



Report of the Cabinet Member for Health and Wellbeing
Child and Family Services Scrutiny Performance Panel – 18th
December 2017

ADVOCACY

Purpose	To provide a briefing requested by the Board about advocacy for children and young people open to Child and Family Services and in particular the implementation of the National Approach to Statutory Advocacy.
Content	This report includes a summary of the issues that have led to the implementation of the National Approach to Statutory Advocacy.
Councillors are being asked to	Endorse the decision to implement the National Approach.
Lead Councillor(s)	Cabinet Member for Health and Wellbeing
Lead Officer(s)	Julie Thomas, Head of Service for Child and Family Services
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1. In 2000, a report was published investigating the abuse of looked after children in North Wales, the Waterhouse Report, 'Lost in Care'. Among its key recommendations was the establishment of independent advocacy services to help ensure the voice of vulnerable children is heard.
2. Amendments were subsequently made to the Children Act 1989 – more recently incorporated into the Social Services and Wellbeing Act 2014 – introducing statutory duties for local authorities to provide independent advocacy services for looked after children, care leavers and children in need (now children in need of care and support).
3. Despite the presence of independent advocacy services, there continued to be concerns that the voices of vulnerable children were still going unheard. Take-up of advocacy was reported as being poor and eligible groups of children were said to have limited knowledge of the service.
4. Efforts to develop an improved national model have been ongoing since at least 2007. Over the last decade Welsh Government and other stakeholders have been actively exploring how this could be best realised. This has included aborted efforts to introduce Statutory Guidance, the publication of best practice guidance; several reports by various Children and Young People Committees of the National Assembly, the establishment of a number of specialist advisory boards, and at least three reports by the Children's Commissioner. Reports by the latter were highly critical of Welsh Government for their lack of strong strategic leadership.
5. The culmination of all this activity and consternation being the formation of a Ministerial Expert Group on Advocacy in 2014 for the development of a National Approach to Statutory Advocacy Services.
6. The National Approach devised by the Group essentially means commissioning a regional (i.e. Western Bay) service which adheres to the following elements:-
 - a. The National Standards and Outcomes Framework.
 - b. A standardised national service specification, which includes the concept of an Active Offer to ensure children subject to child protection or looked after procedures are systematically informed of their rights, including their right to an advocate.
 - c. A common performance reporting tool.
 - d. The range and level tool that calculates: (a) the level of need for advocacy in each authority; and (b) the associated levels of funding required.
7. In December 2016, the Welsh Local Government Association wrote to the Cabinet Secretary to confirm that agreement for the National Approach had been gained from senior officers and Leaders for all 22 local authorities in Wales. The letter also stated that all authorities were committed to implement the National Approach by June 2017.

8. Elements a. - c. of the National Approach are welcomed and not controversial. However, there are potential risks attached to element d. which were highlighted to Welsh Government at the design stage.
9. The range and level tool makes a series of assumptions to guesstimate the level of demand for advocacy and the associated funding each local authority is required to provide. The calculations anticipate significantly higher levels of take-up (regionally and nationally) and funding. For Swansea it means funding for advocacy will have to increase from £62,000 per annum to £184,777.
10. A proportion of the additional money required is to be provided via a discreet Welsh Government grant (Swansea is expecting £42,111 in 2017/18). The expectation is that local authorities will find the rest of the required funding from their existing resources. For Swansea this means having to potentially find an additional £80,666 for advocacy.
11. If the calculations within the tool prove to be inaccurate and children do not take-up advocacy as anticipated then local authorities will pay too much for the service. To balance the need to adhere to the range and level tool with the principle of value for money, the three authorities in Western Bay have committed to fund up to the levels calculated by the tool but on the basis that:
 - 80% of the funding is provided via guaranteed core funding, and
 - the additional 20% is available on a spot purchase should take-up exceed certain pre-prescribed levels.
12. Other options were considered to ensure we secure value for money. These were all dismissed by those delegated responsibility by Welsh Government for the implementation of the National Approach, on the basis that Welsh Government would deem them to be inconsistent with the range and level tool and, by extension, the National Approach. The local authorities in the mid-Wales Region encountered this difficulty. Initially they sought an alternative option that would have delivered greater savings, but they were then forced to undertake a second procurement exercise in order to be deemed compliant.
13. The Council is the lead authority in the Region and undertook a full procurement exercise earlier this year. While we were unable to implement by June 2017, the new contract commenced on 1st August 2017. The slight delay was due to a change in the lead authority, issues complying with the different Contract Procedural Rules across the Region, and the implications of Purdah.
14. The National Approach is still at a very early stage. Various activities - communications and training – are being rolled out in order to promote awareness of the National Approach. Hopefully this will help take-up to increase to the levels envisaged by Welsh Government. We continue to

work with the successful provider, Tros Gynnal Plant, to closely monitor performance as the service establishes itself.

15. If, however, there continues to be a significant gap between the real level of demand (as opposed to the calculated) then we will make representations to Welsh Government on the basis that they need to revise the National Approach in so far as it concerns the range and level tool. The contract is due to conclude on 31st July 2018, with the option of extending by a further 2 years.