



The Scottish Independent Advocacy Alliance

## **Families at Risk: Guidelines for advocates**

A companion to the Code of Practice for Independent Advocacy



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# Families at Risk

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- Children in Scotland
- Children's Hearings Scotland
- With Scotland

**Children in Scotland**  
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# Families at Risk Guidelines for Advocates

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## Introduction

This document has been produced to provide guidance for advocacy organisations and advocates delivering independent advocacy to families at risk. Independent advocacy organisations aim to offer a consistently high quality of independent advocacy across Scotland, this guidance will support those aims in relation to working with families at risk. The Guidance works alongside the *Principles and Standards for Independent Advocacy* and the associated *Code of Practice*. They have been written to apply to all types of advocacy. Throughout Scotland advocacy organisations share the same core Principles although they might do things in a slightly different way.

The aim of this guidance is to outline best practice for advocacy organisations working with families at risk. There may be differences between projects in terms of resources but this guidance is intended to act as a point of reference that can be used to clarify the role and support the work of independent advocates for families at risk. The guidance also aims to assist and promote the unique role of independent advocacy.

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## What is meant by families at risk?

For the purpose of this document when using the term families at risk we are referring to families who, because of a number of factors, may be involved with the child protection system. Vulnerabilities may include poverty, poor housing, homelessness, substance misuse, disability, mental health, offending, imprisonment and young parent families. This is not an exhaustive list; families may be affected by one or several factors.

An individual who falls within a family at risk category may have multiple issues currently affecting them. Although this will not always be the case, it is common that a parent may be affected by more than one issue. An independent advocate can:

- help safeguard or uphold the rights of the advocacy partner
- ensure the advocacy partner understands the situation
- ensure the advocacy partner has an opportunity to express their views and wishes
- help their advocacy partner have a meaningful involvement in decision making.

## Terminology

The term advocacy partner is used by many advocacy organisations to refer to a person in receipt of advocacy, other organisations use terms such as client or service user. The term advocacy partner is used throughout this document to refer to parents in receipt of advocacy.

The title for staff in many advocacy organisations is independent advocate; some use the term advocacy worker. The term advocate has been used in this document.

Any terms relating to child protection that have not been given an explanation in the document can be found in the Glossary in Appendix 1. We have produced a short leaflet and poster explaining independent advocacy to families, they clarify what support an advocate can and cannot provide. All of our leaflets and posters can be found on our website at [www.siaa.org.uk](http://www.siaa.org.uk). Copies of the leaflets can be found in Appendix 5.

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## Independent advocacy for families at risk

Many of us find it difficult, at times, to get our voice heard about decisions or actions that affect our lives. Some people have family, friends or carers to help them to speak up. Some people do not have anyone in their lives to help them. Others may have a family member with ideas about what would be best which may not be the same as what the person wants. Carers and professionals have a 'duty of care' for the person which may conflict with his or her wishes.

### **Advocacy:**

- Safeguards people who are vulnerable and discriminated against or whom services find difficult to serve
- empowers people who need a stronger voice by enabling them to express their own needs and make their own decisions
- enables people to gain access to information, explore and understand their options and to make their views and wishes known
- speaks up on behalf of people who are unable to do themselves.

For advocacy to be truly independent there must not be any actual or potential conflict of interest. It is also important, in developing a trusting relationship with the advocacy partner that they do not have any perception of a conflict of interest. When we consider an individual within a family at risk there may be a number of agencies involved such as social work, education, health, Children's Panel, voluntary sector. The wider family and community may also be involved. Independent advocacy can play a vital role in changing circumstances and outcomes for that individual.

Independent advocacy has a key role in supporting parents through child protection proceedings by supporting their involvement in the process and ensuring that their views are heard. In addition to independent advocacy for the parents a child may also have their own independent advocate to support them through the process.



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*We know that the safety and wellbeing of children should be of paramount concern, not just for those working in children's services, but in the wider community. It is right that we have systems and procedures in place to protect children and, if necessary to remove them from homes where they are being abused or neglected. We also know that the majority of children who become subject to child protection procedures have been abused. It is therefore vitally important that our systems ensure that their families are empowered and enabled to offer more positive care.*

*Many parents whose children enter the child protection system have experienced significant difficulties in their own lives. Many have learning disabilities or mental health problems. Others have problems with drug or alcohol use, or themselves have been subjected to violence and poor nurturing in early life. The factors that cause them to become involved in the child protection systems are also factors that make it difficult for them to formulate and express their views and explain their circumstances coherently in what can be confusing and intimidating settings.*

*The availability of advocacy for families involved in the child protection systems is most welcome, not only because it will ensure that more comprehensive information and a greater balance of perspective are available, but because better decision-making and better outcomes for children are likely to be the consequence.*

**Marion MacLeod**

*Senior Policy and Parliamentary Officer, Children in Scotland*

## Types of independent advocacy

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### One to one or individual advocacy

This includes professional or issue based advocacy. It can be provided by both paid and unpaid advocates. An advocate supports an individual to represent his/her own interests or represents the views of an individual if the person is unable to do so. Advocates provide support on specific issues and provide information, but not advice. This support can be short or long term.

