

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO CORPORATE PARENTING PANEL**

**24 OCTOBER 2012**

**REPORT OF THE HEAD OF SAFEGUARDING AND FAMILY SUPPORT**

**A report to advise the Corporate Parenting Panel of emerging findings from the Regional Advocacy Commissioning Project strategic needs assessment in relation to the authority's statutory duties.**

**1. Purpose of Report**

- 1.1 This report provides an overview of emerging findings from the Regional Advocacy Commissioning Project strategic needs assessment. In particular this relates to the extent to which the authority is meeting its' statutory duties to vulnerable children and young people, including looked after children and care leavers, in relation to independent professional advocacy.

**2. Connection to Corporate Improvement Objectives/Other Corporate Priorities**

- 2.1 The specific recommendations considered in this report relate to several of the Council and Community Strategy themes, especially:
- Young Voices
  - Strong Communities

**3. Background**

**Strategic Framework**

- 3.1 'A guide to the model for delivering advocacy services for children and young people', June 2009 provides a framework for the project.
- 3.2 Under Article 12 of the United Nations Convention on the Rights of the Child it states that:  
*"Every child and young person has the right to express his or her views freely – about everything that affects him or her....The child or young person has the right to be heard in all decision-making processes, including in court hearings. The child or young person can speak for him or herself, or someone else can speak for him or her. "*
- 3.3 The Welsh Government planning guidance for the development of Children and Young People's Plans is explicit in its expectations on localities to include advocacy provision in their delivery of the 7 Core Aims.
- 3.4 The statutory duty for the provision of independent advocacy services for looked after children and young people arose from the Waterhouse Report 'Lost in Care Report of the Tribunal of Inquiry into the Abuse of children in Care in the Former County Council Areas of Gwynedd and Clwyd since 1974'.

3.5 The Children's Commissioner review of Independent Professional Advocacy services for looked after children and care leavers 'Missing Voices' (May 2012) makes a number of key recommendations to local authorities. In undertaking his review the Commissioner invoked his legal powers.

### **Statutory Responsibilities**

3.6 The statutory requirements upon local authorities to commission and make available independent professional advocacy for looked after children, children in need and care leavers' is established in statute within:

- Children Act 1989 (Sec 26A);
- Adoption and Children Act 2002;
- Children Leaving Care Act 2002.

3.7 This suite of legislation places a statutory duty upon local authorities to commission and make available independent professional advocacy services for:

- all looked after children and young people 0-18;
- care leavers (up to the age of 24 if in full time education or have a disability);
- children and young people involved in the adoption process;
- children assessed as being 'in need'.

3.8 The Children Act 1989 (Sec 26A) includes the following definition of a child 'in need':

*"For the purposes of this Part a child shall be taken to be in need if:*

*(a) s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority under this Part;*

*(b) his/her health or development is likely to be significantly impaired, or further impaired, without the provision for such services; or*

*(c) s/he is disabled, "*

3.9 The act provides goes on to clarify that the 'in need' category can include children who:

- are involved in safeguarding or child protection proceedings, including those for whom a child protection case conference is convened or under consideration, or where the child's name is already placed on the local child protection register;
- for whom there are (or have been) concerns they may be at risk of abuse or neglect;
- have mental health problem;
- have a disability;
- are excluded from school;
- are asylum seekers or refugees or unaccompanied minors;
- are in refuge due to homeless status;
- are homeless or in unsatisfactory accommodation;
- are away from home in residential accommodation, schools, Secure Units and custodial settings or independent Hospitals;
- are in the Youth Justice System;

- are young carers;
- are school aged mothers.

3.10 Further statutory duties upon local authorities to commission and make available independent professional advocacy services for children and young people in their area were also established within:

- Education (Wales) Measure 2011 (for children and young people with special education need);
- Secure Training Centre Rules 1998 (for young people in secure estate).

3.11 There are also other statutory duties incumbent upon our health board partners that are outside of the scope of this report but that are included within the scope of the Regional Advocacy Commissioning Project.

3.12 Further statutory duties upon local authorities to commission and make available independent visitor services for looked after children aged 0-18 who have little or no contact with their birth families is also established within the Children Act 1989 and was subsequently amended by the Children and Young Persons Act 2008.

### **The Regional Advocacy Commissioning Project**

3.13 In January 2012 Bridgend County Borough Council agreed to act as lead commissioner and project manager to a regional multi agency collaborative commissioning project. The Project adopted the following as a method of approach:

- Establish robust governance and project management arrangements.
- Undertake audit of need and service profiling exercise and analyse data to inform a commissioning plan.
- Use key findings from the commissioning plan to inform the development and implementation of a regional model for independent professional advocacy and independent visitors services for children and young people 0-25.

### **The partners**

3.14 The partners comprising the regional collaboration are:

Bridgend County Borough Council  
 Vale of Glamorgan County Borough Council  
 Cardiff City Council  
 Swansea City Council  
 Neath Port Talbot County Borough Council  
 Abertawe Bro Morgannwg University Health Board  
 Cardiff and the Vale University Health Board.

## **4. Current situation / proposal**

4.1 The audit of need to inform the commissioning plan is near completion. Through the analysis of data, consultation with front line social work practitioners, advocates and children and young people, a number of key findings are emerging.

