



Department
for Education

Effective Advocacy for Looked-After Children, Children in Need and Care Leavers

Statutory guidance for local authorities

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Summary

This guidance sets out duties on local authorities in England in making arrangements for the provision of advocacy services for children and young people. It replaces *Guidance on providing effective advocacy services for children and young people making a complaint under the Children Act 1989*. While this guidance includes information on making complaints the title has been changed to better reflect the principle that advocacy is important to help prevent matters reaching the complaints stage.

This guidance should be read alongside the broader updated *National Standards for the Protection of Children's and Young People's Advocacy Services*, hereafter referred to in this document as 'the National Standards'. It relates specifically to children in receipt of social services because they are looked after, children in need or care leavers.

Section 26A of the Children Act 1989 provides that local authorities must make arrangements for the provision of assistance to persons who make or intend to make representations under section 24D of the Children Act 1989 and children who make or intend to make representations under section 26 of the Children Act 1989. The assistance provided under the arrangements includes assistance by way of representation.

Where a local authority receives representations or becomes aware that a child or young person intends to make representations, they must provide the child or young person with information about independent advocacy services and offer to help to obtain an advocate.

But regardless of whether they are considering making a complaint children and young people eligible for an advocate should have access to an advocate if they wish. They should know that they can access one before they get to the stage of making a complaint. If a child or young person does not want assistance to make representations but changes their mind at a later time the local authority should be proactive in supporting them to make contact with their advocacy service.

The ten National Standards are listed in Annex A. All the National Standards which relate most directly to the material in each of the five sections of this guidance are included, for ease of reference, in a text box at the beginning of each section.

The National Standards, which are informed by the statutory guidance and have been co-produced with an expert advisory group of key stakeholders also apply to advocacy services provided for a broader group of children and young people: i.e. residential special schools, secure children's homes, secure training centres, youth offending institutions and secure schools, young carers who may need support in adulthood and where a child may need continuing care and support in adulthood.

Effective independent advocacy and representation for these groups of vulnerable children and young people makes a vital contribution to breaking down barriers to their opportunities. Advocacy and representation enables them to have a voice in decisions that affect their lives. They should be supported to take full advantage of advocacy services if they want them.

The provision of effective advocacy services for looked-after children and care leavers demonstrates a commitment to the [seven corporate parenting principles](#) established under the [Children and Social Work Act 2017](#), to which local authorities must have regard, by helping them gain access to and make best use of the services they need.

Legislation this publication refers to

This guidance refers to and should be applied in relation to the following relevant legislation and other guidance:

- [The Children Act 1989](#)
- [The Children and Social Work Act 2017](#)
- [*National Standards for the Provision of Children and Young People's Advocacy Standards*](#)
- [Applying corporate parenting principles to looked-after children and care leavers](#)
- [Children Act 1989 volume 2: care planning, placement and case review](#)
- [Children Act 1989 volume 3: transition to adulthood for care leavers](#)
- [Children's homes regulations, including quality standards: guide \(2015\)](#)
- [The National Minimum Standards for Fostering Services](#)
- [National Minimum Standards for residential special schools](#)
- [Independent reviewing officer's handbook](#)
- [Local offer for care leavers statutory guidance](#)
- [Extending Personal Adviser support to all care leavers to age 25](#)

This guidance builds on the core principles of Article 12 of the UN Convention on the Rights of the Child, which emphasises the right of the child to be heard.

Other relevant legislation is referenced in Annex C.

Who this publication is for

This guidance is for local authorities in England, independent advocates, officers and managers involved in the provision and delivery, commissioning and review of advocacy services.

This guidance should be read in conjunction with *The National Standards for the Provision of Children and Young People's Advocacy Services* and the other documents listed above.

Definitions

A child is a **looked-after** child if a court has granted a care order to place a 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 is 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 service separate from the organisations and structures that have statutory responsibility for all children.

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/people' are used to mean older children and young adults (aged 16-25).

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.

Main points

Advocacy is about empowering children and young people to speak out for themselves. It is about representing the views, wishes, feelings and needs of children and young people to the professionals who are making decisions about their lives. Representing children and young people who want support to communicate these aspects of their care must be at the heart of any advocacy service. Advocates help children and young people navigate the system, especially in times of transition.

Advocacy services must be provided for looked-after children, children in need and care leavers to empower them to speak for themselves or speak on their behalf and to offer information, advice and support.

Advocacy is not just providing assistance when a child or young person is making or intending to make a complaint under the Children Act 1989. An advocate should be

provided whenever a looked-after child, child in need or care leaver wants advocacy support to express their views, wishes and feelings.

Evidence from the Children's Commissioner's report [Advocacy for Children](#) shows that provision of advocacy services by local authorities is inconsistent. Findings illustrate how important the support of an effective advocate can be in helping children overcome a wide range of issues: understanding their legal entitlements, navigating the care system and accessing vital services. Advocacy services should be proactively offered and promoted to looked-after children, children in need and care leavers at regular points on their journey, for example at review meetings, so that advocates can contact them unless they specifically decline this service.

Advocacy should be child-centred and child-led in line with the Children Act 1989. The greatest importance should be placed on listening to and taking account of the wishes and feelings of the child or young person. Decisions about the lives of children and young people should not be made without them being involved, as far as possible, in the decision-making process. Advocacy provides a crucial mechanism by which these principles can be put into practice.

There are key points in their lives when having an advocate will ensure that their views, wishes and feelings are listened to and considered in decisions. These times may be because of a significant or unexpected change, or an identifiably high level of need. Advocacy can also assist children and young people when they wish to make a complaint under the Children Act 1989.

Advocacy has a vital role in recognising and giving a voice to the individual needs of children and young people in residential settings. It is essential that proactive steps are taken to ensure that children and young people in these settings have easy access to advocacy services.

Where children and young people have an effective advocate that person – who is independent of the commissioner and provider of the service - has an important role in helping them overcome difficulties such as understanding their legal entitlements, navigating the care system and accessing vital services.

Document status and new elements

This guidance is 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. This means that local authorities must follow it when exercising their social services functions unless there are exceptional circumstances that justify deviating from it.

This guidance is not intended to be prescriptive about what must be offered. It describes the principles of effective advocacy and the expectation that local authorities will

commission advocacy services that meet the individual needs of the looked after children, children in need and care leavers for whom they are responsible.

