

VoiceAbility's response to the Department for Education's consultation on Revisions to the National Standards and Statutory Guidance for the Provision of Children and Young People's Advocacy Services

Our thoughts on the National Standards

To what extent do you agree that standards 1 to 3 put children and young people at the heart of advocacy? (required)

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree/disagree
- d. Somewhat disagree
- e. Strongly disagree

Do you think there is anything missing from standards 1 to 3? (required)

- a. Yes
- b. No
- c. Don't know

13. Please tell us the reasons for your answer: (required)

The context of Children's Services

Overall, these standards are a step in the right direction for children and young people's advocacy. We're pleased to see additions on non-instructed advocacy and fuller guidance on safeguarding and whistleblowing that recognise the unique position of advocates to prevent abuse in institutional settings and elsewhere. We begin our comments, however, with an overview of our thoughts about how the standards and guidance interact with the current context of children's services, including the funding picture.

We're concerned the overarching principles for the new standards are undermined by the context children and young people's advocates operate in now. Improving this context is fundamental in delivering services that put children and young people at the heart of advocacy. We know the social care sector is under pressure, and that recruitment and retention rates continue to worsen. The same is true of the children's social work workforce, which reported a 21% increase in vacancy rates this year.¹ Though this figure does not include advocates, rising vacancies in children's services, of course, have a negative effect on children and young people's welfare and on the work we do. Standard 10.2 references the need for services to have "sufficient funds" to carry out their work, and it's the only standard to do so. It's imperative resources are prioritised so we can ensure children and young people's voices are heard.

We know repeated failures to safeguard children like Victoria Climbié, Star Hobson and Arthur Labinjo-Hughes from abuse continue to happen while recorded instances of serious abuse rise.² These issues are the result of widespread systemic failures, which almost every review into yet another untimely and cruel death seems to mention.³ While the comments on the standards and guidance that follow are broadly positive, we must acknowledge we're still far from our vision of a world where children and young people's voices are at the forefront of all decisions that concern them. More quality advocacy can and will enable us to make this vision a reality, but it is not a panacea for all.

On funding, we know costs associated with children's services continue to grow while government investment does not match pace with growing demands for children's services.⁴ In our response to *Stable Homes Built on Love* we said "£200 million is not enough to deliver...an ambitious programme of reform"⁵ for children's social care. This figure is a small fraction of the £2.6 billion government were advised to spend on the full programme of change.⁶ The draft standards ask advocacy services to deliver against a much more thorough set of requirements for a broader scope of children and young people without any additional resources. This does not mean we do not agree with the standards – we do – but standards alone will not deliver the scale of change required. We must be financially resourced to do the best for children and young people who receive advocacy services.

¹ [Children's social work workforce, Reporting year 2022 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

² [Serious incident notifications, Financial year 2022-23 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

³ [Child protection in England: here is what social work experts know must change in the system \(theconversation.com\)](https://theconversation.com)

⁴ [Stopping the Spiral Report | The Children's Society \(childrenssociety.org.uk\)](https://childrenssociety.org.uk)

⁵ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf](#) p2

⁶ [DfE care review response: key points - Community Care](#)

We also know the care population has increased for the 15th consecutive year,⁷ this growth is partially explained by increased numbers of unaccompanied child asylum seekers who make up most of the increase. We've experienced the consequences of this upsurge, with one of our staff providing advocacy to a blind asylum-seeking child who spoke Arabic. We recommend a designated specialist advocacy service for this group. This is because unaccompanied asylum-seeking children have a set of needs that may not be catered to within mainstream provision e.g. these children often need translators, a high degree of cultural competence from advocates and immigration and asylum advice.⁸ To properly deliver against the standards and guidance, we must ensure the needs, wishes and feelings of *all* children and young people are at the heart of advocacy.

