood and the increased risk of a violation of their rights. They routinely learn from and respond to effective practice where visiting advocacy is working effectively to safeguard children and young people. Visiting advocacy is commissioned as part of a strategic and integrated approach to service provision of visiting advocates and those who advocate in relation to particular concerns (issue-based advocacy).

4.3: Advocates are creative and flexible in their work with children and young people. Advocacy services should ensure that advocates have sufficient knowledge, skills, time

and support to find out and advocate children's and young people's views, wishes and feelings and to champion and protect their rights.

4.4: Advocates respect and support children and young people to communicate their views, wishes and feelings in ways they choose and are comfortable with. They promote and support self-advocacy so that children and young people feel confident expressing their views, wishes and feelings.

4.5: Where appropriate, when advocates attend meetings with or on behalf of children and young people they offer a written record to the child or young person of any decisions taken which relate to the agreed advocacy goals (see Standard 1.7). In addition, advocates seek to ensure decision-makers produce timely and accessible information for the child or young person about any decisions made concerning them.

4.6: Commissioning organisations make arrangements for access to interpreting services or provide funding so that each child or young person receiving help from an advocate can communicate in their preferred language, such as British Sign Language.

4.7: Advocates support children and young people to choose how their views, wishes and feelings will be represented: directly by the child or young person; by them and their advocate or by an advocate speaking and communicating on their behalf.

4.8: Where possible, and where confidentiality is not an issue, the service promotes and publicises changes it has helped to achieve for individual children and young people and encourages decision-makers to make these changes for others.

4.9: Advocates understand the value of, and are confident using statutory complaints procedures, including, where applicable, those operated by the Local Government, the Office of the Children's Commissioner, the Social Care Ombudsman, the Parliamentary and Health Service Ombudsman and Prisons and Probation Ombudsman. Commissioning organisations ensure the advocacy services have up-to-date policies and contact details for the statutory complaints procedures for which they are responsible.

4.10: Commissioning organisations recognise that the involvement of an advocate does not affect a child or young person's right to seek legal advice. They ensure that advocacy services have arrangements in place to assist children and young people to access legal advice and representation when this is necessary.

4.11: Advocacy services develop links with a variety of solicitors across specific areas such as family law, education, court of protection, human rights, community care, immigration, mental health and housing so they can signpost children and young people who wish to obtain legal advice and representation.

4.12: Advocacy services publish, signpost and share accessible information about the rights of children and young people to whom they deliver a service.

Standard 5: Advocates have the values, knowledge, skills, experience and training to meet these standards. Their conditions of employment, including supervision and continuing professional development, support high quality practice.

‘Everything I have achieved is because of advocacy – support inside and outside of prison, both legal support and advocacy, housing support and mediating with social services.’

Why this standard is important

Advocates should be able to support and respect the needs of all children and young people. Relevant training, experience and appropriate supervision are vital in ensuring children and young people are fully supported.

How to meet this standard

5.1: Recruitment and training programmes should ensure advocates have the relevant knowledge, experience and values to be able to support the needs of the children and young people.

5.2: The service should have policies and procedures in place as part of the recruitment process to deter those who are unsuitable to work with children and young people. Common features should include the following:

- checking the criminal record of the person applying for the role by seeking an enhanced Disclosure and Barring Service (DBS) check
- checking the digital footprint on all digital platforms through a Digital Risk Assessment (DRA) to ensure potential staff members hold the right values and approaches to work with children and young people
- checks of professional registers if relevant
- asking candidates to confirm identity through official documents
- directly verifying the authenticity of qualifications and references
- seeking a full employment history for prospective staff members and reserving the right to approach any previous employer
- checking with former employers the reason why employment ended
- identifying any gaps or inconsistencies and seeking an explanation
- making appointments only after references are obtained and checked. Referees should be reminded that references should contain no material misstatement or omission relevant to the suitability of the applicant

- making all appointments to work with children and young people (including internal transfers) subject to a probationary period

Even the most careful selection process cannot identify all those who may pose a risk to children and young people. Post-employment management and supervision should always be alert to indications of untoward behaviour.

5.3: Advocates should be familiar with written policies and have up-to-date job descriptions, understand the service's values, obligations, including safeguarding obligations and responsibilities to alert regulatory bodies where there are serious concerns relating to a child's or young person's safety, lines of accountability and understand how their role is to be carried out and their responsibilities fulfilled. They have a well-organised induction process (see also Standard 9.3 on safer recruitment).