This guidance:

- replaces the 2004 document *Get it Sorted: Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989*. This updated guidance reflects the intention that advocacy is an option available not just when children and young people want to make a formal complaint but rather whenever they want advocacy support to represent them in meetings
- reflects changes to advocacy rights and access to advocacy that have occurred since 2004, including the strengthened rights to advocacy for children and young people in children's homes
- should be applied alongside the ten National Standards for the delivery of advocacy services as set out in National Standards for the Provision of Children and Young People's Advocacy Services. That document explains why each standard is important and how to meet it

Who does this guidance apply to?

This guidance applies to local authorities in the discharging of their duties to looked-after children, children in need, and to care leavers.

Chapter 1 Children and young people at the heart of advocacy

The National Standards to which this section relates are:

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, promotion 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 empower children and young people to make sure their rights are respected and that their views and wishes are fully considered and reflected in the full range of decision making about their lives. The first three National Standards are designed to ensure that children and young people are at the heart of advocacy.

Advocacy is child-led

Children and young people should be informed of their right to an advocate as soon as they come into contact with local authority services. Advocacy support should be provided only when the child or young person wants it. The child or young person should be supported to make an active decision based on an informed and considered choice. They should have control over and lead the advocacy relationship. An effective advocate should listen to and take seriously the views, wishes and feelings of the child or young person.

Advocates should support children and young people to lead the advocacy relationship. They should act only on their instructions and with their permission. Advocates should not share their opinion or offer legal advice. The National Standards for the Provision of Children and Young People's Advocacy Services identify two limited exceptions:

- when non-instructed advocacy is provided
- when the advocacy service considers that action is necessary to prevent significant harm or abuse

Co-production of independent advocacy services

Children must be confident their advocate is an independent champion of their rights, wishes and feelings. Advocacy services should work in partnership with children and young people. They should routinely seek their views, advice to make sure the service is providing children and young people with the best possible help they want and need.

The National Standards give a number of examples to illustrate how local authorities could introduce elements of meaningful co-production with children and young people in designing and promoting all aspects of the advocacy service. These include:

- participating in the design stage of commissioning advocacy services
- 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 and monitoring the service; and
- production and promotion of publicity and information materials.

Direct feedback should be gathered from children and young people throughout their experience of advocacy services. Given children and young people are at the heart of advocacy commissioning organisations should take into account their views, wishes and feelings to create a service that is effective for them. Organisations commissioning advocacy services should find out what children and young think:

- are the values and principles that underpin effective advocacy
- about how the service works in practice for them; and
- how it can be made more user friendly, for example the easiest method of making contact with an advocate, or the most convenient times for children and young people to meet with advocates.

Improving advocacy services and access to advocacy

The design, planning, commissioning and delivery of advocacy services should be informed by recently published surveys and research reports that point to why advocacy is important. Service commissioners and providers should identify gaps in patterns of service provision and what needs to be put in place to ensure a more consistent approach. They should be informed by what is working well for those using the service.

The National Standards which accompany this statutory guidance provide comprehensive information on the key elements of a good service and how consistency in provision can be achieved.

Local authorities will be aware that advocacy services are included in [inspections of local children's services](#) (ILACS). In planning, commissioning and delivering their advocacy services local authorities should note that – although not always referenced in Ofsted reports unless the advocacy service is exceptionally strong or weak - inspectors will assess timely access to and use of the services of an advocate.

Requirement to offer advocacy

Local authorities are required to offer independent advocacy services to children and young people:

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

When an advocate can be most useful

A child or young person should be aware that they can request an advocate at any time. There are, however, key points in their lives where having an advocate will ensure that their views, wishes and feelings are listened to and taken into account. This may be the result of a significant or unexpected change or an identifiably high level of need.

Where a child or young person chooses not to access an advocate or to stop accessing the advocacy service the local authority should make a record of their decision. That decision, however, does not mean they cannot change their mind. Local authorities should continue to promote the benefits of advocacy to them and facilitate access to an advocate if they wish to re-engage with the service.

The box below provides examples of circumstances where commissioning organisations should proactively be offering children and young people advocacy assistance to protect their rights.

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 needs support to build loving relationships
- 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
- 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 a young person aged 16 or 17 is seeking help because of homelessness and they need assistance to understand the implications of their decisions when navigating children's social care and housing
- 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

Offering choice for the child or young person

In order to feel in control of the advocacy process it is important, as far as possible, for a child or young person to have choices. The box below describes some of the choices that should be available.

- The child or young person should be given an opportunity to meet an advocate and agree the arrangement before the advocate's appointment is confirmed, and any information shared with them.
- They should understand that they have the right to choose an advocate whom they feel comfortable with, and the local authority should take reasonable action to accommodate a child's wishes. Equally, if the child or young person requests a change in advocate the local authority should take steps to facilitate this.
- Where advocacy services are provided in-house, a child or young person may feel more comfortable if they are enabled to use an advocate who is not an in-house advocate of the local authority. In any event, the local authority should proactively provide information about alternative sources of help. If the child or young person prefers to use an advocate who is not provided in-house the local authority should consider the request carefully and think about what steps it should take to meet the child's wishes.

Considering the advocacy needs of certain groups

Some looked-after children, children in need and care leavers will have particular needs that local authorities should consider in the commissioning and provision of advocacy services. Examples include those who are unable to give instructions, those who live out of their home area or who are living in children's homes. As highlighted by the national panel report [*Safeguarding children with disabilities and complex health needs in residential settings*](#) children and young people with complex needs living in institutional settings are more vulnerable to rights violations.

Access to independent advocacy for these children and young people is essential. Evidence to the independent review of Children's Social Care found too much inconsistency of provision. Commissioning organisations should ensure that advocacy specifications give appropriate weight to the role of visiting advocates. Visiting advocacy

and issue-based advocacy should be available as part of an integrated service approach.¹

Advocates will require appropriate training and skills to meet those needs effectively and advocacy services should ensure they have policies and processes in place to meet the advocacy needs of these children and young people.

Non-instructed advocacy for children who may be unable to give instructions

There may be times when a child or young person is unable to communicate their views, wishes and feelings. This could be because of age (babies and infants), immaturity, disability or a medical condition. As a result, situations may arise where their rights would be unknown, unprotected or breached. Non-instructed advocacy provides representation and an important safeguarding function for this group of children and young people.

