



Report of the Cabinet Members for Children's Services
Child and Family Services Scrutiny Performance Panel – 28
August 2018

INDEPENDENT PROFESSIONAL ADVOCACY

Purpose	Further to the previous briefing to Scrutiny - on 18 th December 2017 - this report provides an update on the implementation of the National Approach to Statutory Advocacy.
Content	This report includes a brief background to independent advocacy services, some of the issues concerning the implementation of the National Approach and briefly highlights some of the issues in respect of the service going forward into 2019/20.
Councillors are being asked to	Give their views on the National Approach and advocacy more generally.
Lead Councillor(s)	Cabinet Member for Children Services (Early Years) - Cllr Elliott King Cabinet Member for Children's Services (Young People) - Cllr Will Evans
Lead Officer(s)	Julie Thomas, Head of Service for Child and Family Services
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1. Local authorities have had a statutory duty to provide independent professional advocacy since the investigation in 2000 into the abuse of looked after children in North Wales (the Waterhouse Report, 'Lost in Care') and subsequent amendments to the Children Act 1989. These duties have more recently been incorporated into the Social Services and Wellbeing Act 2014, and extend to all looked after children, care leavers and children in need of care and support.
2. Despite the longstanding presence of independent advocacy services, there continued to be concerns that the voices of vulnerable children were going unheard. Reports examining advocacy by the Children's Commissioner (and others) found that take-up was generally poor and that eligible groups of children were said to have limited knowledge of the service.
3. Over the last decade, the Welsh Government and other stakeholders have been actively exploring how to develop a new and improved service model. The culmination of this activity being the formation of a Ministerial Expert Group on Advocacy in 2014 for the development of a National Approach to Statutory Advocacy Services.
4. The National Approach devised by the Group essentially meant commissioning a regional (i.e. Western Bay) service which adheres to the following elements:-
 - a. A 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. A range and level tool that calculates; (i) the level of need for advocacy in each authority, and (ii) the associated levels of funding required.
5. The expectation of Welsh Government was that all local authorities would implement the National Approach by June 2017.
6. As explained to Scrutiny members in December 2017, elements a. - c. of the National Approach were welcomed locally without real issue. However, there were understood to be potential risks attached to element d. which were highlighted to Welsh Government at the design stage.
7. 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 meant annual funding for advocacy increasing from £62,000 per annum to £184,777.

8. A proportion of the additional money required has been provided via a discreet Welsh Government grant (Swansea was allocated £42,111 in 2017/18 and the same in 2018/19). The expectation being that local authorities will find the rest of the funding shortfall from their existing resources. For Swansea this means having to potentially find an additional £80,666 for advocacy.
9. 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.
10. Other options were considered to ensure we secure value for money but these were all dismissed by those delegated responsibility by Welsh Government for the National Approach. The rationale for dismissing them being that they were deemed to be inconsistent with the range and level tool and, by extension, the National Approach. The local authorities in the mid-Wales Region sought an alternative option that would have delivered greater savings, but they were then required to undertake a second procurement exercise in order to be deemed compliant.
11. Swansea is the lead authority for advocacy in the Western Bay Region. We undertook a full procurement exercise in 2017 and the new contract commenced on 1st August 2017. The successful tenderer is Tros Gynnal Plant (also known as TGP Cymru).
12. Despite various activities - communications and training – being rolled out in order to promote awareness of the National Approach, it soon became apparent that the level of take-up was not going to immediately rise to those anticipated by the Range and Level tool. This has been the case for all the regions in Wales.
13. In response, the Welsh Government set up a Task and Finish Group earlier this year to oversee implementation. Swansea is an active member of the Group which has made some changes to the National Approach. Most importantly, the Group introduced changes in April 2018 to facilitate the take-up of the Active Offer.
14. The numbers of children and young people accessing advocacy have increased since the introduction of the National Approach and have risen markedly since the changes in April 2018: the numbers receiving a service in the last quarter (1st April to 30th June 2018) were more than double what they had been in the first quarter following the introduction of the National Approach.

15. The Council is fully committed to the National Approach at this time, however, it is important to note that the level of take-up remains below that predicted by the Range and Level tool. The contract is currently due to conclude on 31st March 2019. There is scope to issue an extension of the contract (up to 31st July 2020) but whether this option is ultimately chosen will depend on a number of factors, not least.

- First and foremost, does take-up continue to rise to the extent the range and level tool becomes an accurate predictor of demand? If not, it would seem appropriate to reduce the level of funding committed.
- Secondly, what are the future intentions of Welsh Government with regards to the National Approach beyond 2018/19 and will they continue to provide a funding contribution?
- Thirdly, what are the future intentions of our partner authorities, particularly Bridgend County Borough Council who are planning to merge with the councils for Rhondda Cynon Taff and Merthyr Tydfil.