Advocates may be employed full or part-time or contracted through a freelance / self-employed arrangement.

5.4: Advocates are supported by a suitably experienced and trained line manager.

5.5: Advocacy services have arrangements for continuous quality training that is informed by care experienced young people, peer support and development. Training for advocates ensures they:

- are able to work to children's and young people's instructions
- are able to carry out non-instructed advocacy
- are able to understand the diverse needs, including communication needs of particular groups who routinely access advocacy, e.g., children and young people with disabilities, those who are neurodiverse, care leavers, unaccompanied asylum-seeking children, children seeking help because they are homelessness or threatened with homelessness
- have a working knowledge of advocacy practice in other parts of the system, e.g. mental health
- are able to recognise children and young people with mental health needs and can signpost them to appropriate services
- have strategies for empowering children and young people to speak out for themselves
- are committed to and champion the equal rights and dignity of every child and young person and providing an inclusive service
- understand the impact of policies on specific groups and the increased vulnerability of particular groups, such as those with disabilities, those living in residential settings, babies and infants and those who have communication difficulties
- have a basic understanding of the legislative frameworks that may impact on children and young people accessing advocacy services such as that relating to special educational needs and disabilities (SEND), equalities legislation, safeguarding obligations, including when to alert regulatory bodies such as Ofsted,

the Care Quality Commission or Her Majesty's Inspectorate of Prisons if they have matters of serious concern about the safety of children and young people and possible breaches of human rights.

- have up-to-date knowledge of children's and young people's legal and human rights and remedies for breaches of these rights (including the role of statutory complaints procedures and litigation)
- are able to adhere to confidentiality processes and the grounds and process for sharing information
- know how to recognise and what to do when there are safeguarding/abuse concerns and understand how the service deals with such concerns
- understand the distinctiveness of the advocacy role and what to do when children and young people require help and support from other professionals
- promote equal opportunities and challenge discrimination
- understand their data protection responsibilities

5.6: Advocacy services maintain up-to-date records of their advocates' continuing professional development, including training attended. Advocates have regular case supervision and their progress is appraised at least annually.

5.7: Use of volunteers and trainee advocates is properly supervised. Volunteer and trainee advocates are assigned tasks and functions appropriate to their knowledge, skills and experience. They do not have lead responsibility for statutory advocacy functions.

5.8: Advocates are encouraged to join local and national support networks to support their development and share best practice.

Standard 6: Advocacy services are committed to equality of opportunity and inclusion and advocates are recruited from a wide range of backgrounds

'Recruiting more advocates would be amazing. [It allows for] checks and balances on social services.'

Why this standard is important

Children and young people are not a homogeneous group. There is no single way to find out their views and a 'one size fits all' approach does not work. Advocacy services should therefore meet the diverse needs of all the children and young people accessing advocacy provision. All children and young people should be treated fairly, equally and with respect.

How to meet this standard

6.1: Advocacy services endeavour to recruit advocates from a wide range of backgrounds who represent the diversity of the children and young people they are working with. This includes sex, ethnicity, religion, gender identity, sexual orientation and disability.

6.2: Advocates have an appropriate range of resources and training for working with diverse groups of children and young people, including very young children, those in residential settings, those receiving non-instructed advocacy and where they are visiting advocates.

6.3: Advocacy services proactively monitor and review access and inclusion to their services to ensure they cater for children and young people from a diverse range of backgrounds. They monitor and record service uptake against the cohort of eligible children and young people, especially those in residential settings. If there are under-represented groups, advocacy services take remedial action to ensure equality of access.

6.4: Advocacy services ensure that information for children and young people is available in a variety of formats to ensure children and young people are aware of the service, including for those who have disabilities (where materials and publicity could, for example, be provided in Braille, British Sign Language, audio or video podcasts, Makaton or Bliss) or where English is not their first language (where advocates are also encouraged to put forward the child's or young person's view to ensure they are able to access suitable learning to gain English language skills).

6.5: No child or young person is prevented from accessing advocacy services and participating effectively on the grounds of their placement, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This means, for example, in cases where children and young people are unable to visit the advocacy office arrangements are made for advocates to meet with children and young people in a place of their choice (this is not applicable in secure settings).

