



Department
for Education

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

Government consultation

Launch date 21 September 2023

Respond by 18 December 2023

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Introduction

Advocacy is about representing the views, wishes and needs of looked-after children, children in need, care leavers¹ and children and young people experiencing vulnerability to decision makers, and helping them to navigate the system. Advocates assist children and young people in the early resolution of complaints or concerns. High quality advocacy is an important preventative measure to ensure:

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

The current [National Standards for the Provision of Children's Advocacy Services](#) published in 2002 set a benchmark for advocacy provision for looked-after children, children in need and care leavers. The standards are accompanied by [Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989](#) published in 2004. This guidance applies to looked-after children, children in need and care leavers and has been updated to both reflect the revised standards and to broaden, strengthen and align with current advocacy provision.

The purpose of this consultation is to seek the public's views on the proposed revised version of the standards and guidance.

Who this is for?

- Children and young people, particularly those accessing advocacy services
- Advocacy services
- Organisations and charities representing children and young people
- Local authorities

¹A 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 from the local authority; 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.

Issue date

The consultation was issued on 21 September 2023.

Enquiries

If your enquiry is related to the policy content of the consultation you can contact the team on: Advocacystandardsandguidance.CONULTATION@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: Consultations.Coordinator@education.gov.uk or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

Additional copies

Additional copies are available to download from [GOV.UK](https://www.gov.uk).

The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in Spring 2024.

About this consultation

This consultation document is made up of two proposals:

Proposal 1

- Proposed updates to the standards, in a new edition entitled 'National Standards for the Provision of Children and Young People's Advocacy Services'.

Proposal 2

- Proposed updates to the guidance, in a new edition entitled 'Effective Advocacy for Looked-After Children, Children in Need and Care Leavers: Statutory guidance for local authorities'.

We would like to hear your views on our proposals.

Respond online

To help us analyse the responses please use the online system wherever possible. Visit [Department for Education - Citizen Space](#) to submit your response.

Please only submit one response.

Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it. The form will need to be received by the consultation deadline to be considered.

By email

Advocacystandardsandguidance.CONULTATION@education.gov.uk

How we will use this information

We will aggregate the quantitative responses received. We will analyse this data and publish aggregated data on the consultation findings. If you provide any qualitative feedback/ comments, we may also publish these comments, but it will not be linked to any identifying information.

Deadline

The consultation will close on 18 December 2023.

Background

Local authorities are under a statutory duty² to provide an independent advocacy service for looked-after children, children in need and care leavers. Advocacy services should adhere to the standards when providing advocacy provision.

² **Children and young people in receipt of social care services who wish to make a representation (including a complaint), have a statutory entitlement to advocacy.** The Adoption and Children Act 2002 (Section 119) amended the Children Act 1989 (Section 26A) to place a duty on local authorities to make arrangements for the provision of advocacy for children or young people who want to make a complaint under the Children Act procedures. The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 set out in more depth, the various requirements.

Privacy Notice

The personal data (name and address and any other identifying material) that you provide in response to this consultation is processed by the Department for Education as a data controller in accordance with the UK GDPR and Data Protection Act 2018, and your personal information will only be used for the purposes of this consultation. The Department for Education relies upon the lawful basis of article 6 (1) (e) of the UK GDPR, which allows us to process personal data when this is necessary for conducting consultations as part of our function.

We may share information we hold about you with certain organisations, where the law allows it or we have a legal obligation to do so. There may be some circumstances where we'll need to share information about you with others without your consent. For example, this might be to prevent or detect a crime, or to produce anonymised statistics for research purposes. In all cases, we'll comply with the Data Protection Act 2018.

The personal information will be retained for a period of 12 months following the closure of the consultation period, after which it will be securely destroyed.

You can read more about what the Department for Education does when we ask for and hold your personal information in our personal information charter, which can be found here: [Personal information charter - Department for Education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674242/Personal-information-charter-Department-for-Education-2018.pdf).

Confidentiality Notice

Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004.

If you want all, or any part, of a response to be treated as confidential, **please explain why you consider it to be confidential.**

If a request for disclosure of the information you have provided is received, your explanation about why you consider it confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

1. Would you like us to keep your responses confidential? (required)

- a. Yes
- b. No

2. In sharing findings from this consultation, may we quote from your response? (required)

- a. Yes – anonymously
- b. Yes – attribute to my organisation
- c. No

3. This question is only for adults over the age of 18, or organisations. May we contact you if we have any follow-up questions about your response?

- a. Yes
- b. No

Introduction

4. What is your name?
5. What is your email address?

About You

The introductory questions at the beginning of the online survey will help us understand more about you and – where relevant – the nature of your business or organisation and the main ways in which you currently interact with advocacy provision. This will help us analyse our responses.

We know that not everyone will wish or feel able to answer all of the questions in this consultation. You are encouraged to answer the questions you would like to respond to, but you do not have to respond to all of them.