Standard 1

On the standards themselves, standard 1.1 needs to be clearer about how a proactive offer and a child or young person's choice to receive advocacy work together. It's essential children and young people are automatically referred to an advocate who they meet and who explains advocacy to them. It must also be clear they have a choice on if they choose to receive advocacy or not. We suggest changing the standard to read "Children and young people receive *a proactive advocacy offer through meeting with an advocate who explains advocacy to them so they can choose whether or not to take up this offer.*" We welcome the addition of 1.16, which prioritises the child's preference of advocate and enshrines continuity in the standards. We agree with Article 39's suggestion that standard 1 should contain a new requirement for every looked after child and care-leaver under the age of 26 to have a named advocate, see their justification in the footnotes.⁹

Standard 2

It's right that there's a new standard dedicated to co-design (standard 2), however we must ensure, in line with standard 10.2, that advocacy services receive sufficient investment to realise this vision which requires considerable resource and energy. We agree co-design belongs in the standards and that participants should be paid, however resources to deliver enhanced services must be reflected in the price commissioning bodies pay for advocacy services. In addition, the current commissioning model adopted by local authorities requires detailed explanation of processes and outputs as part of bids to demonstrate value for money. Value for money, while understandable, hinders effective co-design which is user-led and outcomes-driven. Without wider consideration of how services are commissioned, these standards risk being unattainable.

⁷ [15th consecutive rise in care population in England over past year, DfE data shows - Community Care](#)

⁸ [Advocacy-Briefing.pdf \(refugeechildrenconsortium.org.uk\)](#)

⁹ [Article 39's thinking on the revised national advocacy standards – Article 39](#)

Standard 3

Standard 3 on non-instructed advocacy is long overdue, however the standard requirements need to be clearer so advocacy services can adhere to them. There are only two mentions of non-instructed advocacy for very young children in standards 3.4 and 3.8, which need to be expanded on. Standard 3.4 should also go into more detail on the specific techniques and technologies advocates may use to communicate, like Makaton. We agree with colleagues at Advocacy Focus in their comments on standard 3.5, which say “*non-instructed advocacy is issue and not person specific. Clarity would be helpful here as this suggests that non-instructed advocacy should be used when the young person lacks capacity to make a particular decision. Young people may not have the capacity to make certain decisions but may still understand the role of the advocate and how they can help them, and therefore have capacity to instruct their advocate as to their views and wishes. Clarity around the recording of this decision and what is expected from advocates would be helpful.*” We suggest standard 3.5 is rewritten in line with these comments. We also agree with Article 39¹⁰ that advocates absolutely must meet children and young people before entering a non-instructed advocacy partnership, therefore standard 3.6 should be amended to reflect this.

14.To what extent do you agree that standards 4 to 6 ensure advocates are professionals who champion children and young people? (required)

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree/disagree
- d. Somewhat disagree
- e. Strongly disagree

15.Is there anything missing from standards 4 to 6? (required)

- a. Yes
- b. No
- c. Don't know

¹⁰ [Article 39's thinking on the revised national advocacy standards – Article 39](#)

16. Please tell us the reasons for your answer: (required)

It's positive the standards apply to a larger group of children and young people, however there must be clearer legal entitlements to advocacy. Existing legislation and entitlements are diffuse and subject to interpretation,¹¹ meaning some children and young people do not receive the advocacy they're entitled to because of confusion around whether they're entitled to support at all.¹² In short, "we need a single, clear, expanded and more inclusive legal entitlement for advocacy for children and young people and for provision to match this."¹³ In the absence of consolidated legal entitlements to advocacy for children and young people, standards and guidance can only go so far. While we realise this isn't something that can be changed in the standards and guidance, a clearer and comprehensive legal entitlement to advocacy would ensure advocates can champion the rights of more children and young people who are already legally entitled to support.

Standard 4

The standards should also do more to help advocates do their jobs well. Through our experience delivering advocacy, we believe the standards should place more weight on commissioners and commissioning bodies, rather than just advocacy services, to deliver quality services. This could be through commissioners playing a part in co-production (new standard 2), or through playing a more proactive role in signposting and sharing information about advocacy for children and young people. We suggest this is added to standard 4.11 – "*Commissioning bodies* and advocacy services publish, signpost and share accessible information about advocacy and the rights of children and young people to whom they deliver a service." In the words of one of our advocates "everyone has a responsibility to promote advocacy services."

Standard 4 is more detailed than the previous standard 2, including the addition of the importance of early referral and accessible information. We liked standard 4.1's emphasis on early referral, however this is only deliverable when services are well-resourced. Early referral is key in building trust with advocacy partners along with longevity of an advocate-child relationship, which we discuss later.