6.6: When seeking help and feedback from children and young people to improve the service, effort is made to achieve a representative balance of views from those using the service, including those with multiple and specific learning difficulties who may be in residential settings.

Standard 7: Advocacy services are independent and accessible. They operate to the highest level of confidentiality and ethical practice

'My advocate has stuck with me and helped me through every little thing. She has made me laugh when all I wanted to do was cry and managed to make my days in care much brighter. I will never forget the impact she has had on me.'

Why this standard is so important

Any child who is entitled to and could benefit from an advocacy service should know of its existence and have easy access to it. Timeliness and efficiency are essential factors for organisations seeking to deliver high quality advocacy services. Advocacy will be used only if children and young people are confident that advocates are acting exclusively on their behalf and have no potential or apparent conflicting interests or pressures. All advocacy services will have a confidentiality policy and should make this clear to children and young people.

How to meet this standard

7.1: The existence of the advocacy service, what it can and cannot offer, its availability (opening hours) and how it may be contacted are well publicised, including online (this is not applicable in secure settings), among children and young people and relevant agencies, professionals and carers. A free phone number should be made available for the child or young person to be able to call or text. Some of the places the advocacy service could be publicised include:

- local authority websites (e.g., pages relating to children in care councils, virtual school head services, local housing authorities, the special educational needs and disabilities (SEND) local offer, the local offer for care leavers)
- in residential and secure settings
- housing related support services
- social media pages
- in meetings (such as Education, Health and Care Plan reviews, Personal Education Plan or IRO chaired Care Plan review meetings)
- during training sessions for professionals

Advocacy services should ensure that publicity materials are appropriate and that children and young people of different ages and abilities can use and understand them.

7.2: Commissioning organisations and advocacy services have arrangements in place to ensure children and young people placed away from their local authority can access an advocate.

7.3: Where possible children and young people from the same residential or secure setting should not have the same advocate to create independence and for confidentiality purposes.

7.4: All children and young people accessing the advocacy service are informed of its confidentiality policy prior to their instructing an advocate. This information is provided in age-appropriate format and language.

7.5: Advocacy services have timely arrangements in place for responding to requests for help, including urgent and out-of-hours referrals. Initial contact should be made within 24 - 72 hours and significantly sooner where there are safeguarding concerns. From the point of referral, a clear set of actions and a desired outcome should be agreed between the advocate and the child or young person.

7.6: When an advocacy service is unable to provide timely help to a child or young person, they must be proactively supported to get advocacy through an alternative arrangement.

7.7: As far as possible advocacy services are delivered in accessible places that are inviting, convenient, safe and private. Precautions should be taken when delivering advocacy online to ensure the child or young person has the space and privacy to talk freely. Where children and young people cannot, for whatever reason, travel to the service, advocates endeavour to arrange comfortable and private meeting spaces.

7.8: The service operates at hours that are as relevant as possible for the children and young people using the service. When the service is not staffed, there is a 24-hour alternative, such as text or answerphone, WhatsApp number and online information which explains how to get immediate help, including from other people and agencies and how long they may have to wait for a response.

7.9: Commissioning organisations and advocacy services actively encourage all relevant agencies and adults who are in a position to advise children and young people to:

- inform children and young people about the service on a regular basis
- encourage them to use it
- help them to access it, including where they initially didn't want the service and have changed their mind.

7.10: Commissioning organisations ensure that:

- ensure that those practitioners who have a responsibility to inform children and young people of their right to advocacy fulfil these obligations. This includes designated safeguarding officers, those handling statutory complaints and Independent Reviewing Officers Children's
- young people's legal rights to advocacy are widely disseminated across children's and young people's services, housing services and included in staff induction, supervision and training
- contracts and specifications for advocacy services are consistent with the legal rights of children and young people to access such help.

7.11: The advocacy service has a clear confidentiality policy which is understood by all concerned. As well as children and young people who use the service, this includes the service's staff, its funders, child protection services within councils, other local agencies and professionals, schools and, where appropriate, children's and young people's parents or carers.

7.12: The confidentiality policy is explained to children and young people before they discuss the reasons why they have approached the service. They are given an accessible summary of the policy in child and young person-friendly language.