Another model of one to one advocacy is citizen advocacy. Citizen advocacy occurs when an ordinary citizen is encouraged to become involved with a person who might need support in the community. The citizen advocate is not paid. The relationship between the citizen advocate and the advocacy partner is on a one-to-one, long term basis. It is based on trust between the partner and the advocate and is supported, but not influenced, by the advocacy organisation. The advocate supports the advocacy partner through natural skills and talents rather than being trained in the role.

Peer advocacy is also a type of individual advocacy. A peer advocate shares significant life experiences with the advocacy partner. The peer advocate and their advocacy partner may share age, gender, ethnicity, diagnosis or issues. Peer advocates use their own experiences to understand and have empathy with their advocacy partners. Peer advocacy works to increase self-awareness, confidence and assertiveness so that the individual can speak out for themselves, lessening the imbalance of power between the advocate and their advocacy partner.

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## Group or collective advocacy

Collective advocacy enables a peer group of people, as well as a wider community with shared interests, to represent their views, preferences and experiences. A collective voice can help reduce an individual's sense of isolation when raising a difficult issue. A collective voice can be stronger than that of individuals when campaigning and can help policy makers, strategic planners and service providers know what is working well, where gaps are and how best to target resources. Being part of a collective advocacy group can help to reduce an individual's sense of isolation when raising a difficult issue. Groups can benefit with the support of resources and skilled help from an independent advocacy organisation.

The aim of all models of advocacy is to help individuals gain increased confidence and assertiveness so that, where possible, they will feel able to self-advocate when the need arises.

## Relevant documents and frameworks

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When providing independent advocacy to families at risk this document should be used alongside the *SIAA Principles and Standards for Independent Advocacy* and the associated *Code of Practice*. The organisation and advocate should ensure that all work complies with all relevant legislation, policy and practice guidance.

### This includes;

- United Nations Convention on the Rights of the Child (1989)
- Children and Young People (Scotland) Act 2014
- Children’s Hearings (Scotland) Act (2011)
- Getting It Right For Every Child (GIRFEC)
- The National Parenting Strategy
- Children (Scotland) Act 1995 — specifically the sections on parental rights
- National Guidance for Child Protection in Scotland (2010)
- United Nations Convention on the Rights of Persons with Disabilities.

NHS Boards and Local Authorities when commissioning independent advocacy for families at risk should follow the guidance contained in the Scottish Government *Independent Advocacy — Guide for Commissioners* (2013).

## How to keep up to date on these documents and frameworks

The most up to date information on current policy, frameworks and legislation can be found on the Scottish Government website. Local Authority websites also hold specific information on local Children’s Hearings Centres as well as any locally designed Getting it Right for Every Child (GIRFEC) tools.

In relation to child protection the With Scotland website, [www.withscotland.org](http://www.withscotland.org), is a useful site to find current policies and procedures as well as general information around child protection and working with vulnerable groups.

A list of useful websites can be found in Appendix 3. This is not an exhaustive list but will provide some background knowledge. Some of these websites include short videos and downloadable materials.

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## Information sharing

Organisations should have policies and procedures on information recording and sharing. It is of particular importance to be clear about requirements and boundaries of information recording and sharing when considering issues around child and/or adult protection. The list of websites included in Appendix 3 provides information of use in such a situation.

To observe good practice in independent advocacy the advocate should not share any information, outwith the advocacy organisation, given by the advocacy partners without their knowledge and consent. There are however explicit exceptions. The *SIAA Code of Practice for Independent Advocacy*, page 40, states that:

*Advocates must...be aware that they might have to break their advocacy partner's confidentiality if the law or the organisation's policies say so, if their advocacy partner intends to harm themselves or others, or if the advocate has information that the person's health and safety is in danger from the actions of others.*

It would be expected that the same good practice in maintaining confidentiality would apply when working with families at risk. In the case of advocacy for parents, while following the *Code of Practice for Independent Advocacy*, the advocate must also adhere to Child Protection regulations.

Good advocacy practice suggests that, if an advocate identifies a need to break an advocacy partner's confidentiality, they should inform the partner where possible and appropriate. However this may not always be possible. Advocates should be aware both of potential areas of concern about children and circumstances under which they may have to share information. Independent advocacy organisations must have policies and procedures addressing situations when there are concerns about any risk of harm being caused to an individual. Where there is a disclosure of neglect or abuse this must be dealt with. All organisations have a responsibility to ensure their staff are working within the law.