As set out in the National Standards, non-instructed advocacy can apply to children and young people who are unable to:

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

Non-instructed advocacy is underpinned by the core principles outlined in the National Standards. At the heart of effective non-instructed advocacy:

- the focus should be on the rights of the child or young person. Advocates do not advocate for anyone else in the child's or young person's life
- advocacy services should have at least one advocate who is trained to carry out non-instructed advocacy
- advocates take time to understand the child or young person so they can assess the most appropriate way to best support them and protect their rights
- advocates may attend meetings on behalf of the child or young person they represent to champion their rights

¹ Visiting advocacy refers to regular, proactive visits by advocates to settings such as residential care homes, secure units, or hospitals, where children and young people may not have easy access to advocacy services. The aim is to build relationships, raise awareness of rights, and ensure voices are heard even when no specific issue has been raised. In contrast, issue-based advocacy is provided in response to a specific concern or problem identified by the child or young person, such as a complaint, placement change, or safeguarding matter. It is typically time-limited and focused on resolving that issue.

- advocates should have access to relevant and appropriate information about the child or young person
- arrangements should be in place for the advocate to secure consent where this is legally required
- if the non-instructed advocate considers that a child's or young person's rights are being breached, they should be able to challenge any breaches of rights; make safeguarding referrals in the usual way; begin statutory complaints proceedings where appropriate and ensure that access to legal advice and representation is available, for example through the Official Solicitor.

Advocacy for children placed out of area

Local authorities must ensure that there are arrangements in place for children and young people placed out of the authority's area to have access to advocacy services. That may be achieved by a local authority making arrangements with their contracted advocacy provider to support children placed out of area. Alternatively, local authorities may wish to come to an arrangement with the local authority where the child or young person is placed.

Key advocacy service principles to embed for out of area placements

- As far as possible advocacy services should establish consistency and continuity in the provision of an advocacy service for a child or young person placed out of area, so they continue to receive the high-quality professional advocacy support they need and deserve.
- Effective advocacy is based on relationships and trust developed over time. Where possible and where it is in the best interest of the child or young person a local authority should put in place measures that allow children and young people to keep the same advocate for as long as they wish, especially where a relationship of trust has been established.

Advocacy for children in children's homes and residential special schools

Children living in children's homes, including secure children's homes, may have a higher level of need for advocacy than children living with foster carers or in the family home. They may lack contact with their social worker or have issues relating to their care within the home or contact with family or getting their leaving care grant. Their needs will be specific to their individual living arrangements. Advocates for children living in children's homes can offer vital support.

Local authority advocacy services should recognise this important factor and put in place processes that allow children in these placement settings to access and receive high quality advocacy that is relevant and appropriate to their specific needs and circumstances.

Children placed in residential special schools are another group for whom independent advocacy is vital because they will have higher and more complex needs. They should have access to appropriate advocacy support where necessary and be made aware of what advocacy services are available, how they may access such support and any entitlement.

- The [Guide to the Children's Homes Regulations](#) states that 'looked-after children are entitled to an independent advocate to advise them and ensure they have the support needed to express their views, wishes and feelings about their care and lives.'
- Staff working in children's homes should regularly remind children of their right to access an independent advocate concerning any matter relevant to the child's status as looked after. The right for children who are eligible to access independent advocacy support should be included in the children's guide produced by the children's home.
- Regulation 22 of the [Children's Homes \(England\) Regulations](#) 2015 provides that the registered provider of the home must ensure that they have suitable facilities for a child to meet privately with their advocate.
- [The Guide to the Children's Homes Regulations](#) states that all staff working in children's homes have an important role in helping looked-after children to understand and access advocacy services.
- [National Minimum Standards for residential special schools](#) sets out national minimum standards to safeguard and promote the welfare of all children, for whom residential accommodation is provided by residential special schools.

Advocacy for young people aged 16-17

Young people aged 16 and 17 who are looked after, children in need or care leavers can be particularly vulnerable and may have specific needs that local authorities should consider in their planning and commissioning of their advocacy services. They may be living in unsuitable accommodation, for example, or present as homeless. Other risks to which they may be exposed include sexual exploitation, racism, poorer mental health and

higher risk of death. They are entitled to advocacy services in the same way as any child or young person.

For young people aged 16-17 who are homeless, offering the services of an advocate will help them navigate the choices they have under the Children Act 1989 and the Housing Act 1996. Such help can take the form of informing them of their rights and options, representation and in navigating processes.

Advocacy awareness and other roles

Confusion can sometimes arise about the different roles of Independent Reviewing Officers (IROs), Regulation 44 Visitors and advocates. Children and young people should be actively supported to understand their right to advocacy and ensure they are clear on the distinct support that advocacy provide to them.

The Independent Reviewing Officer (IRO)

IROs monitor the process of care plan reviews for looked after children. They challenge poor practice and drift by local authorities in relation to the care arrangements of looked after children. They chair care plan review meetings and ensure that the local authority involves the child or young person and significant adults in their care review. The IRO has a role in resolving problems with the local authority by negotiation and has the power to refer children's cases to the Children and Families Court Advisory and Support Service (CAFCASS) to take the case to court.

...when meeting with the child before every review, the IRO is responsible for making sure that the child understands how an advocate could help and his/her entitlement to one. [Independent reviewing officers' handbook](#)

IROs should check that looked after children are aware of their right to an advocate and understand their entitlement to independent advocacy support.

Taking into account the age and understanding of the child, the IRO should consider carefully how best to explain to the child their right to:

- make a complaint and how to do this
- an advocate, including the role of the advocate

The process of advocacy and complaints run alongside the IRO's actions in resolving an issue. IROs should work closely with a child's advocate as well as, where appropriate, the designated complaints officer and children's complaints officer or equivalent.

IROs and the child's or young person's advocate and, where appropriate, the designated complaints officer, should, as a matter of good practice, agree channels of communication and their respective roles in the process for resolving the issue concerned.

Interplay between advocates, Regulation 44 visitors and local authority designated officers

Regulation 44 visitors conduct monthly visits to children's homes to ensure compliance with the Children's Homes Regulations 2015 and the Quality Standards for Children's Homes. They independently scrutinise the care provided, the home's environment, and the practices of the staff. Both advocates and Regulation 44 visitors' roles aim to protect and promote the welfare of children, but from different angles. Advocates focus on the child's individual needs and rights, while Regulation 44 visitors ensure the overall quality and safety of the care environment.