¹¹ [Right to advocacy – Article 39](#)

¹² [CCO-Advocacy-for-children-June-2019.pdf \(childrenscommissioner.gov.uk\)](#)

¹³ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf](#) p4

Standard 5

We welcome the focus on quality in standard 5, which is something we raised in our response to Stable Homes Built on Love.¹⁴ Quality is essential in ensuring advocates are professionals who can and do champion the voices and rights of children and young people. We believe quality control for independent advocacy needs to go further than what we already have in the Quality Performance Mark (QPM). Furthermore, the QPM does not cover all advocacy organisations that provide children’s advocacy.¹⁵

We reiterate, from previous responses to consultations, that further regulation or a regulatory body may be the best way to do this.¹⁶ While we welcome the enhanced detail to standard 5.5, over the previous standard 10, we agree with colleagues at Article 39 that standard 5.5 should be strengthened by including reference to an advocacy qualification.¹⁷ To truly deliver quality service, however, will require the sufficiency of funding (standard 10.2) to meet increasing demand.

Standard 6

We question why the wording from standard 6 on “ensuring no young person is discriminated against”¹⁸ because of protected characteristics like race, gender, disability etc has been removed. This is concerning, given rising levels of hate crime in the UK,¹⁹ and the demography of children and young people in care where ethnic minority and disabled children are overrepresented.²⁰ This seems to be an unjustified weakening of an essential standard. Standard 6.1, and indeed the overall title of the standard, prioritises the recruitment or representation of a diverse range of advocates. While we wholeheartedly support any initiatives which encourage diversity within our workforce, the priority must be training *all* advocates to act for a diverse range of partners. In addition, while training requirements are expanded on in standard 6.2, there’s no reference to training on culturally-appropriate advocacy, microaggressions or unconscious bias. These are now relatively mainstream in staff training due to their importance and it’s a glaring omission here.

We were also disappointed to see no mention of trauma-sensitive training or practice throughout. Research suggests that children in care, in particular, would benefit from this type of practice given the likely previous adverse experiences in the home.²¹ In fact, Article

¹⁴ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf](#)

¹⁵ [Current-Accredited-QPM-Organisations-Nov-23.pdf \(qualityadvocacy.org.uk\)](#)

¹⁶ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf p2](#)

¹⁷ [Article 39’s thinking on the revised national advocacy standards – Article 39](#)

¹⁸ [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#) p6

¹⁹ [Hate crime, England and Wales, 2021 to 2022 - GOV.UK \(www.gov.uk\)](#)

²⁰ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf p10](#)

²¹ [Trauma sensitive practice with children in care | Iriss](#)

39 of the United Nations Convention of the Rights of the Child states parties “shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment.”²² We see trauma-sensitive practice as key in promoting the physical and psychological recovery of children and young people who received advocacy.

Finally, standard 6 could do more to foster a proactive approach to equality and inclusion. We suggest adding a new standard which commits advocacy services to proactively monitoring, implementing, and reviewing plans to ensure their services cater to children and young people from diverse backgrounds. This meshes well with standard 2.1, but places special emphases on children and young people with protected characteristics. The new standard could read “Advocacy services commit to monitoring, implementing and reviewing places to ensure their services are accessible, relevant and deliver well to children and young people from diverse backgrounds. Services also ensure these groups are well-represented in co-design processes.”

17.To what extent do you agree that standards 7 to 10 ensure advocacy services are independent, high quality and managed well?

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree/disagree
- d. Somewhat disagree
- e. Strongly disagree

18.Is there anything missing from standards 7 to 10?

- a. Yes
- b. No
- c. Don't know

19.Please tell us the reasons for your answer:

We welcome the new focus on safeguarding and whistleblowing, however we are deeply concerned about new standards on the right of advocacy services to engage with the political process and government in standard 7.23. Standard 9 could be strengthened by

²² [Convention on the Rights of the Child | OHCHR](#)

introducing more concrete ways advocates can protect children and young people from abuse, hence we've suggested significant additions to standards 9.2 onwards.

