

## Independent Advocacy Through the Child Protection Process – Frequently Asked Questions

### Q. What does an Independent Advocate do?

Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates work in partnership with the people they support and take their side.

Advocacy promotes

- Social Inclusion,
- Equality
- Social Justice.

Our advocates are:

- Independent
- Free
- Confidential
- On your side

An Independent Advocate in the context of the Child Protection;

- Provides advocacy to one parent going through the Child Protection process. Each Parent involved in the case would need their own Independent Advocate as it would be a conflict of interest for an advocate to support more than one person as those individuals may have conflicting views on the situation.
- The Independent Advocate is independent from commissioners. Service delivery is free from conflict of interest, both in design and operation of advocacy services. Our culture supports advocates to promote independence with stakeholders and Advocates are free from influence, conflict of interest so that they can fully represent the person for whom they advocate.
- An Independent Advocate will support their person to access the information that they need in a format that they can access so they can understand what options they have in terms of taking action in relation to an issue that they face. For example, if a parent is reluctant to attend a meeting with Social Services the role of the advocate would be to explore with that person what their concerns are, what can be done to address those concerns and what if any consequences there might be in relation to attending or not attending. It might be that the person has been told that they have to attend the meeting but haven't been told what the meeting is about. The role of the advocate would be to support the person to think through what they need to know about the meeting so they can make an informed decision about whether or not they want to attend. It might be that the person is happy to ask for the information

themselves or they may instruct the advocate to ask for the information on their behalf. Once the person has the

- information about the meeting, their advocate can then support them to understand and weigh up the potential positives and negatives of whether or not they attend the meeting. If they decide not to attend they might instruct their advocate to attend on their behalf either just to listen and take notes or to share information on their behalf. If asked to attend the, the advocate would make it clear that they can only carry out actions they have been instructed to take and won't do anything more until they have further instruction from them.
- An Independent Advocate is effectively an extension of the people they support. Any information shared with the advocate by other professionals involved will be shared with the person being supported unless there are exceptional circumstances (e.g. it would cause harm/put someone at risk). An Independent Advocate is bound by confidentiality and would only break this if there is a risk of harm to someone. In those circumstances an advocate may share information without consent but will always ensure that the person whose information is being shared is aware that this is happening.
- The Advocate seeks to avoid influencing the person being supported and will not share their views or opinions.
- Advocates do not give advice.

#### **Q. How does the Advocacy Role differ from the Social Worker's Role?**

- The Social Worker is primarily there to act in the best interests of the child/children involved in the case.
- The Independent Advocate is there to advocate for, represent and support the parent.

#### **Q. How does the role of Advocate Differ from that of the Role of Intermediary?**

- An Intermediary specialises in supporting communication specifically for the court process. This can involve requesting reasonable adjustments from the Court, for example breaks.
- The role of Independent Advocate and Intermediary can complement each other. The Advocate will probably have worked with the person for some time prior to court so, with the persons consent, can share information about communication support needs to the Intermediary that the person has that may be helpful.
- The Intermediary does not have contact with the person being supported outside of the court hearings, the Independent Advocate does. This means that they can gather a person's views and wishes on an ongoing basis as to how they want the intermediary to support them outside of court hearings and support them to communicate this with the intermediary when they meet in Court.

**Q. Why are Advocates not involved in all Child Protection Cases**

- Advocates are usually involved when it has been identified that a parent/person with parental responsibility going through the child protection process has a condition such as a learning disability/difficulty, mental health issue, etc. Meaning they need a reasonable adjustment under the Equality Act 2010 to support them to engage with the Child Protection Process and an Advocate is that reasonable adjustment.

**Q. Why is there a cost to having an Advocate to support someone through the Child Protection Process when other forms of advocacy (Health and Social Care, Independent Mental Health Advocacy, Independent Care Act Advocacy, Independent Mental Capacity Advocacy, NHS Complaints Advocacy) are free?**

- Whilst all the advocacy support listed above is free to the people who need and use the service, there is always a cost for the provision of advocacy. In the case of Statutory Advocacy (Independent Mental Health Advocate, Independent Care Act Advocate, Independent Mental Capacity Advocate, NHS Complaints) there is a duty for Local Authorities to provide this set out in legislation (Mental Health Act, Care Act and Mental Capacity Act). So they fund it and anyone meeting the criteria is able to access it.
- Some Health and Local Authorities see the benefit to funding things like Health and Social Care Advocacy so choose to do so.
- At this time there is no statutory requirement to fund advocacy for the child protection process. It is the requirement of the Equality Act to make reasonable adjustments that provided the rationale for Child Protection Advocacy support.

**Q. Why is advocacy worth paying for?**

Advocacy support for a parent has benefits for the Social Workers supporting the family;

- Effective support with the child protection process can reduce the number of meetings needed, reduce the chance that assessments will have to be re-done and potentially reduce the need for additional hearings, which saves time and money.
- It can support engagement from the parent. Knowing that when there are meetings and assessments they will have someone there to support them with the process can make it easier for parents to attend them and engage with them.
- Having an advocate means that they have support to prepare for meetings so that the parent attending understands what the meeting is for, what will be

expected from them and what information they want to come away from a meeting with.

- If a person is supported effectively through the process and are able to fully understand what the concerns are and what they need to do as parents, then there is an increased chance of a successful outcome.
- Having an advocate means that parents are more likely to ask questions if they don't understand something if there is someone there to support them with this or who can ask the questions on their behalf.
- Children's Services are meeting their duties under the Equality Act 2010.

#### **Q. What does Advocacy support look like?**

- Supporting parents to plan and prepare for meetings (with Social Workers, Independent Reviewing Officers), Child in our Care Reviews), assessments, Solicitors appointments and Court Hearings.
- Attending meetings with parents to support them to engage. This can be reminding parents of what they had planned to say/ask, checking they have understood, share their views and wishes if the parent has instructed them to do this on their behalf, take notes of key points/actions for the parent, checking with the parent as to whether they need a break, checking whether they have asked everything they wanted to before the meeting ends.
- Debrief with the parents after meetings/hearings/etc. to check they understood, to identify if once they have processed there is any additional information they need.
- Making sure that all parties are aware of what the parent needs in order to be able to engage effectively with the process.