Effective communication between advocates and Regulation 44 visitors can enhance the quality of care. For instance, advocates might share concerns raised by children with Regulation 44 visitors, who can then address these issues during their inspections.

Collaboration ensures that both the child's personal experiences and the home's operational standards are continuously monitored and improved.

The relationship between advocates and Local Authority Designated Officers (LADOs) is also valuable. Advocates have a role in communicating children's and young people's concerns and experiences to LADOs. Advocates provide direct support to children and young people while LADOs ensure that the systems and processes around them are robust and protective.

Chapter 2 The role of the advocate

The National Standards to which this section relates are:

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.

Advocates are champions for children's and young people's rights

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. They champion the rights of children and young people by representing their views, wishes and feelings. They champion their right to be heard.

Looked-after children, children in need and care leavers 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 need to get to know the child or young person and begin to understand their individual circumstances and needs. They find ways to build relationships with children and young people as early as possible. This might be by establishing regular visits to children's homes and to children and young people in foster care. This provides opportunities to offer help and alert them to the services provided that they can access, as well as creating informal opportunities for children and young people to talk about their experiences with an independent adult.

Regular contact between children and advocates is encouraged as it will allow the views, wishes and feelings of children and young people to be heard early and responded to quickly and effectively. The early identification of emerging concerns or problems will prevent problems escalating and support the wellbeing and mental health of the child or young person.

An advocate should not promote or act on their own opinions or views

They should respect the views, wishes and feelings of children and young people and encourage others to act similarly.

As far as it is possible, the child or young person should feel in control of their circumstances and able to have their views, wishes and feelings heard in the way they want them to be.

Advocates provide a high-quality professional service

To provide high quality advocacy that gives help, protection and support to some of our most vulnerable children and young people it is vital that advocates receive from the advocacy service for which they work the training, supervision and support they need.

As a minimum this should include:

- an induction process
- an up to date job description
- written policies
- peer support and development
- the support of a suitably experienced and knowledgeable line manager and
- an annual appraisal and regular case supervision

Local authorities should ensure that (in line with National Standard 5) advocates have the values, knowledge, skills, experience and training needed to meet the advocacy National Standards. It is key that advocates understand and can learn from historic and recent failures in safeguarding.^{2 3} Their conditions of employment, including supervision and continuing professional development, should support high quality professional practice.

² [Safeguarding children with disabilities in residential settings](#)

³ [The Independent Inquiry into Child Sexual Abuse](#)

Training for advocates can include:

- up to date knowledge of legal rights
- safeguarding practices and thresholds
- equal opportunities legislation and data protection
- mental health practices
- non-instructed advocacy
- visiting advocates

Advocates represent children and young people from diverse backgrounds and with varying needs

Advocates should be able to communicate effectively in a way the child or young person is happy with. All advocacy services:

- should ensure, as far as possible, that advocates are able to effectively represent the diverse needs and backgrounds of the children and young people they are representing. This should include sufficient training to understand and support the diversity of the children they work with. The advocacy service should be representative of the children and young people it serves. Their diversity and the diversity of their needs should be reflected in the resources advocates use, the communication methods they use and in the training they receive.
- must have clear policies to promote equalities issues and monitor services to ensure that no young person is discriminated against due to sex, race, religion, language, disability or sexual orientation.
- should monitor and record uptake against the cohort of eligible children and young people and use feedback to identify under-represented groups. The service should take action to ensure equality of access across all eligible groups. Particular attention should be given to those with complex communication needs to ensure they have access to an advocate.
- should ensure that information for children and young people is available in a variety of formats so that all children and young people are aware of the service, noting that:
 - for those who have disabilities materials and publicity could, for example, be provided in Braille, British Sign Language, audio or video podcasts, Makaton or Bliss
 - where English is not child's or young person's first language advocates are encouraged to put forward the view of the child or young person and ensure they are able to access suitable learning to gain English language skills

- for unaccompanied asylum-seeking children and young people the advocate should help them overcome cultural or language barriers so they can express their wishes and feelings appropriately
- should take the necessary additional steps to recognise and provide for children and young people placed with families who do not share the same ethnicity or cultural background and are therefore more likely to need the help of an advocate who can support their interests
- monitor and record uptake against the cohort of eligible children and young people and use feedback to identify under-represented groups. The service should take action to ensure equality of access across all eligible groups. Particular attention should be given to those with complex communication needs

Advocates assist children and young people through the complaint's procedure

Information about the role of advocates assisting children and young people through the complaints procedure is set out in section 5 of this document.

Chapter 3 Effective advocacy services

The National Standards to which this section relates are:

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.

An independent service

The independent status of advocates is essential for them to be able to act effectively on behalf of the child or young person. The National Standards set out Government policy on the independence of advocacy services.

Advocacy will only be used if children and young people are confident that advocates are acting exclusively on their behalf and have no apparent conflicting interests and pressures. Therefore, the advocacy or children's rights service should, as far as possible, be funded and managed in a way that ensures independence from the commissioning organisation.

This independent status should form an integral element of training for new advocates and it should be valued and championed by commissioning organisations. There are different models that local authorities can follow to ensure that the advocacy or children's rights service they commission has sufficient independence and distance from their policy development, their service provision, their complaints service and their care planning and resource management functions.

The advocacy service or children's rights service must not be line managed by any senior manager directly responsible for the service provided. Local authorities should ensure that they have systems in place to ensure that both the management and delivery of services are separate. This includes advocacy services having their own private designated space. Advocates should 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.

Arrangements for the provision of advocacy and children's rights services vary among local authorities. Advocacy provision can be outsourced to a voluntary organisation. However, provision is organised it is important that the users of the advocacy service experience and perceive the service as independent.

Feedback from children and young people suggests that separate literature, logos and identity are important in promoting the 'arm's length' nature and independence of advocacy services.

In line with the National Standards, the advocacy service, as far as possible, should be funded and managed in a way that ensures independence from the service commissioner.

Children and young people should be reassured that their advocates are independent and will act for them without conflicts of interest. This should be promoted in the information made available to children and young people and by those responsible for the delivery of the advocacy service.

