

## ADVOCACY FOR CHILDREN & YOUNG PEOPLE IN CARE

### SERVICE BACKGROUND

The Department for Child Protection and Family Support is committed to protecting and promoting the interests of children and young people in our care. The role of the Advocate for Children in Care exists to make sure they have a voice in decisions that affect them and in services provided to them, and to promote the Department's Charter of Rights for Children and Young People in Care  
<http://www.dcp.wa.gov.au/ChildrenInCare/Pages/AdvocateforChildreninCare.aspx>

The Advocate for Children in Care provides advocacy services for and on behalf of all children and young people in the care of the CEO. The Advocate advances their right to add value to and question decisions and actions that impact their lives as individuals, and to contribute at the collective level to service evaluation and development.

The Advocate also liaises with a wide range of stakeholders and provides the Department with strategic advice which contributes to policy development and quality assurance.

The position reflects the Department's commitment to providing our young people in care with meaningful participation in their care, and complies with the requirements of the *Children & Community Services Act 2004* which enshrines the principle of child participation. The Act directs that where decisions are likely to have a significant impact on a child's life, then he or she should be given all relevant information together with any necessary assistance to help them:

- ❖ navigate the system
- ❖ express his or her views and wishes to decision-makers
- ❖ access information about the decisions made and the reasons for them
- ❖ have an opportunity to respond.

The appointment of an Advocate for Children in Care well illustrates that the Department is committed to providing quality services based on partnerships with children and young people and on continuous improvement.

### SERVICE GOALS

The Advocate for Children in Care will endeavour to:

- Increase the level of satisfaction for children and young people in the care of the CEO with the delivery of services, and enhance consumer/provider relationships
- Recognise, promote and protect the rights of children and young people in care, including the right to participate, comment and complain

- Ensure that services provided by the Advocate for Children in Care are accessible and relevant to all children and young people in care, including those from Indigenous from culturally and linguistically diverse backgrounds, those with disabilities and those from remote and rural areas.
- Adopt a clear confidentiality policy, which respects the rights of children and young people and assures them that nothing will be disclosed without their agreement unless it is necessary to prevent significant harm to themselves or someone else.
- Provide advocacy services for or on behalf of children and young people in care
- Provide information to children and young people on advocacy and complaints handling processes in a manner appropriate to their age and understanding
- Provide support and assistance for children and young people wishing to resolve complaints using the Department's *Complaints Management* process.
- Provide information to children and young people on policies and procedures that underpin decisions and the delivery of services in a manner appropriate to his or her age and understanding
- Report to the CEO on the themes and issues children and young people are concerned about
- Work with stakeholders across the Sector to develop strategies to address these or other issues identified as having an adverse impact upon children and young people in care
- Promote the participation of children and young people in care in the development of Departmental services and policies.

## **SERVICE DESCRIPTION**

### **INDIVIDUAL ADVOCACY**

Advocacy is a unique service, unlike any other adult relationship with children and young people. The advocate is the voice of the child or young person, acting on their express instructions, or where they are unable to give instructions, on the basis of "best interests" drawn from ethical and research bases.

Advocates promote participation by individual children and young people, ensuring that they are provided with all relevant information and support in interpreting and understanding that information so that they can make well-informed decisions. They assist children and young people to communicate their views and wishes freely, either directly or indirectly according to their choice. Advocates ensure that the views and wishes of children and young people are heard, understood and recorded in all decision-making that affects them.

Advocacy must be responsive and timely: delays in responding to children and young people, for whatever reason, will reduce their trust and confidence in the service and is also likely to prejudice the wellbeing of the child or young person. Children and young people have a different perception of time from adults and the service needs to respond quickly.

## COLLECTIVE PARTICIPATION

Advocacy promotes the benefits of involving children and young people in policy and service development, as well as in decisions about their own care. Services can become more sensitive to and effective towards meeting children and young people's needs if they consult and involve them at all levels of decision-making.

The Advocate for Children in Care will research, implement and evaluate initiative to promote the participation of children and young people in care at both individual and collective levels.