7.13: Advocates keep confidential records of work undertaken for the child or young person. This information is available to the child or young person on an ongoing basis and is kept in a secure and safe space.

7.14: No information or records about a child or young person are shared with third parties (including the commissioning organisation) without the express permission or consent of the child or young person, unless there are significant safeguarding or abuse concerns (see Standard 9.5). Even then only relevant parts of advocacy records may be shared.

7.15: The confidential relationship existing between the child or young person and their advocate extends to all staff working within the advocacy service. This means that anyone within the service receiving information must keep it confidential. Advocates may share information with their supervisor to help resolve difficult confidentiality decisions. Professional advice will be taken if necessary.

7.16: Advocacy services are, as far as possible, funded and managed transparently in a way that ensures independence from the commissioning organisation and related services so that children and young people have confidence that their advocates will act for them and are free from any conflicts of interest.

7.17: Advocates are trained to act and to be seen to act independently and this is reflected in their behaviour when sharing information, attending meetings and interacting with other professionals. Advocates should feel comfortable and have the confidence to challenge professionals where necessary without fear of repercussions.

7.18: The advocacy service has an independence statement which details how it ensures and demonstrates its independence from its funders. The statement will identify potential conflicts and say how the service will deal with them. It will also make clear how their performance will be monitored. It will set out how the advocacy service will support advocates to escalate concerns about children's safety and potential breaches of human rights and alert relevant regulatory bodies when necessary. The statement will be available to advocates, young people and professionals and will be in a language and style useful to each.

7.19: Commissioning organisations value and champion the independence of the advocacy service. They do not seek to compromise the independence of advocates, interfere or seek to interfere with the governance or day to-day work of the service (unless there are concerns about compliance with these standards or breach of contract). Where intervention is necessary, commissioning organisations follow due process and maintain respect for the independence of the advocacy service.

7.20: Commissioning organisations promote understanding of the role of advocates in supporting children and young people to use formal complaints procedures and legal services where necessary.

7.21: As far as possible, advocacy services have their own private, designated space. They do not routinely share office space with services and professionals involved in the lives of children and young people to whom they offer an advocacy service. Advocates' ID cards and literature (including those online) produced by the advocacy service show independence from the commissioning organisation.

7.22: Advocacy services recognise that regular contact between individual advocates, settings and services may lead to relationships forming which compromise independence or the appearance of independence. They provide supervision and other support to advocates to ensure independence is maintained at all times.

Standard 8: Advocacy services have an easy-to-use complaints procedure which ensures children and young people are listened to, their concerns are taken seriously, and they understand the outcome. Advocacy services are transparent and open when things go wrong.

'Each young person shouldn't be treated differently because of their postcode – advocacy included.'

Why this standard is important

A well-publicised and accessible complaints procedure is essential if the advocacy service is to be credible and accountable to children and young people.

How to meet this standard

8.1: Advocacy services make it easy for children and young people to raise concerns about the advocacy they have received. They provide information for children and young people on what to do if they are not happy with the advocacy service. This is widely publicised, including online.

8.2: The complaints procedure follows specified timescales and has informal and formal elements.

8.3: Children and young people know to whom they can make a complaint and that they can complain verbally as well as in writing.

8.4: A suitable person who is independent of the advocacy service investigates all aspects of the complaint promptly, decides whether the complaint is upheld and recommends remedies to be carried out within a specified timescale. That same person should ensure the child or young person is aware of the timescales for investigating the complaint, receives feedback in language accessible to them about the outcome of their complaint and knows what to do if they are dissatisfied with the outcome.

8.5: Advocacy services make sure that any solutions are put in place straight away or within a set timescale. They record all complaints, both formal and informal, and analyse the data annually. Lessons are learned from this analysis and appropriate action taken.

8.6: Without breaching individuals' right to privacy, advocacy services include in their annual reports (see Standard 10.6) the number of complaints they received from children and young people in the preceding 12 months and how these were resolved.

Standard 9: Advocacy services have effective safeguarding and whistleblowing arrangements

‘My advocate advises me very well, about education, housing, moving – she updates me, tells me who to contact and gives me a push.’

Why this standard is important

Taking action over worries and concerns regarding the welfare of children is the responsibility of all practitioners who come into contact with children on a regular basis. That principle applies to advocates. Advocacy services must be aware of protocols that are in place to ensure this happens. Children and young people should be made aware when information may need to be shared to keep them safe.

