

Get it Sorted

Providing Effective Advocacy
Services for Children and Young
People Making a Complaint under
the Children Act 1989

Consultation response

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22 December 2003

*GET IT SORTED - Providing Effective Advocacy
Services for Children and Young People Making a Complaint under
the Children Act 1989 - Consultation*

Q1: Do you agree with the explanation of advocacy services in the context of complaints?

Yes. It is important that the explanation recognises that advocates must be able to respect children's views and opinions even if these disagree with their own views on the nature of the problem or the resolution of it.

Q2: Do you agree that this is the role of the children's complaints officer or equivalent officer? Do they have other responsibilities in relation to children's complaints?

There a number of steps a child has to make that build up to a complaint where a child will need the support of an advocate.

Firstly, they have to formulate their unhappiness into words which they can communicate to somebody who they trust and who they know they will listen to them. Many of the issues children feel unhappy about are deeply personal issues that are not the equivalent of making a complaint to a shop or service utility company. Children who are anxious about being blamed, humiliated or threatened by powerful adults are not going to get to this stage of the process unless they feel supported and re-assured. The basis of this is in safe, on-going relationships with adults - not a series of adults who, whatever their status, demonstrate little commitment in a way that makes sense to a child.

It is also important to recognise that children do not find it easy to put their unhappiness into words. They often communicate through action or behaviour and this may take many forms - from angry outbursts to becoming withdrawn. It may take some work on the part of adults the child has routine access to to get behind this behaviour to understand that a child is feeling unhappy about decisions or plans made about them. This may explain why research evidence suggests that children in foster care are least likely to know about complaints procedures.

We are pleased to see that recognition has been given to the needs of children with communication impairments. Agencies and carers must ensure that the child and adults have access to communication systems appropriate to the child. It is also important that agencies are required to develop innovative materials for children including the use of modern forms of communication such as e-mail or web services.

We are also pleased to see that recognition has been given to the needs of children who do not have English as their first language. Children who are accompanied or unaccompanied refugees will also need particular consideration.

The role of the children's complaints officer may therefore come some way into the formulation of a complaint. They may however, also be in a position to offer advice and support to the child or an adult about this beginning stage – what is a complaint, what role might an advocate have and what the process might be. They might also advise adults on proactively helping children who seem unhappy with decisions or

plans made about them where a prima facie case for a complaint seems to exist. The Durham case example is very helpful in this respect.

The provision of a name, telephone number and contact point for the advocacy service seems too passive for children many of who may lack confidence. Children may need to be approached by the advocacy service to talk things through rather the initiative being left up to them to take the first step. Again access via e-mail or web services may be most productive.

Q3: Do you think the guidance is sufficiently clear about choice for the child and young person?

It is important that children should have a choice. However, there may a significant difference between choosing a relative and choosing a teacher. While some relatives may be able to independent and child focussed, many will find familial loyalties and allegiances difficult to negotiate when a child is in public care. The pursuit of a family grievance through a child's complaint would be unacceptable. The Guidance does not address this at all or accompanying issues of confidentiality and disclosure.

Q4: Is the 14 day timescale practicable for an informal resolution stage for complaints in terms of appointing an advocate to help the child through this stage?

It is important that this timescale is adhered to. Children's timescales are different to adult timescales. Systems must be in place that respond to children appropriately. Children must not be left waiting until adults or systems find time to catch them up.

Q5: Do you think that the role of the advocate in the complaints procedure is clear? If not, what needs to be clarified?

The role is clear in so far as it goes. Guidance and clarification may need to be given where complaints indicate more issues that should not be resolved as a complaint especially where there are care proceedings or other matters before the Courts, Panels or Tribunals. The link between complaints systems, reviews, CAFCASS officers and IRO's might be appropriately clarified.

Q6: Do you agree with this list of people who should not act as an advocate to the child? Are there any others?

As raised above, the role of relatives as an advocate is complex. Consideration should be given to banning relatives or other people where they are parties to current care or other proceedings. While it might be the case that a grandparent or grown up sibling might be the person whom the child feels most confidence in, advice should be available to potential advocates about the complexity of taking on the role.

Q7: Do you consider that the guidance provides appropriate levels of independence for advocacy and children's rights services?

The Guidance makes it clear that advocacy services are to be commissioned in such a way to ensure their independence. While the structure of these contractual arrangements are very important, it is very important that the nature of the independence is made clear to children themselves. There is no reason why children should understand the complexity of organisations who provide services to them

when in public care but they do understand when somebody is listening to what they have to say and makes it clear they are concerned about their views whatever they are whatever the adult make think.

Q8: Do you agree that there could be conflicts of interest when advocacy services are provided by voluntary organisations who also provide other complaints handling services to the local authority? How best could potential conflicts of interest be avoided and managed?

Yes there could be a conflict of interest. This should be addressed in the commissioning contract and the quality assurance systems that the commissioner and provider put in place

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