## SERVICE PROTOCOLS

1. The services of the Advocate for Children in Care may be requested by any child or young person in the care of the CEO. This includes children or young people who are:
  - ❖ in provisional care and protection;
  - ❖ the subject of a protection order (time-limited) or protection order (until 18);
  - ❖ the subject of a negotiated placement agreement; or
  - ❖ provided with placement services.
2. The services of the Advocate for Children in Care may also be requested by young people who are eligible for leaving care services. This includes any young person who:
  - ❖ has left the CEO's care; and
  - ❖ is under 25 years of age; and
  - ❖ who at any time after they reached the age of 15
    - (i) was the subject of a protection order (time-limited) or a protection order (until 18); or
    - (ii) was the subject of a negotiated placement agreement in force for a continuous period of at least 6 months; or
    - (iii) was provided with placement services for a continuous period of at least 6 months.
3. Requests and referrals can be made in any form, including in person, by telephone, email, text message and letter.
4. Requests for service may also be made by others acting on behalf of children or young people in care, with the general proviso that the child or young person is willing and able to communicate directly with the Advocate for Children in Care.
5. Where the child or young person concerned is unable to communicate because they are too young, have a disability or special needs, they are eligible for the services of the Advocate for Children in Care.
6. Where the matter raised is already under review by the Courts or other appeal mechanisms, such as the Case Review Panel, the Complaints Management process, the State Ombudsman or the State Administrative Tribunal, the

Advocate for Children in Care will generally decline to accept the referral unless it is made by the reviewing body itself.. Exceptions may also be made where there is reason to believe that the voice of the child or young person may not be heard, or that his or her interests may not be accurately represented in the existing process.

7. The Advocate for Children in Care will endeavour to respond promptly to requests for services.
8. The service will be implemented flexibly to ensure it is responsive to children and young people who are geographically, socially or culturally isolated or have special needs
9. The initial phase of contact will focus upon the gathering of information to clarify the issues, views and expectations of the child or young person.
10. The Advocate for Children in Care will then discuss and explore pathways for resolution with the child or young person, and negotiate an agreed action plan.
11. The Advocate for Children in Care will provide information, referral, advice, advocacy or support as appropriate to the circumstances and as negotiated with the child or young person. Where possible and appropriate, the child or young person will be encouraged and supported to raise his or her concerns with the relevant case worker in the first instance.
12. Subject to the outcome of point 10 above, the Advocate for Children in Care may liaise with the District Office concerned to establish their position and their views about pathways for resolution. In the first instance, the Advocate for Children in Care will make an approach to the relevant District Director by telephone, email or letter. The Advocate for Children in Care may make recommendations for action at this juncture.
13. It may be possible and appropriate for the District Office to follow up and resolve the issue with the child or young person after the Advocate for Children in Care has made initial contact. In such circumstances, the District Office will notify the Advocate for Children in Care of the final outcome, and the Advocate for Children in Care will confirm this with the child or young person direct.
14. Where the ongoing involvement of the Advocate for Children in Care is required, further action will be negotiated between the Advocate for Children in Care and the child or young person.
15. In consultation with the child or young person and the responsible District Office, the Advocate for Children in Care may take up issues with funded services or other government departments.
16. The Advocate for Children in Care will respect confidentiality, and personal information will not be give out to anyone making a referral on behalf of a child or young person.

17. Whilst the Advocate for Children in Care will endeavour to maintain transparency in discussions with the field or funded services, the confidentiality and privacy of the child or young person will be respected, and information will not be disclosed without their permission unless it is necessary to do so to prevent significant harm to themselves or someone else, or where it is required by a Court. In such circumstances, the Advocate for Children in Care will inform the child or young person of the reasons for disclosing information against their wishes.
18. The Advocate for children in care will endeavour to work collaboratively with all parties to facilitate positive outcomes for children and young people.
19. The Advocate for Children in Care is not mandated to make case management decisions: this responsibility rests with District Offices. However, the Advocate for Children may make recommendations about case practice matters.
20. The Advocate for Children in Care may make visits to the child or young person and other relevant people including the District Office, and may participate in meetings and reviews as agreed between the parties.
21. Departmental staff and those in funded services are expected to co-operate fully with the Advocate for Children in Care in the interests of children and young people. This includes making available all relevant records and personnel, and responding promptly to any enquiries.
22. Children and young people or those acting on their behalf are not to be disadvantaged or to experience disapproval because they are accessing the services of the Advocate for Children in Care.
23. In the event that no satisfactory resolution can be achieved in the course of negotiations with the relevant District Office, the Advocate for Children in Care will refer the matter to the relevant Executive Director, the Director General, or another review or advocacy service, such as the Complaints Management Unit or the Case Review Panel.

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