Conflicts of interest

When advocacy services are provided by voluntary organisations who also provide other services to the local authority either directly relating to complaints handling or the provision of other services, the local authority should ensure that conflicts of interest are avoided in the provision of these services. For example, advocacy providers which also offer direct services or independent services in the consideration of complaints should have systems in place to ensure that both the management and delivery of those services is separate.

Commissioning officers should identify all potential conflicts of interest prior to agreeing contracts for external advocacy providers and use this information to identify the most appropriate provider.

Keeping children and young people informed

For an advocacy service to be effective information setting out the services on offer needs to be readily available and easy to understand. Children and young people need a simple method of reaching out for help and that help needs to be available when requested.

Children and young people should be regularly informed and reminded of their right to advocacy.

The benefits of advocacy for children and young people should be clearly outlined verbally and also provided in written form, whether through accessible printed materials or online resources.

There should also be opportunities for children and young people to meet advocates in informal settings and learn about the services they offer.

Local authorities must provide looked-after children, children in need and care leavers with information about advocacy services and offer help in obtaining an advocate if a child or young person intends to make a complaint and would like an advocate to speak for them. This will usually be the name, telephone number and contact point for the service. If the child so requests, the complaints officer or equivalent officer should make initial contact with the advocacy service on their behalf.

Publicity about advocacy services

Access to independent advocacy is a fundamental service that helps children and young people to be heard. Research by the Children's Commissioner in 2023 found that take-up of these services was low. Too many who are eligible to benefit from advocacy are unaware of their entitlement. Section 26A(5) of the Children Act 1989 requires local authorities to give such publicity to their arrangements for the provision of advocacy services as they consider appropriate. Section 26(8) also requires local authorities to give appropriate publicity to their procedure for considering representations.

Local authorities must have robust communication and publicity mechanisms to ensure children and young people, including those with additional communication needs, know and understand their right to advocacy. When children and young people are first informed about the advocacy service:

- they should be told about the confidentiality policy
- the publicity about it should ideally be presented to looked-after children, children in need and care leavers as an empowering and useful method of support and not limited to the complaints process

Children and young people should be told about and have easy access to a user-friendly version of the National Standards for the provision of advocacy services.

National Standard 7 emphasises that 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.

Local authorities should provide age-appropriate materials, including online, about children's rights and advocacy services. Information should be accessible to all children and young people, including those with disabilities or where English is not their first language. Adults who are in a position to advise children and young people should talk to them to explain these materials, answer any questions and ensure they understand their rights.

Publicity materials about advocacy services, appropriate to the ages of children and young people, should be given to all children and young people when they are first assessed as being in need and again when they become looked after. For looked-after children, this should be recorded in the child's care plan and checked at every review by the Independent Reviewing Officer. Complaints publicity materials should include information about advocacy and be kept under regular review.

Advocacy services should have needs-based arrangements in place so that all requests for help, including urgent and out of hours referrals, can be effectively responded to, for example by signposting to other services when an advocacy service is unable to provide timely help. Where possible, advocacy services should be delivered in safe, private and accessible locations.

Local authorities should:

- have a programme of regularly updating information and publicity on advocacy services to staff and foster carers to ensure that new staff and carers are able to inform children and young people properly of their entitlement and how they can access advocacy support
- ensure that publicity on children's legal rights and advocacy is widely disseminated across children and young people's services, and included in routine meetings with and about children and young people, staff inductions, supervision and training e.g., training for foster carers or social workers

Commissioning organisations and staff need to positively and regularly promote the use of advocacy services. They should feel confident in using and recognising the need for a child or young person to acquire an independent advocate. Children and young people should be encouraged to use advocacy services where necessary and there should not be any repercussions for doing so.

Commissioning organisations and advocacy services should actively encourage all relevant agencies and adults who are able to advise children and young people to:

- inform children and young people about the service
- encourage them to use it and
- help them to access it

Monitoring and reporting: the regulatory framework

Local authorities should keep under regular review their arrangements for the implementation of this guidance. It is the responsibility of the Director of Children's Services to ensure that a process for the review and monitoring of the guidance and that such reviews and monitoring takes place at yearly intervals. Local authorities are required to compile annual reports on the operation of their complaints procedure.

Complaints and representations annual reports are statutory requirements under the provisions of the Children Act 1989. The requirements on local authorities in respect of their arrangements for monitoring and reporting on their advocacy service are set out in Regulations. These requirements are set out below.

The relevant Regulations

[Representations Procedure \(Children\) Regulations 1991](#) establish a procedure for considering representations (including complaints) made to local authorities about the discharge of their functions under the Children Act 1989.

Under regulation 10 local authorities are required to monitor the arrangements they have made to ensure they comply with these Regulations by:

- keeping a record of each representation received
- the outcome of each representation
- whether the time limit set out in the Regulations was complied with.

[The 1991 Regulations were amended by the Advocacy Services and Representations Procedure \(Children\) \(Amendment\) Regulations 2004](#). The amendment added a further requirement on local authorities to monitor their compliance arrangements. This further requirement was to keep a record about each advocate appointed under the local authority's arrangements.

Complaints officers, children's rights officers and others will need to work closely together in compiling annual reports and reports to departmental management teams on the use of advocacy by complaints made under the Children Act 1989.

This annual report should include:

- a summary of statistical data about numbers, ages, sex, disability and ethnicity of children using advocacy at all stages of the complaints procedures
- arrangements for the provision of advocacy services
- details about advocates provided under the arrangements
- take up and refusal of service and
- children's satisfaction with the service and perceptions of independence

The process of measuring satisfaction with advocacy services should be child-centred.

Regular feedback from children and young people is crucial in maintaining standards. Local authorities should find creative ways of seeking feedback from children and young people, for example, the creation of a children and young people's reference group (with support available for children and young people with a range of communication needs), online forums and surveys.

A well-managed service

Findings from the Independent Review of Social Care, and the Child Safeguarding Practice Review Panel's report into safeguarding children with disabilities and complex needs in residential settings point to the need for systemic improvements in the provision of advocacy services. Children and young people deserve and should receive a professional and high-quality advocacy service. There should be robust procedures in place to ensure that services are well-managed, have sufficient resources to meet the needs of children and young people and that performance is effectively monitored and measured.