How to meet this standard

9.1: Advocacy services should fully understand the practices of those with statutory responsibility for safeguarding children.

9.2: Children and young people using advocacy services are given accessible information about their right to protection and the safeguarding responsibilities of the advocacy service.

9.3: Advocacy services have robust and safe recruitment and selection practices for working with children and young people and vulnerable adults. They are responsible for conducting proportionate, appropriate employment checks (DBS, work histories, etc.) and other relevant checks for all advocates (whether employed or volunteering) prior to their taking up post and at appropriate intervals.

9.4: Advocacy services have comprehensive and up-to-date safeguarding policies and procedures which comply with statutory safeguarding guidance and local inter-agency procedures.

9.5: Advocacy services need to be clear about how they identify a level of concern that would trigger the making of a referral to social services, particularly when such a step takes place without the consent of the child or young person. They are clear about the responsibilities of individual advocates in identifying concerns.

9.6: Consistent with statutory safeguarding guidance, advocacy services make direct referrals to the local authority designated officer / statutory agencies and escalate

concerns where necessary, for example to the appropriate regulator where there are concerns about abuse or neglect within the setting where the child or young person lives.

9.7: Children's and young people's right to privacy and confidentiality may be breached only when a child or young person is suffering, or is at risk of suffering, significant harm or abuse. In such circumstances advocacy services seek children's and young people's consent to share information (unless this would place them at further risk and there is a lawful basis to process any personal information required). Where the service believes it necessary to pass information on to statutory agencies and the child or young person does not give consent to this, the advocate informs the child or young person of the reasons for taking this action. The reasons are recorded in writing.

Irrespective of whether the child or young person has consented to information-sharing, the advocacy service strives to ensure that the child or young person retains as much control as possible and that their views, wishes and feelings are heard throughout any investigative process. Children and young people are kept fully informed and updated regarding any referrals made, information shared and what may happen as a result.

A written record is kept of any confidentiality breaches under this Standard.

9.8: Advocacy services have policies and procedures in place which clearly set out when they will alert regulatory and other bodies of safeguarding and human rights concerns. This information is published and available to children and young people and other members of the public.

Advocacy services identify thematic issues of concern raised by, or on behalf of, children and young people. They identify such thematic issues in relation to visiting advocates (see Standard 4.2) and issue based advocates. They communicate these (without identifying individuals) at regular intervals to local authorities and local safeguarding partners / safeguarding adult boards and, where appropriate, other agencies such as inspectorates and the Children's Commissioner for England. An anonymised summary of these notifications is included in the annual reports of advocacy services (see Standard 10.6).

9.9: Advocates will be mindful of settings where children and young people may be more at risk of being subject to institutional abuse and what actions to take in these situations to empower children and young people to raise complaints and uncover coercive cultures and institutional abuse.

9.10: Advocacy services have well-publicised procedures for employee whistleblowing. This includes a published policy on whistleblowing which is part of the induction process for all staff and volunteers and assurance that those who raise concerns will not be victimised.

9.11: Without breaching individuals' right to privacy advocacy services include in their annual reports (see Standard 10.6) any learning from serious incidents where a child or young person they were working with was harmed.

Standard 10: Advocacy services are well managed and effective; they have sufficient resources to meet the needs of children and young people and are used effectively

'The advocate has always been the outstanding person who has gone beyond what they need to – they understand what is required of them and how they can give it to you. They are so good at building trust with young people and it's so amazing to have them.'

Why this standard is important

Advocacy services, like any other service, need good management. All public funds should be directed towards delivering the best possible advocacy for children and young people, and the service should keep track of how it is doing by, for example, setting targets and careful monitoring. All those working for the service should have a clear understanding of their role, for whom they are responsible and to whom they are accountable.

How to meet this standard

10.1: The tendering process and contracts for advocacy services comply with these standards. Short-term contracts are avoided, when possible, to ensure stability for the child or young person.

10.2: Commissioning organisations ensure sufficient funding to meet service specifications, taking account of time, other resources, such as visiting advocacy, and the anticipated needs of the cohort.