Standard 7

We welcome the focus on independent advocacy in the title of standard 7. Independent advocacy services are essential and must be provided by organisations distinct from the local authority. We continue to strongly oppose out-of-area placements which sever children and young people's ties to their location, impacting them not only in their youth but adulthood too. While we support standard 7.2 to mitigate some of the harm caused by this situation, we'd continue to urge for a reformed children's social care system to remove these placements and make this standard redundant. Standards 7.16-7.22 place renewed emphasis on independent advocacy, which we know is critically important so children and young people trust our impartiality and our ability to challenge the system.²³

Our commitment to independent advocacy means we strongly oppose the addition of standard 7.23. The standard states "Advocacy services should not use public funds in order to undertake activities intended to influence or attempt to influence parliament, government or political activity; or attempt to influence legislative or regulatory action or petition for additional funding." As a charity, it's part of our charitable objectives to engage in policy debate, and we're concerned this standard would undermine charity law. In addition, as we noted previously, independence is a vital check and balance within the system. Advocacy services cannot be truly independent, cannot champion the voices and children and young people, and therefore cannot meet the principles set out in this consultation if we're restricted in our ability to engage and influence government.

We are deeply concerned that attempts to restrict our own voice sets a dangerous precedent for the wider public services landscape. Indeed, the review of these standards was the result of a consistent and effective campaign by children's advocacy organisations.²⁴ Campaigning across the sector also secured the right to opt-out advocacy for children in care and prevented the removal and replacement of Independent Reviewing Officers with advocates, which was suggested in the Independent Review of Children's Social Care.²⁵ In sharing our expertise, and being able to communicate the viewpoints of children and young people at a national level, we're able to work with government to provide a detailed picture so national decisions can be made. Our ability to engage and influence should be seen as a key asset, and consequently standard 7.23 must be removed in its entirety.

²³ [CCO-Advocacy-for-children-June-2019.pdf \(childrenscommissioner.gov.uk\)](#) p24

²⁴ [Advocates4U | Children's Advocacy Services UK | NYAS](#)

²⁵ [Policy work and Campaigning - National Association of Independent Reviewing Officers \(nairo.org.uk\)](#)

Standard 9

Standard 9 should be strengthened to centre the child more in safeguarding processes, and to recognise the unique role of an advocate – as an independent professional – to protect children and young people from harm. We suggest the following changes. First, we suggest an addition to standard 9.2 recognising advocates can and should support and empower children and young people to raise safeguarding concerns independently. An improved standard would look like this:

“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. Advocacy services and advocates actively support and empower children and young people to raise safeguarding concerns independently, and provide them with guidance to self-advocate where this is appropriate.”

We suggest strengthening standard 9.7, paragraph 2, to “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.” We suggest strengthening this requirement further to “the advocacy service, *the local authority and all other involved parties*, strive to ensure the child or young person retains as much control as possible and that their views, wishes and feelings are proactively sought, heard and acted on – *where reasonable* – throughout any investigative process.”

We suggest standard 9.8 and 9.9 are redrafted to make them more thorough, particularly as they relate to advocates’ roles in addressing abuse in institutional settings due to the wider scope of these standards. The word “mindful” in standard 9.9 does not capture the power and role of an independent advocate. This standard should capture how advocates can act to prevent institutional abuse, including reference to closed cultures, how to support and empower children and young people to raise complaints and concerns in these settings, and knowledge of unconscious bias (noticeably absent in standard 6). It should also explicitly reference the use of restraint or excessive force on children and young people in care and institutional settings, recognising our role in challenging a deeply worrying trend for using inappropriate methods on children in care,²⁶ such as handcuffs for transportation. This aligns with the efforts across the children's sector for increased transparency about when and how restraint is used on children and young people to reduce its use. These additions are not only a fundamental aspect of safeguarding practice, but feed into broader

²⁶ [MPs and peers write to minister over 'brutal handcuffing of vulnerable children' | Politics News | Sky News](#)

themes about the quality and training of children’s advocates. We would therefore suggest the following wording:

“Advocates will be trained to be vigilant and to be professionally curious when working with children and young people. This should include training in understanding possible indicators of abusive practice and an awareness of what has been learnt from past examples of abuse.

Advocates will be trained to understand the increased risk to children and young people who are living in institutions. There should be procedures in place for recording and reporting lower-level concerns and potential indicators of abuse. Advocates should have access to restraint reports to ensure they’re able to challenge instances of unnecessary restraint, use of excessive physical force and illegal methods of restraint.

Advocacy services ensure that advocates understand what a closed culture is and how this can increase the risk to the child/young person.

Advocacy services have procedures in place to ensure that safeguarding concerns are raised independently following local authority protocols, and never only within a setting or institution. Advocacy services should be proactively involved in safeguarding boards where they provide services.