To achieve this, commissioners and providers of advocacy services should have robust procedures in place for:

- setting clear goals based on identified need
- the tendering process and the issuing of contracts, particularly to safeguard the independence of advocacy services
- auditing of accounts
- collecting and reviewing data and
- evaluating trends in service use and delivery that identify problems and what needs to happen to improve the service to children and young people
- acting on findings about improving service delivery
- reviewing and evaluating success measures, especially by listening and acting on where appropriate the views of children and young people.

To meet these requirements, commissioning organisations need to ensure they have sufficient funding to meet the service needs of the eligible children and young people in their local area.

Chapter 4 Safeguarding and information sharing

The National Standards to which this section relates are:

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

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

Keeping children and young people and their information safe: everyone's responsibility

Everyone who works with children has a responsibility for keeping them safe. No single practitioner can have a full picture of a child's needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

[Working Together to Safeguard Children 2023](#)

The power of effective advocacy in keeping children and young people safe

Advocates and advocacy services should demonstrate an understanding of the vital role they have in safeguarding vulnerable children and young people. Advocates are able to both observe the circumstances in which looked-after children, children in need and care leavers live and listen to children and young people's accounts of the treatment they receive. They are consequently in a position to assess the risks and dangers these children and young people face.

To empower them, looked-after children, children in need and care leavers should be enabled to understand the safeguarding responsibilities of the advocacy service and the role of advocates in defending and championing their right to protection.

National Standard 9 states that advocacy services should have effective safeguarding and whistleblowing arrangements in place. This includes safer recruitment and selection practices, up to date safeguarding policies and efficient processes in place for making direct referrals to statutory agencies.

Acting on concerns

Advocacy services should have a clear policy based on the concept of 'significant harm'. This policy should be publicised to all those using the service.

Advocacy services must 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 and young person.

Core principles that should be followed when advocates and advocacy services are acting on concerns about the welfare of a child or young person

- Follow the procedures outlined in [Working Together to Safeguard Children](#)
- Incorporate into the policy of your advocacy service a requirement that advocates should be fully conversant with legislation and practice guidance relating to child protection as well as local policies and procedures
- The local authority has satisfied itself that the appointed advocate or organisation commissioned to provide advocacy services has effective arrangements in place to ensure all advocates, their supervisors and managers of advocacy services are trained and can demonstrate the appropriate level of knowledge and competence to understand and operate these requirements
- Advocates should make sure that the child's or young person's views, wishes and feelings are heard throughout any investigative process
- Where possible advocacy services should regularly review and provide data on thematic issues of concern to local authorities and local safeguarding partners
- Advocacy services should provide regular opportunities to learn from any serious incidents where a child or young person they were working with was harmed. This learning and reflection should inform and shape future practice to ensure the role of advocates in safeguarding children and young people is as effective as possible.

Whistleblowing

The document [Whistleblowing for employees](#) on Gov.UK is explicit: employees should report wrong doing, usually something seen at work, if it is in the public interest to do so.

Whistleblowers are protected by law and cannot lose their jobs as a result of blowing the whistle on an employer.

These principles apply to advocates in all areas of their work and, just as with safeguarding, advocates have a duty to protect and champion the rights of children and young people and report concerns around practice and the delivery of services where appropriate. Advocacy services should have well-publicised procedures for employee whistleblowing.

Confidentiality and information sharing

A core principle

The only time a child's or young person's right to privacy and confidentiality may be breached is when an advocate has concerns about their safety.

This principle is based on the concept of 'significant harm', established in the Children Act 1989, as a threshold that justifies compulsory intervention in family life in the best interests of children.

Advocates should follow the guidance in [Information sharing advice for safeguarding practitioners](#). This sets out seven golden rules to sharing information about the children and young people.

Some important features of confidentiality and information sharing for local policies

In commissioning and providing advocacy services local authorities should:

- Uphold the highest level of confidentiality and ethical practice to inspire confidence and trust in the service and between the child or young person and the advocate, and to embed the strong principle that the service is led by the views, wishes and feelings of children and young people and takes them seriously
- Have clear protocols on information sharing in their service level agreements
- Ensure that once an advocate is appointed correspondence about the issue, concern or complaint is addressed to the child or young person with a copy sent to the appointed advocate and advocacy organisation as appropriate
- Ensure that, as an integral part of professional practice, records are clear, concise, are a record of fact and are kept safely by all parties
- Ensure that if the local authority is informed that a child or young person has decided not to use their advocate any longer the advocate is informed in writing of the child or young person's decision
- Ensure that records of work undertaken for the child or young person are kept strictly confidential and not shared with third parties without the child or young

person's express permission. The only exception to this is when there are significant safeguarding concerns. Even then only the relevant parts of the advocacy records may be shared.

Further information about safeguarding, whistleblowing and confidentiality can be found in the National Standards, particularly Standards 7 and 9.

Being alert to signs of abuse and neglect and taking action: what advocates need to know

All practitioners should be alert to the signs and triggers of abuse and neglect, particularly where children and young people are living in residential settings. There is [guidance to support practitioners](#) on Gov.UK. Children may be vulnerable to neglect and abuse or exploitation from within their family and/or from individuals they come across in their day-to-day lives. Abuse and neglect can take a variety of different forms, including:

- sexual abuse
- physical abuse
- emotional abuse
- neglect (i.e., a child might be left hungry or dirty, or without proper clothing, shelter, supervision or health care)
- domestic abuse, including controlling or coercive behaviour
- exploitation by criminal gangs and organised crime groups
- modern slavery and human trafficking
- online abuse
- sexual exploitation
- influences of extremism leading to radicalisation
- exposure to parental mental health issues
- drug/alcohol abuse

Whatever the form of abuse or neglect, practitioners should put the needs of children first when determining what action to take. Children may report abuse or there may be visible signs of abuse, in which case the decision to share information is clear, as actions must be taken to respond to the disclosure or signs. In other cases, for example, neglect, the indicators may be subtle and appear over time. In these cases, decisions about what information to share, and when, will be more difficult to judge. Everyone, including advocates, should be aware of the potential for children to be sexually or criminally exploited for money, power, or status, including peer on peer abuse and individuals should adopt an open and inquiring mind about what could be the underlying reasons for behaviour changes in children of all ages.