- 4.2 In particular, there is inconsistency in the extent to which local authorities and health board partners are meeting their statutory duties as outlined above.
- 4.3 Bridgend County Borough Council Safeguarding and Family Support Service currently commission an independent professional advocacy service for looked after children aged 10-18. This commissioned service is delivered by Tros Gynnal. Within the existing contract, looked after children under the age of 10 are not identified as eligible recipients for the service,.
- 4.4 Tros Gynnal receives funding of £51,570 per annum. This funding is intended for use in not only the delivery of independent professional advocacy for looked after children 10-18years, but also for the delivery of family group conferencing services for children aged 0-18 years and their families. Indications are that demand for the advocacy service has outstripped supply and the provider is operating a significant waiting list.
- 4.5 Historically Bridgend Children and Young People's Partnership commissioned a 'universal' advocacy service for young people aged 11-25 in Bridgend County Borough. The service was funded via Cymorth funding. This was also delivered by Tros Gynnal. The funding for this service was withdrawn in 2012, following the cessation of the national Cymorth funding and the introduction of Families First funding. No alternative funding has been identified and this service has since ceased.
- 4.6 The audit has found evidence that a large proportion of young people who had accessed the 'universal' provision were primarily service users of Bridgend Children's Services Department, but who were not looked after. According to the legislation listed above, for these groups of children and young people the authority has a statutory duty to commission and make available independent professional advocacy.

### Identified gaps

- 4.8 The following outlines the groups of children and young people, involved with social services for whom the authority has a statutory duty to commission and make available independent professional advocacy or independent visitor services and the current arrangements to meet these duties.

Statutory duties relating to the commissioning of independent professional advocacy services	
Category of child/young person	Current arrangements to meet duty
All looked after children and young people 0-18	Currently commissioned service is not available to looked after children under the age of 10.  Demand for the service has outstripped supply and the service operates a significant waiting list.
Care leavers (up to the age of 24 if in full time education or have a disability)	No contractual arrangements in place to meet this duty

Children and young people involved in the adoption process	No contractual arrangements in place to meet this duty
<p>Children assessed as being 'in need' as per Children Act 1989 definition on page 5 Which includes children who:</p> <ul style="list-style-type: none"> <li>▪ are involved in safeguarding or child protection proceedings, including those for whom a child protection case conference is convened or under consideration, or where the child's name is already placed on the local child protection register.</li> <li>▪ for whom there are (or have been) concerns they may be at risk of abuse or neglect.</li> <li>▪ have mental health problem</li> <li>▪ have a disability</li> <li>▪ are excluded from school</li> <li>▪ are asylum seekers or refugees or unaccompanied minors</li> <li>▪ are in refuge due to homeless status</li> <li>▪ are homeless or in unsatisfactory accommodation</li> <li>▪ are away from home in residential accommodation, schools, Secure Units and custodial settings or independent Hospitals</li> <li>▪ are in the Youth Justice System</li> <li>▪ are young carers</li> <li>▪ are school aged mothers</li> </ul>	No contractual arrangements in place to meet this duty
Children and young people with special education need	<p>No contractual arrangements in place to meet this duty</p> <p>Some commissioning of support services to families of children with special educational need is undertaken (e.g. Parent Partnership Services) But no independent professional advocacy for children themselves.</p>
Statutory duties relating to the commissioning of independent visitors services.	
Category of child/young person	Current arrangements to meet duty
Looked after children 0-18	<p>No contractual arrangements in place</p> <p>Audit has revealed a very small number of spot purchasing arrangements of independent visitor services.</p>

## **Additional Considerations**

- 4.9 The audit indicates significant barriers to children and young people accessing independent professional advocacy. These findings correlate with those of the Children's Commissioners review. Within the commissioning plan, recommendations will be proposed to partners, relating to training for front line staff and managers, carers and elected members and improved information for children and young people. The audit also indicates the need for universal provision, although early indications are that demand for this service would be low incidence across the region if statutory duties were being met.
- 4.10 The regional audit also indicates that these findings were not untypical, and evidence suggests that statutory requirements in relation to advocacy and independent visitors are across the board, not well understood. Of the five local authority partners, only one was found to have contractual arrangements in place that encompassed the majority of the statutory requirements, although these arrangements do not encompass all groups of eligible children and young people listed above. The regional partners have been advised in relation to the findings and have been advised to also raise this with their respective elected members.

## **5. Effect upon Policy Framework & Procedure Rules**

- 5.1 There is no effect on the Policy Framework & Procedure Rules. The project will adhere to all Corporate and EU procurement regulations.

## **6. Equality Impact Assessment**

- 6.1 The evidence from the audit indicates that current commissioning arrangements for independent professional advocacy services for vulnerable children and young people involved with local authority services are insufficient. A full equality impact assessment will be undertaken during the delivery planning phase of the project.

## **7. Financial Implications**

- 7.1 It is likely that there will be financial implications in addition to the current £51,570 budget commitment associated with responding appropriately to the emerging findings of the audit. Establishing commissioning arrangements that enable the authority to meet their statutory duties in relation to independent professional advocacy for children and young people 0-25 will require additional funding to be allocated. It is anticipated that detailed costings and projections will be available within the next 8 weeks.

## **8. Recommendation**

- 8.1 The Cabinet Committee is invited to note the contents of this report and to consider the financial implications of meeting the identified gaps within this round of budget setting.

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### **Background Documents**

None