Where possible, advocates will meet with children and young people independently of the adults who support them to provide an independent space to speak up about their experiences.

Advocates will be trained to understand the many barriers that exist to safeguarding children and young people, internal and external, including the ways in which the normalisation of abusive practice and unconscious bias can prevent recognition of abuse.”

Standard 10

Standard 10 should include a definition of “well-managed”, preferably in the definitions section on p6. Standard 10.1 addresses avoiding short-term contracts, which we agree is a valid and important goal for commissioners and advocacy services. However, we remain more frustrated by issue-based advocacy which can be a barrier to building trusting advocacy partnerships over a longer time. Standard 10.2 could be more thorough and stipulate advocacy services are funded sufficiently to not only meet “service specifications”,

but to meet both statutory and regulatory requirements too. We suggest changing the wording to this: “10.2: Commissioning organisations ensure sufficient funding to meet service specifications *and statutory and regulatory requirements*.” Finally, standard 10.3 should include reference to commissioning organisations which also have a responsibility to ensure all their processes are child-centred, like this: “10.3: *Commissioning organisations and advocacy services have robust outcome measurements in place, centred around the fulfilment of children and young people’s advocacy goals.*”

20. Do you agree with the proposed additional groups of children and young people being brought in scope of the standards?

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree/ disagree
- d. Somewhat disagree
- e. Strongly disagree

21. Do you have any other feedback about the proposed groups in scope of the standards?

No.

Our thoughts on the Statutory Guidance

22. To what extent do you agree with the proposed updates to the guidance?

- a. Strongly agree
- b. Somewhat agree
- c. Neither agree/ disagree
- d. Somewhat disagree
- e. Strongly disagree

23. Please tell us the reasons for your answer:

The new guidance goes well beyond the stipulations of the previous guidance and includes a set date for review, which are both improvements. Its strengths and weaknesses correspond to the related standards, which is why our feedback on the guidance is considerably less detailed. We’re pleased to see the list of ‘decision points’ where local authorities should offer children and young people advocacy on p9, which draws on our

consultation response to Stable Homes Built on Love.²⁷ We're similarly pleased to see the focus on being child-centred and additions to child protection, which are both reflected in the standards. We'll expand on where the guidance is lacking in the question below.

24. Is there anything missing from the updated guidance?

- a. Yes
- b. No
- c. Don't know

25. Please tell us the reasons for your answer:

While the guidance is generally strong, we feel concerned its messages will not apply to children who fall outside its narrower scope. This is even more reason why the standards must be as detailed and as robust as possible, given the increased need for support and risk of harm in institutional settings.

While we welcome a new focus on safeguarding in both the standards and the guidance, we strongly believe creating an explicit legal requirement for opt-out advocacy for children undergoing child protection processes is fundamental in creating a world where children and young people's voices are at the forefront of all decisions that concern them. There's already a legal precedent for an adult's legal entitlement to representation during safeguarding processes in the Care Act 2014²⁸ and basis for children's entitlement in Article 12 of the United Nations Convention on the Rights of the Child,²⁹ which states children have the right to have their views considered and taken seriously. We explore the legal basis for this offer in more depth in our response to Stable Homes Built on Love, which we reference here for ease.³⁰

Our advocates continue to experience incidents where they feel children and young people need support when safeguarding processes are ongoing. Recently, one advocate supported parents through a safeguarding enquiry where they were accused of abuse for acting on doctor's instructions to lock a bedroom door. She noticed, however, that the same independent support wasn't available to the children to whom the enquiry concerned. Our advocate said "the child, nor their sibling (both of whom were questioned as part of the enquiry) did not have any independent advocacy support. No-one they could go to besides teachers. [...] There are times when an independent advocate would be better placed to

²⁷ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf](#)

²⁸ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf p3](#)

²⁹ [The Right to Participation for Rights Respecting Schools - UNICEF UK](#)

³⁰ [FINAL-VoiceAbility-response-to-SHBOL-RGK-external-version.pdf p7](#)

support the child through the process in which essentially their parents were being accused of abuse.” This is one anecdotal example of many, which demonstrates the need for parity of support for children and young people undergoing safeguarding processes. We know a legal, opt-out entitlement to advocacy can and will redress this balance.