[Guidance on child sexual exploitation](#) to support practitioners, local authorities and local leaders is available on Gov.UK. It is important that advocates understand and are able to follow the usual referral process for children and young people who meet a statutory threshold for significant harm. Such referrals must be made to the local authority safeguarding team following established safeguarding procedures set out by the local authority. Advocates should also 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.

Gov.UK provides [information outlining how to report child abuse](#), including information about the process, links to key reporting services and relevant telephone numbers. This published information complements the multi-agency safeguarding guidance Working Together to Safeguard Children which states that 'everyone who works with children has a responsibility for keeping them safe'. Everyone who comes into contact with children and young people, including advocates, has an important role to play in identifying concerns, sharing information and taking prompt action.

Chapter 5 Supporting children and young people to make a complaint

The National Standards to which this section relates are:

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.

The role of advocacy services for children making complaints

A formal complaints procedure is not the best method for children and young people to air grievances. With appropriate support and assistance at an early stage, many problems experienced by children and young people can be resolved effectively without the need to proceed to the formal stages of the complaints procedure. However, children and young people should not be discouraged from making a complaint if they wish to do so.

Advocacy services have a very important role to play in the early identification and resolution of problems and complaints. Local authorities should ensure that arrangements are in place for advocacy services to quickly respond to referrals so that advocates are able to provide help to children and young people as soon as possible, if they want this support.

In promoting the advocacy service local authorities:

- should consider how best to make children and young people aware of how to contact their advocacy service and should ensure that arrangements are in place for advocacy services to quickly respond to referrals so that advocates can provide help and support as soon as possible
- must make children and young people aware of the complaint's procedures, that they are easy to use, and how to facilitate contact with advocates for children and young people who are, for example living with foster carers, in children's homes and other settings and
- ensure that they have additional help and support to make a complaint through the advocacy service

The purpose of advocacy in complaints procedures is to ensure that children and young people are given assistance when making or intending to make a complaint. Where a local authority receives representations from a complainant or becomes aware that a person or child intends to make a representation under section 24D or section 26 of the Children Act 1989 they must provide the person or child with information about advocacy services and offer the person help in obtaining an advocate.

The complaints officer (or children's complaints officer if applicable) should always check that a young person has been put in touch with an advocate and is happy with the level of support they are receiving. If this is not the case, the children's complaints officer or equivalent officer should:

- inform the child about their rights to advocacy
- ask the child if they want an advocate
- provide help and assistance about how to find advocacy services and
- offer the child or young person help and assistance

Local authorities must appoint an officer who has overarching responsibility for coordinating all aspects of the complaints and representations system. However, the specific roles, duties and tasks may be performed or delegated to other staff in the organisation, for example, children's complaints officers or equivalent officers (see below for information on the roles and responsibilities of officers involved in the complaints process).

The complaints procedure provisions in the Children Act 1989

The provisions relating to advocacy in the Children Act 1989 are summarised in Annex C of this document. Within the framework of the Regulations in practice most authorities operate the complaints procedure in three stages:

- stage 1 – initial stage with the emphasis on problem solving leading to early resolution
- stage 2 – formal investigation by the local authority with an independent person
- stage 3 – review panel of at least three persons which includes an independent person

The role of the advocate in the complaint's procedure

An advocate:

- should help and assist a child or young person who wishes to make a complaint and should be led by the child or young person's decision.

- should not prevent a child or young person making a complaint because the advocate believes this is not in the child or young person's best interests

Regulation 6 of the 2004 Regulations amended the Representations Procedure (Children) Regulations 1991 and inserted references to an advocate appointed to provide assistance under arrangements made by a local authority under section 26A of the Children Act 1989 to ensure that an appointed advocate is involved throughout the process. So, for example, if an advocate is appointed, the local authority must send the advocate notice of the proposed result of their consideration of the representations.

At a meeting of the panel appointed for the consideration of the representations the complainant may be accompanied by their advocate and the advocate may speak on their behalf. The advocate's role is to help the child or young person at the earliest possible stage.

Successful early involvement could prevent children and young people having to use a complaints procedure at all. Where a child or young person wishes to complain, the advocate's role in the complaints procedures is:

- to empower children and young people by enabling them to express their views, wishes or feelings, or by speaking on their behalf
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with children and young people and only with their agreement
- to support children and young people pursuing a complaint through every stage of the complaints procedure and to provide them with information about their rights and options, helping them clarify their complaint and the outcomes they are seeking and
- to speak for or represent children at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

Making a complaint about the advocacy service

Advocacy services should:

- make it easy for children and young people to raise concerns about the advocacy they have received, in writing or verbally
- 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.

For complaints made about an advocacy service the first response would be to try and resolve them at a local level with the emphasis on problem solving. This would usually be undertaken by an advocate's line manager.

If the complaint was about the advocacy service and was not resolved at a local level, 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. The person carrying out the investigation should ensure the child or young person receives feedback about the outcome of their complaint and knows what to do if they are dissatisfied with the outcome.

Advocacy services should 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.

Who may not be an advocate when a child or young person intends to make or has made a complaint?

Advocacy must be provided by an independent, trained advocate. Regulation 3⁴ provides for who may not be an advocate when a child or young person intends to make or has made a complaint. A person may not provide assistance under the arrangements made by the local authority under section 26A to persons or children who make or intend to make representations under section 24D or section 26 if:

- they are or may be the subject of the representations
- they are responsible for the management of a person who is or may be the subject of the representations
- they manage the service which is or may be the subject of the representations
- they have control over the resources allocated to the service which is or may be the subject of the representations or
- they are or may become involved in the consideration of the representations on behalf of the local authority

No person with an interest in the subject of the complaint and in its outcome should be an advocate in relation to that complaint. As advocates are to be provided for children and young people who intend to make a complaint, it will not always be clear when an advocate is appointed what or who is to be the subject of the complaint. Where there is a possibility that a person may be the subject of the complaint, or otherwise come within Regulation 3, the person should not be appointed as an advocate in that case.

⁴ Representations Procedure (Children) Regulations 1991 (S.I. 1991/894) as amended by the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004

The role of other professionals in the complaint's procedure

A complaints officer works for children's services and investigates complaints. They are sometimes referred to as a designated complaints officer. By law, every local authority has to appoint a complaints officer.