Information on child protection procedures has been included in this guidance in some detail to aid the advocate. Each advocacy organisation must have a policy and procedure covering child protection and adult

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protection and where possible should have training to help them better understand the issues, identify abuse and know what to do about it.

## Accessing independent advocacy

An individual within a family at risk may have a number of issues that require support, these will be individual to each parent or carer and the child involved. In many cases some of the issues may be interlinked, for example an advocacy partner who has a substance misuse issue may find it difficult to budget. Additional issues may include poor housing, domestic abuse, substance misuse and social and economic deprivation.

Availability of independent advocacy will vary depending on the area. Access criteria for independent advocacy organisations will be defined by their Service Level Agreement or Contract with their NHS Board or Local Authority. Not all areas of the country will have independent advocacy support available specifically for families at risk. The Mental Health (Care & Treatment) (Scotland) Act 2003 gives everyone with a mental disorder the right of access to independent advocacy therefore a parent who has a mental disorder, e.g. mental health problems or learning disability, will have a right of access to independent advocacy.

## Conflicts of interest

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### **Principle 3 Independent advocacy is as free as it can be from conflicts of interest<sup>1</sup>**

Organisations providing support and care services to an individual would be unable to provide advocacy without a potential for conflicts of interest arising within the advocacy role. To be fully effective advocacy must be wholly on the side of the service user.

A conflict of interest is anything that could get in the way of an advocate being completely loyal to their advocacy partner. For example, it would not be appropriate for an advocate volunteering for an advocacy organisation to also work for a local service provider, because this could affect their ability to be on the side of the advocacy partner. It could also affect their relationship with colleagues.

It is important for organisations providing advocacy to put processes and procedures in place to ensure that any potential conflicts of interest are identified and managed if appropriate.

When working with families at risk there may be requests for an advocate to advocate on behalf of parents and child. As this could create the potential for a conflict of interest to arise it would not be best practice to advocate on behalf of more than one member of the family at the same time. While it may be the case that both parents are in agreement about desired outcomes or that the child is in agreement with the parents, nevertheless it is important that the advocate is clear about who they are providing the advocacy for.

To avoid the potential for a conflict of interest the advocate should provide advocacy support for a single family member and their actions should be solely directed by that person's needs, interests, views and wishes. Some organisations will be able to provide different advocates to support different family members. In such cases, to minimise or manage any conflict of interest, the organisation will put measures in place to safeguard the confidentiality of each advocacy partner.

<sup>1</sup> SIAA *Principles and Standards for Independent Advocacy*, 2008

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**Standard 3.3** Independent advocacy looks out for and minimises conflicts of interest<sup>2</sup>

**Advocates must:**

- a) Be aware of their relationships with other people who may be connected professionally or personally to their advocacy partner and be conscious of the possible consequences of entering into relationships that may compromise their advocacy role.*
- b) Be aware of the boundaries set by the organisation and what will happen if these boundaries are not upheld.*
- c) Declare any potential conflict of interest to the organisation and, if appropriate, inform their advocacy partner.*

**Organisations must:**

- d) Have a clear policy on what constitutes a potential conflict of interest and maintain a register of interest of all its Management Committee or Board of Directors, staff, volunteers and citizen advocates.*
- e) Provide training, guidance and information to all its staff and volunteers about conflicts of interest and what they mean regarding the independence of the organisation in the context of the Principles and Standards for Independent Advocacy and Code of Practice.*
- f) Ensure that members of the organisation are aware of the boundaries and relationship policy and what it will mean if the policy is breached.*
- g) Ensure that nothing in the Service Level Agreement or Funding Contract contradicts the Principles and Standards for Independent Advocacy and Code of Practice in order to prevent service providers or funders influencing the work of the organisation.*

## Support at meetings

Advocacy organisations and advocates should be aware of the number of professionals working with 'families at risk' and ensure that everyone is clear where the role of advocacy fits, for example in a child protection case conference. Attendance at a conference will include the police, current social worker, chair of the meeting, minute taker, health, education and

<sup>2</sup> SIAA Code of Practice for Independent Advocacy, 2008



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the family themselves. It may also include representatives from any other agencies the family are currently engaged with such as criminal justice, an addictions service or another third sector agency. The family may then bring other family members for support such as the child's grandparents. As a result the meeting can involve over 10 people in the room at one time.

