

## **PE1838/C**

The Scottish Independent Advocacy Alliance submission of 27 January 2021

The [Scottish Independent Advocacy Alliance \(SIAA\)](#) was set up in 2002 to promote, support and defend independent advocacy across Scotland. It is a membership organisation, currently with 38 members, which are all independent advocacy organisations or groups. Ten of our members have a remit to deliver services to children and young people.

Independent advocacy is about speaking up for, and standing alongside individuals or groups, and not being influenced by the views of others. Fundamentally it is about everyone having the right to a voice: addressing barriers and imbalances of power, and ensuring that an individual's rights are recognised, respected, and secured.

While at present, there is no formal regulatory body that oversees independent advocacy practice in Scotland, the sector as a whole, and each of its members has a suite of guiding documents that inform their practice, as well as elements of accountability and transparency that provide reassurance out-with the sector. While it is not appropriate to comment on the background to the petition, the following is a summary of areas that reflect this.

### **Organisational accountability**

SIAA members are third sector organisations, with most registered as charities, and therefore subject to the regulation of the Office of the Scottish Charities Regulator (OSCR). The majority are commissioned by statutory authorities (Health Boards, Local Authorities and Health and Social Care Partnerships) and some through voluntary sector grant funding (Big Lottery, Children in Need etc.).

Independent advocacy organisations that are commissioned or grant funded are required to comply with a defined service specification, the Service Level Agreement (SLA). The SLA details the model of service, the demographic and geographic parameters, the principles and standards applied and the legislative framework within which it is required to operate. This will always include compliance with:

- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#) – Each organisation will need to have associated policies and procedures in their registration and checking of staff in line with the Act. All individuals employed or volunteering with independent advocacy organisations are required to join the PVG scheme managed by Disclosure Scotland who regularly check their suitability to continue working with children or protected adults.
- Commitment to their responsibilities in line with the [National guidance for child protection in Scotland \(2014\)](#) and the [Adult Support and Protection \(Scotland\) Act 2007](#) - Operationally, this means that independent advocates have a responsibility to report any concerns around potential harm to children and/or adults to the appropriate statutory authority and co-operate with any associated investigation.
- A robust complaints procedure – that enables people accessing the service (children or adults), their families or carers and other external stakeholders

with concerns about the service to raise them. The procedure should include the specific stages of a complaint and the escalation process.

## **Guiding principles and commissioning**

The SIAA has developed the [Independent Advocacy Principles, Standards and Code of Best Practice](#) document which is key piece of guidance for the sector in Scotland. SIAA members are required to apply the principles and associated standards of this guiding document, as well as working towards best practice. The document emphasises the importance of advocates being structurally, financially and psychologically independent. The document states:

“Independent advocates do not have the same conflicts of interest as other professional workers who are expected to make judgements about who is in need, deserving or most eligible for a service. Because independent advocates do not have this sort of power over people and do not control access to resources, they are in a better position to see things from the person’s point of view.”

SIAA has also produced a number of companion guidelines including [Working with Children and Young People: Guidelines for Advocates \(2016\)](#) which details how independent advocacy can help to ensure children are at the heart of decisions affecting them, and that their rights are respected, particularly Article 12 (Respect for the views of the child) of the United Nations Convention on the Rights of the Child (UNCRC).

The Scottish Government produced a [Guide for Commissioners of Independent Advocacy document](#) in 2013 which provides recommendations on how independent advocacy should be commissioned in Scotland. In section 10.7 it states: -

“Commissioners should recognise that the primary accountability of any advocacy.

organisation is to the person receiving the service. The organisation is accountable to commissioners for how it spends public money, and should be expected to report fully on this. But commissioners should remember that the advocacy organisation is an independent organisation and therefore there needs to be clear boundaries which are respected.”

## **Children’s advocacy**

The recent introduction of the [Children’s Hearings \(Scotland\) Act 2011](#) has given Scottish Ministers the opportunity to make provision, via Section 122 of the Act, for children to access support and representation from advocacy services when attending a children’s hearing. [The National Practice Model for Advocacy](#) within the Children’s Hearings System, includes a Quality Assurance Model providing further structures to measure the quality and consistency of children’s advocacy across Scotland and monitor performance of advocacy provision at a local level. The Model was published by the Scottish Government in 2020 and was informed by listening to the lived experiences of children and young people.