The key role of the children's complaints officer (and other equivalent officers depending on local structures) is to:

- consult with children when they express their intention to make a complaint to help them understand the options available and how the complaints procedure works
- provide information and advice to children and young people about advocacy services and support in accessing these services. This would include how to access advocacy services arranged by the Secretary of State for Health and Social Care where children and young people want to make a complaint about their NHS care or treatment and
- work with children and young people and their advocates concerning issues of complaint and provide information and advice about options for resolution both within the complaint's procedure, or alternative routes of remedy and redress where appropriate

Their role also includes a duty to:

- keep a written or electronic record of complaints made, the procedure followed and the outcome
- arrange for the investigation
- appoint an independent person
- monitor the progress of the complaint
- keep the child or young person making the complaint and key people informed at all stages
- ensure timescales are adhered to and
- make observations and suggestions to the local authority on any action to take following an investigation

Independent person

Section 26(4) of the Children Act 1989 requires that at least one person who is not a member or officer of the local authority takes part in the consideration of the representation and any discussion about action to be taken. An independent person is required at stage two and three of the process under section 26(3) of the Children Act 1989 complaints procedure. The person appointed should be neither a member nor an officer of the local authority. The key task of the independent person is to ensure that the

process of investigation is open, transparent and fair and to work alongside the investigating officer to provide an independent and objective element to the investigation.

Investigating officer

An investigating officer may be appointed by the council with social services responsibility to carry out an investigation. This does not remove the requirement to appoint an independent person as these are two distinct roles.

Local Authority Ombudsman

Children and young people can refer a complaint to the Local Government and Social Care Ombudsman (LGSCO) when they feel their local authority has not adequately addressed their concerns through its own complaint's procedure. Some scenarios where this might be appropriate include where complaints are unresolved, delayed handling of complaints, inadequate responses or serious concerns about the welfare and/or rights of the child or young person. Advocates have an important role in helping children and young people through this process.

Office of the Children's Commissioner

The Office of the Children's Commissioner for England has a duty to advocate for looked after children, children in need, and care leavers, particularly through its independent advocacy service called Help at Hand.

Annex A: the National Standards at a glance

The ten standards fall under three headings.

1. 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, promotion and evaluation of advocacy services.
Standard 3	Children and young people who may be unable to give instructions on an issue have their rights articulated and championed through non-instructed advocacy.
2. 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.
3. 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.

Annex B: Children Act 1989: procedure for considering any representations (including complaints)

Section 26(3) of the Children Act 1989 requires every local authority to establish a procedure for considering any representations (including complaints) made by:

- any child who is being looked-after by them or who is not looked-after by them but is in need
- a parent of such a child
- other persons with parental responsibility for the child
- any local authority foster parent or
- such other person as the local authority consider has a sufficient interest in the child's welfare to warrant his representations being considered by them, about the discharge by the authority of any of their functions under Part 3 of the Children Act in relation to the child

Local authorities in considering any representations under section 26 are required to comply with regulations made to regulate the procedure to be followed. Section 24D of the Children Act 1989 requires local authorities to establish a procedure for considering representations (including complaints) made to them by:

- a relevant child for the purposes of section 23A or a young person falling within section 23C
- a person qualifying for advice and assistance or
- a person falling within section 24B(2), about the discharge of their functions under Part 3 of the Children Act in relation to the child or young person. In considering such representations a local authority is required to comply with regulations.

The Regulations made under sections 26 and 24D are the Representations Procedure (Children) Regulations 1991 (S.I. 1991/894) as amended by the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004. They set out the procedures to be followed by local authorities in considering representations and impose other requirements relating to such matters as monitoring the operation of the procedures and providing information to people making representations.

Annex C: other legislation relating to advocacy for children and young people

Children (Leaving Care) Act 2000

The Children (Leaving Care) Act 2000 amends the Children Act 1989 in respect of duties owed to care leavers. The Act requires local authorities to improve the life chances of young people living in and leaving care. The Government expects advocacy services to be accessible to all care leavers making or intending to make a complaint. Details about access to advocacy should be included in information and policies for young people about what services they might expect when they are no longer in the authority's care. One of the roles of the Personal Adviser is to act on a young person's behalf as an advocate for them when they need help making a case, both in formulating the case and presenting it.

Care Standards Act 2000

The Care Standards Act 2000 establishes a complaints and representations procedure for children's homes. The home's complaints procedure enables children, staff, family members and others involved with children of the home to make minor and major complaints. [Children's homes regulations, including quality standards: guide](#) sets out information and advocacy requirements.

The Equality Act 2010

The Equality Act 2010 provisions mean that advocacy services provided under the Children Act 1989 must be free from discrimination. Therefore children and young people must have equal access to advocacy services regardless of their protected characteristics, such as race, disability, gender, or religion. Section 149 of the Equality Act 2010 requires public bodies, including local authorities, to actively eliminate discrimination and promote equality. This duty influences how advocacy services are provided, ensuring they meet the diverse needs of all children and young people.

Health and Social Care Act 2001

The Health and Social Care Act 2001 places a duty on the Secretary of State for Health to make arrangements for advocacy services to be provided to people (including children and young people) wishing to make a complaint about their NHS care or treatment. The Commission for Patient and Public Involvement in Health (CPPIH) will identify and disseminate quality standards for the Independent Complaints Advocacy Services

(ICAS), set criteria for its provision and provide a national assessment of ICAS services. The service will be accessible through many avenues, including Patient Advice and Liaison Services (PALS) and complaints managers in NHS Trusts.

Health and Social Care (Community Health and Standards) Act 2003

Section 113 & 114 of this Act enables Regulations to provide for the further consideration of complaints by the Commission for Social Care and Inspection (CSCI) that have not been resolved by the local authority.

Local Government and Public Involvement in Health Act 2007

Section 223A of the Local Government and Public Involvement in Health Act 2007 requires that each local authority to arrange for the provision of independent advocacy services support individuals in making complaints or representations about health and social care services.

Mental Capacity Act 2005

Section 35 of the Mental Capacity Act 2005 mandates the appointment of Independent Mental Capacity Advocates (IMCAs). These advocates are tasked with representing and supporting individuals who lack the capacity to make certain decisions for themselves.

Mental Health Act 2003

Section 130A of the Mental Health Act 1983 establishes the provision for Independent Mental Health Advocates (IMHAs). These advocates are available to support and represent individuals who are subject to the Act.



Department
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