6. We want to hear from children in care and care leavers, as well as others in this consultation. Are you: (required)

- a. A child or young person, under 18, or care leaver up to age 25
- b. An adult
- c. An organisation

7. If responding on behalf of an organisation, what is the name of your organisation?

8. To help us analyse our responses, could you please tell us in what capacity you are responding to this consultation? (required)

- a. A child or young person under age 18
- b. Care leaver up until the age of 25
- c. Care leaver above the age of 25
- d. Advocate employed by a Local Authority
- e. Advocate employed by a charity
- f. Charity
- g. Independent Reviewing Officer
- h. Cafcass Guardian
- i. Regulation 44 Visitor
- j. Independent Visitor
- k. Birth parent
- l. Adoptive parent
- m. Kinship carer
- n. Foster Carer
- o. Special Guardian
- p. Family member of a child who is in care
- q. Family member of a care leaver
- r. Director of Children's Services
- s. Local Authority

- t. Chief Executive of a Local Authority
- u. Social worker
- v. Virtual School Head
- w. Family Support Worker
- x. Academic
- y. Prefer not to say
- z. Other

9. If you chose 'Other' or wish to clarify your response, please describe your role:

10. If you are responding on behalf of an organisation, what is your role within that organisation?

- a. Front line practitioner
- b. Manager
- c. Senior leader (Director, Chief Executive)
- d. Corporate / Administrative
- e. Other

Proposal 1: Proposed updates to National Standards for the Provision of Children’s Advocacy Services

Background

Children and young people using advocacy services have shared their experiences of advocacy with us, which has informed the initial development of these documents.

The proposed revised version of the standards is based on the overarching principles that:

- 1. Children and young people are at the heart of advocacy**
- 2. Advocates are professionals who champion children and young people**
- 3. Advocacy services are independent, high quality and managed well**

We have proposed renaming the standards National Standards for the Provision of Children and Young People’s Advocacy Services

Proposal

Content

We have revised the documents to include additional content on:

- non-instructed advocacy (for those unable to give instructions)
- the values, knowledge, skills, and training of advocates
- safeguarding and whistleblowing

Scope

The scope of the standards has also been expanded to create a set of standards that apply to most children and young people who either currently have a statutory right to an independent advocate, or those that do not have a statutory right but still receive access to advocacy services. They include:

- Children and young people in receipt of social care services: this includes looked-after children, children in need and care leavers.
- Children and young people in residential settings who qualify for advice and assistance: this includes those in residential special schools.
- Children and young people in secure settings who qualify for advice and assistance: this includes those children placed by the youth custody service in secure children’s homes, secure training centres, youth offending institutions and secure schools (when open).

- Children and young people requiring support into adulthood who qualify for advice and assistance: this includes those children needing continuing care and support in adulthood, as well as young carers.

This means more children will benefit from this expectation of advocacy provision and will provide further protections for children and young people who are accommodated away from their family.

Technical detail of our proposal

We are using this opportunity to consult on a revised set of standards. This includes consulting on the broadened scope of application of the standards

The list of proposed revised standards is below. **Annex A** sets out the current standards and the proposed changes in more detail.

Proposed revised standards

Children and young people are at the heart of advocacy

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

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

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

Advocates are professionals who champion children and young people

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

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

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

Advocacy services are independent, high quality and managed well

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.

Questions:

When answering the following questions, if you have comments on specific standards, please note which standard you are referring to.

11. 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

12. 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)

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

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

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

- 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? (required)

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

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

Proposed broadened scope of standards

In addition to children in receipt of social care services, which includes looked-after children, children in need and care leavers already within scope of the standards, we propose extending the standards to include:

- **Children and young people in residential settings who qualify for advice and assistance:** this includes those in residential special schools
- **Children and young people in secure settings who qualify for advice and assistance:** this includes those in secure children's homes, secure training centres, youth offending institutions and secure schools.

- **Children and young people requiring support into adulthood who qualify for advice and assistance:** this includes children needing continuing care and support in adulthood, as well as young carers

Not all of these children and young people are legally entitled to an advocate but if children and young people in these groups are receiving advocacy services, the standards should apply.

Questions:

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

- 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?

Proposal 2: Proposed updates to Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989

Background

This guidance covers the right to advocacy for looked-after children, children in need and care leavers, making or intending to make representations under sections 24D and 26 of the Children Act 1989. The guidance sets out local authority duties in making arrangements for the provision of advocacy services.

The guidance has been updated to reflect changes since 2004 and to align it with the revised standards. Unlike the standards, the scope of this document remains unchanged (covering looked-after children, children in need and care leavers). We have proposed renaming the guidance 'Effective Advocacy for Looked-After Children, Children in Need and Care Leavers: Statutory guidance for local authorities'.

