

## **PE1838/D**

Who Cares? Scotland submission of 2 February 2021

### **1. Introduction**

Who Cares? Scotland is a rights-based influencing organisation working with people who have experience of the care system through individual and collective independent advocacy. We aim to provide Care Experienced people with knowledge of their rights and the support needed to empower them to positively participate in the formal structures and processes they are often subject to solely because of their care experience.

Independent advocacy plays a unique role in children and young people's lives, as the relationship is voluntary and only focused on supporting the child or young person to express their views within the formal process or situation they are navigating. The positive impact of meaningfully involving children in decision-making is widely accepted and rooted in research. Independent advocacy is considered an important method of helping this inclusion to feel safe, informed and less daunting for children.

### **2. The context in which we operate**

Who Cares? Scotland delivers independent advocacy to children and young people across Scotland. We are commissioned and funded by Scottish Government, local authorities, and service providers to manage and deliver professional independent advocacy to the children and young people they wish to see benefit from this commissioned work.

Each commissioning body has different service criteria they apply to each commission, which means that there is variable access to independent advocacy in each local authority area. The core focus of our advocacy support is provided to children and young people who are, or have been, looked after by the local authority, under the Children (Scotland) Act 1995. Some local authorities wish to extend the offer of support to children and young people involved in child protection procedures or who have additional support needs, although this is not universal.

It is important to note that children's advocacy services do not solely operate within the legal sphere, with many children required to navigate non-legal, quasi-legal, formal, and informal processes as a typical part of their childhood. This is especially true for those who are or have been looked after and professional, robust independent advocacy can be an important safeguard for child rights within such forums.

As noted in the [SPICe briefing](#), the Scottish Government has commissioned 10 advocacy providers, of which we are one, to deliver advocacy support to children and young people involved with the Children's Hearings system, under Section 122 of the Children's Hearings (Scotland) Act 2011. As part of this work, WC?S developed [The National Practice Model for Advocacy](#) within the Children's Hearings System. This model was created in partnership with Care Experienced children, young people and adults, the Scottish Government and other advocacy providers.

We have very limited experience of delivering advocacy services to children and young people who are involved in court actions relating to Section 11 of the 1995 Act. This provision lies out with the service specifications that we are required to adhere to by our current commissioning arrangements.

### **3. Ensuring competence, transparency, and accountability**

In exploring competence, transparency, and accountability, we can only refer to the construct of our own independent advocacy provision. However, this detail may be helpful in evidencing how provision out with regulation by organisations like the Care Inspectorate, can be designed and delivered in robust and thorough ways.

Advocacy provision, like many other services for children, young people, and families, is not a registered service with the Care Inspectorate and is not regulated. However, as a charity we are regulated by the Office of the Scottish Charities Regulator (OSCR). Likewise, we are a member of the Scottish Independent Advocacy Alliance (SIAA), a membership body for independent advocacy organisations. We adhere to the [Principles and Standards of Independent Advocacy](#), as promoted by SIAA, which many commissioners expect us to do. For example, our Advocacy and Participation Workers do not form or express a view or an opinion, as this would directly contradict the Principles and Standards of SIAA, and our values as an advocacy organisation.

Internally we provide support, guidance, and scrutiny for all our Advocacy and Participation Workers. We adopt a diligent approach to recruitment, ensuring that we attract competent practitioners, with the right skills, attributes, and values. We involve young people in the interview and selection process of our workers and all new Advocacy and Participation Workers go through a post selection process, which necessitates references and successful application to the Protecting Vulnerable Groups scheme (PVG). We do not use unpaid or volunteer advocacy workers.

The competence of our workers is ensured through regular, reflective supervision, which focuses on their specific advocacy caseload and their own development. They also receive regular workforce development opportunities, including mandatory Child and Adult Protection training. We believe it is important to be a transparent organisation and the names and contact details of all our Advocacy and Participation Workers are accessible on our website. We also publicise our Complaints Policy publicly, with commissioners and in our direct contact with children and young people to ensure that our practice is accountable to them and that any concerns or complaints are addressed by our organisation.

Sufficient safeguards and processes should be in place by all advocacy organisations to avoid and address any practice concerns that may arise. The practice concerns highlighted within this specific petition, should be professionally and formally addressed within the policies of the organisations who are responsible for their conduct. We would not recognise any individual operating out with an organisational structure as a professional independent advocacy worker.

### **4. The regulation of child advocacy services**

If there is to be further discussion on the regulation of child advocacy services, we would welcome a progressive and inclusive exploration of this issue. There are many stakeholders who should contribute to this discussion and there are potentially some unintended consequences of regulation which could materially impact on the core principle of the independence of advocacy. Independent advocacy is a support which is provided to many of our citizens, not just children and young people, and so it would be important and helpful for future discussions to be mindful of the wider context.