10.3: Advocacy services have robust outcome measurements in place, centred around the fulfilment of children's and young people's advocacy goals (see Standard 1). These outcome measures show the effectiveness of the service and areas for improvement.

10.4: Data on the work and effectiveness of the service is routinely collected and monitored and young people are consulted as part of this monitoring. It is evaluated at least annually with the involvement of children and young people and service improvements agreed (see Standard 2.1 to 2.2). Any capacity or resource issues are identified during this annual evaluation and appropriate information included in the service's annual report (see Standard 10.6).

10.5: Advocacy services demonstrate that money is being used efficiently. They have sound financial systems and their annual accounts are audited or independently examined in line with legal requirements.

10.6: Without breaching individuals' right to privacy, advocacy services produce annual reports showing the matters of concern raised by children and young people during the year and how these were resolved. This should include the use of formal complaints procedures and litigation when this was necessary.

Annual reports additionally describe any other actions taken by the service to champion and protect the rights of children and young people and the demographics of the children and young people using the service are also recorded in annual reports.

Annual reports are written in accessible language. Copies are sent to managers, the commissioning organisation, to relevant self-advocacy groups and organisations (including Children in Care Councils) and to elected members and local safeguarding partners and the safeguarding adult board.

The reports should be used to adequately assess the service, as well as highlight the issues children and young people are facing and where the gaps are for improvement within the commissioning organisation or advocacy service. In that way advocacy can be used as a measure of system health as it can be part of the solution to wider problems in the care system, giving children and young people the power to challenge poor practice as it relates to them and, at a strategic level and providing crucial evidence to support system reform.

Annex A – Advocacy entitlements

Introduction

The list below sets out the groups of children and young people who have a statutory right to an independent advocate. Not all these groups are covered within the scope of the standards. Whilst this does not include all groups, these standards set out best practice which commissioning organisations and providers should be aware of and consider in their own advocacy arrangements or work with children and young people.

Who has a statutory entitlement to advocacy?

Children and young people in receipt of social care services who wish to make a representation (including a complaint), have a statutory entitlement to advocacy.

The Adoption and Children Act 2002 (section 119) amended the Children Act 1989 (section 26A) to place a duty on local authorities to make arrangements for the provision of advocacy for children or young people who want to make a complaint under the Children Act procedures. The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 set out in more depth the various requirements local authorities must make for advocacy provision.

- This duty applies equally to unaccompanied children and child victims of modern slavery as set out in the 2017 statutory guidance entitled Care of unaccompanied migrant children and child victims of modern slavery.
- Local authorities must monitor the steps it has taken, in particular by keeping a record of the advocate appointed to the child or young person (Regulation 5).
- This advocacy entitlement extends to age 25 for young people leaving care (section 23CZB of the Children Act 1989 as amended by section 3 of the Children and Social Work Act 2017)

Looked-after children whose care and progress are being reviewed have a statutory entitlement to advocacy.

This is set out in the Adoption and Children Act 2002 and The Care Planning, Placement and Case Review (England) Regulations 2010. A duty is placed on the Independent Reviewing Officer (IRO) to ensure that looked-after children have been made aware of their right to bring proceedings under the Children Act 1989 (e.g., in relation to placements, contact with parents and siblings or discharge of a care order), their right to make a representation (including a complaint) and to access advocacy services. When a child wants to bring proceedings under the Children Act 1989, the IRO must support the child to seek legal advice or identify another appropriate adult to support the child.

The Children Act 2004 (Section 11) provides that local authorities and local partners must make arrangements for ensuring the welfare of children is safeguarded and promoted. As part of this, Department for Education statutory guidance states an independent representative or advocate should be offered to any looked-after children and young people who go missing, once they have been found.

The National Standards for Advocacy also apply to:

- **Children and young people in residential special schools who qualify for advice and assistance.** Following a consultation on revisions to the National Minimum Standards for residential special schools to include new requirements with regard to the provision of advocacy where necessary a response to that consultation and revised standards were published in 2022. Further guidance on advocacy for children and young people with SEND is set out in SEND Code of Practice: 0 to 25 years. The Code re-states the statutory requirement in section 19 of the Children and Families Act 2014 for local authorities to have regard to the views, wishes and feelings of children and young people and, in paragraph 2.15, the Code is clear that for young people 'advocacy should be provided where necessary'.
- **Children and young people living in children's homes.** The Children's Homes (England) Regulations 2015 (Regulation 7) states that the registered person of every children's home must ensure each child is given appropriate advocacy support. Soon after the child's arrival at the home, the registered person must ensure an explanation has been given to them about what advocacy support or services are available; how the child may access that support or those services; and any entitlement the child may have to independent advocacy.
- **Children and young people in secure settings who qualify for advice and assistance.** They do not apply to young adults (who are not care leavers) in youth offending institutions. The Secure Training Centre Rules 1998 (Rule 44) provides that children in custody should be able to make representations to 'independent persons'. This was interpreted as advocates by the Youth Justice Board. **Where advocacy is also being provided for children and young people in a secure school, secure children's home and youth offending institution by virtue of departmental policy, advocacy provision should adhere to these standards.**
- **Children who may need continuing care and support in adulthood.** As provided in the Care Act 2014 (section 58), a child's needs assessment must be carried out where it appears to a local authority that a child is likely to have needs for care and support after becoming 18 and it is satisfied that it would be a significant benefit to the child to carry out the assessment (and the relevant consent is obtained). The local authority assesses a) whether the child has needs for care and support and if so, what those needs are; and b) whether the child is

likely to have needs for care and support after turning 18 and if so, what those needs are likely to be (section 58(1)).

Section 67 of the Care Act 2014 imposes a duty on the local authority to arrange for an independent advocate to support a child's involvement in the assessment, provided that the local authority considers that if an independent advocate was not available, the child would experience substantial difficulty in doing one or more of the following:

- understanding relevant information
- retaining that information
- using or weighing that information as part of the process of being involved
- communicating the individual's views, wishes or feelings (whether by talking, using sign language or any other means)

The duty does not apply if the local authority is satisfied that there is an appropriate person who can support the child's involvement in the assessment, and who is not providing care or treatment for the child in a professional capacity or for remuneration.

- **Young carers who may need support in adulthood.** As provided in the Care Act 2014 (section 63), a young carer's assessment must be carried out where it appears to the local authority that a young carer is likely to have needs for support after becoming 18 and it is satisfied that it would be a significant benefit to the young carer to carry out the assessment (and the relevant consent is obtained). The local authority assesses a) whether the young carer has needs for support and if so, what those needs are; and b) whether the young carer is likely to have needs for support after turning 18 and if so, what those needs are likely to be (section 63(1)).

Section 67 of the Care Act 2014 imposes a duty on the local authority to arrange for an independent advocate to support a young carer's involvement in the assessment, provided that the local authority considers that if an independent advocate was not available, the young carer would experience substantial difficulty in doing one or more of the following:

- understanding relevant information
- retaining that information
- using or weighing that information as part of the process of being involved; and
- communicating the individual's views, wishes or feelings (whether by talking, using sign language or any other means)

The duty does not apply if the local authority is satisfied that there is an appropriate person who can support the young carer's involvement in the assessment, and who is not providing care or treatment for the young carer in a professional capacity or for remuneration.

16- and 17-year-olds who are homeless or threatened with homelessness

Advocacy and support services can play a key role for other vulnerable groups such as young people aged 16 and 17 in England who are not yet a child in need or looked after but who may be homeless or threatened with homelessness. *As a principle of good practice, young people need access to independent advocacy and support to assist them in weighing up their options for when navigating the children's social care and housing system. It is important that they understand the implications if, for example, they decide that they do not wish to be provided with accommodation under section 20 of the Children Act 1989.* This principle is in accordance with the joint statutory guidance from the [Prevention of homelessness and provision of accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation.](#) (See paragraphs 3.46 to 3.48 of that guidance)

Mental health and advocacy

These Standards do not apply to children and young people in England who are detained under the Mental Health Act 1983. However, following on from the passage of the Mental Health Act 2025 there will be an opt out approach for advocacy for all detained patients of all ages under the Mental Health Act and voluntary patients will also have access to independent mental health advocates for the first time. The Department of Health and Social Care will give due consideration to these standards when updating the Mental Health Act Code of Practice and will consult on these changes.

These standards do not apply to children and young people in England who lack the relevant mental capacity, in accordance with the Mental Capacity Act 2005. The Mental Capacity Act provides for specific advocacy support in certain cases across its application.



Department
for Education

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