Proposal

Content

Changes to the guidance include:

Strengthened content on the effective delivery of advocacy services:

- how children and young people can make a complaint about the advocacy service
- the importance of independent advocacy provision; increased guidance on the management and monitoring of advocacy services including on promoting equality of opportunity and inclusion of service users

Stronger focus on the needs of children and young people:

- emphasising the importance of timely access to advocacy support whenever required
- effective services being child-led and child-centred
- children and young people as active partners in the design, delivery, and evaluation of advocacy services
- greater focus on recruiting diverse advocates and on ensuring diverse groups are accessing advocacy

Updated guidance to reflect new advocacy standards and advice:

- the role of advocacy in helping keep children and young people safe and safeguarding and whistleblowing guidance
- new provisions of non-instructed advocacy
- promoting changes to advocacy rights and access to advocacy that have occurred since 2004 (including the strengthened right to advocacy for children and young people in children's homes)
- increased focus on the values, knowledge, and training of advocates

Scope

The scope of the guidance remains unchanged, covering looked-after children, children in need and care leavers.

Technical detail of our proposal

Questions:

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

- 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: (required)

24. Is there anything missing from the updated guidance? (required)

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

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

Annex A: Summary of changes to the standards

| Proposed standard | Reasons for change | Current standard |
|--|---|---|
| <p>1. Children and young people are at the heart of advocacy</p> <p>Standard 1: Advocacy is led by the views, wishes and feelings of children and young people.</p> <p>Standard 2: Children and young people are active partners in the design, delivery, and evaluation of advocacy services.</p> <p>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.</p> | <p>Increased focus on making children and young people aware of their right to an advocate. Increased focus on roles and responsibilities of corporate parents. More detailed guidance and instructions on how to meet all the standards. Stronger focus on children and young people as active partners in the advocacy service.</p> <p>New standard on non-instructed advocacy. Requirement for services to have an advocate trained in non-instructed advocacy. Responsibilities of commissioning organisations highlighted.</p> | <p>Standard 1: Advocacy is led by the views and wishes of children and young people.</p> <p>Standard 8: Advocacy listens to the views and ideas of children and young people in order to improve the service provided. Not in existing version.</p> |
| <p>2. Advocates are professionals who champion children and young people</p> <p>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.</p> <p>Standard 5: Advocates have the values, knowledge, skills, experience, and training to meet these standards. Their conditions of employment, including supervision and continuing</p> | <p>Greater focus on commissioning organisations and service providers’ role in promoting advocacy and embedding advocacy across the organisation. Importance of early referral. Promotion of other statutory complaints mechanisms such as Ombudsman.</p> <p>New standard with a strengthened focus on the values, knowledge skills and training of advocates.</p> | <p>Standard 2: Advocacy champions the rights and needs of children and young people.</p> <p>Standard 10: Advocacy is well managed and gives value for money. Presently covered to some extent in Appendix B: Recruitment and selection of advocates.</p> |

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 managed well

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.

Stronger focus on recruiting diverse advocates to represent the children and young people they are working with. Increased focus on monitoring and service uptake by different cohorts and remediation strategies if groups are under-represented.

Increased focus on importance of advocacy services being independent. Advice for when delivering advocacy online.

Increased focus on service transparency and openness.

Standard 3: All Advocacy services have clear policies to promote equalities issues and monitor services to ensure that no young person is discriminated against due to age, sex, race, culture, religion, language, disability, or sexual orientation.

Standard 4: Advocacy is well-publicised, accessible, and easy to use.

Standard 5: Advocacy gives help and advice quickly when they are requested.

Standard 6: Advocacy works exclusively for children and young people.

Standard 7: The Advocacy service operates to a high level of confidentiality and ensures that children, young people, and other agencies are aware of its confidentiality policies.

Standard 9: The advocacy service has an effective and easy to use complaints procedure.

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

New standard on safeguarding and whistleblowing content expanded. Strengthened advice on duty to ensure all children and young people are kept safe from harm or abuse. Emphasis on children's rights to protection. Strengthened guidance on escalation of safeguarding concerns and duties of services to have up to date safeguarding policies. Increased focus on advocacy services identifying thematic issues of concern.

Standard 10: Advocacy is well managed and gives value for money.
Appendix A: Confidentiality (reference to duty to protect)

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.

Increased focus on avoiding short-term contracts to enable consistency for children and young people. Focus on robust outcome measurements linked to children and young people's advocacy goals. Emphasis on children and young people being involved in annual evaluation. More detailed guidance on requirements of annual reports including demographics, accessible language, matters of concern raised and distribution.

Standard 10: Advocacy is well managed and gives value for money.

Other proposed changes

Headings

Three new headings to group the standards.

Not in existing version.

Eligibility

Expanded scope and now applies to care leavers up to the age of 25.

Introduction

Applicability

List of circumstances in which an advocate may be useful which increases general awareness and promotion of advocacy and includes strengthened advice on applicability in residential and secure

Not in existing version.

Annex A: Advocacy entitlements

settings.
Summary of advocacy entitlements.

Not in existing version.



Department
for Education

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