An important aspect of independent advocacy for parents in child protection proceedings is the support they can offer before, during and after meetings. Having the opportunity to discuss their rights, talk through issues, think about reports and consider potential outcomes prior to a meeting can help reduce anxiety and stress for a parent. When preparing for a meeting an advocacy partner can also be supported to prepare what they wish to say and decide if they feel able to put forward their own views or if they would like the advocate to speak on their behalf. The advocate and advocacy partner can at this point identify any additional support that may be required, for example an interpreter, BSL signer or other form of communication support. The advocacy partner can be supported to think about how they might feel during the meeting and how that might affect their ability to engage during the meeting. It can also be helpful to prepare an agreed signal so that if the advocacy partner finds during the meeting that it is too difficult to speak themselves the advocate can then speak up on their behalf. In addition to this the advocate and partner can decide, if the partner feels unable to stay in the room at any point, if they wish the advocate stay in the meeting. Following a meeting the advocate can support the advocacy partner to reflect on the discussions, ensure they understand any decisions made, any outcomes and next steps.

## Relationship to other professionals

It is important that other professionals involved have a clear understanding of the role of the advocate. For example, professionals should be aware that it would not be appropriate for an advocate to be invited to attend any meeting to which the advocacy partner would not automatically be invited. If such an invitation was issued the advocate should make clear to all professionals involved that any information that is shared with the advocate will then be shared with the advocacy partner.

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Professionals should be made aware, if they are not already aware, that the independent advocacy organisation has policies and procedures in place which detail when, how and to whom concerns around child or vulnerable adult will be raised.

### **Case study**

Jane is a single parent who has mental health problems. She has a 3 year old son who has been placed in a kinship placement with Jane's mother. Jane's contact with her son has been set through a Children's Hearing at a minimum of once each week and is organised by the Local Authority Social Work Department. Jane has found meetings with her social worker difficult and it has been hard for her to say what she wants. She usually feels very anxious before the meetings and can get agitated and distressed. She heard about her local independent advocacy project from a friend. When she got in touch an advocate, Ellen, met with her. Jane told Ellen about how difficult she found the meetings with the social worker, that she often felt that she hadn't said what she wanted or felt that her views were dismissed and that as a result she felt increased anxiety and distress. Ellen agreed to go along with Jane to the next meeting with the social worker and, before the meeting, they discussed what Jane wanted to say in the meeting and what she wanted to happen. Jane told Ellen that she wanted to have more frequent contact with her son as her mental health is greatly improved and she would like to have some support so that she can have her son back to live with her.

Ellen went with her to the meeting and supported her to make her views and wishes clear. Jane felt that having talked things through with Ellen she was clearer about the meeting. She also believed that the social worker listened to her and she felt more positive and less agitated during the meeting. At that meeting the social worker agreed to increase Jane's contact with her son to twice per week.

## Support and supervision

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The SIAA *Principles and Standards for Independent Advocacy* make clear the need for regular support and supervision for advocates. An advocate will require formal supervision but at times they may also need support on a more impromptu basis.

### **The importance of effective support and supervision**

The need for effective supervision was highlighted in Lord Laming's 2009 report after the death of Victoria Climbié. Although this was in light of social work practice, it was noted it is essential for all workers who are supporting vulnerable people and families to receive effective supervision. The advocacy organisation should have a policy and procedures about support and supervision for all staff and volunteers. The aim of effective support and supervision should be to provide a safe environment for an individual to raise issues, get support, identify risks, spot patterns and receive guidance and feedback. Some organisations have procedures in place for regular one to one support and supervision both planned and on an ad hoc basis perhaps following a difficult meeting or interaction. Also some organisations will have group or peer support when individuals have the opportunity to raise practice issues with colleagues who would offer support, ideas and possible solutions to advocacy dilemmas. The aim of effective support and supervision should be to foster best practice, facilitate learning and development and ensure a high quality of advocacy is being delivered.

### **Lone Working Policy**

Independent advocacy organisations should have a lone working policy which would detail the procedures all staff and volunteers follow when working alone including risk assessments, meeting people alone, meeting people in their own homes, alerting colleagues. The policy would also identify who an advocate should contact if they need support or wish to report concerns.

## Child Protection

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All advocacy organisations should have a Child Protection Policy whether they work directly with children or not. All advocates should be able to identify potential child protection issues and know what to do about them. The National Guidance for Child Protection in Scotland 2010 states that;

*“All agencies, professional bodies and services that deliver adult and/or child services and work with children and their families have a responsibility to recognise and actively consider potential risks to a child, irrespective of whether the child is the main focus of their involvement.”*

Advocates supporting families at risk should receive training on child protection and have a clear understanding of their legal responsibilities to safeguard children they may encounter through working with parents.

### **What is child protection?**

A child who is the subject of child protection proceedings may have experienced abuse or neglect or has been assessed as being at risk of abuse or neglect.

Article 19 of the UN convention on the rights of a child states that all children have a right to be protected from abuse.

The main categories of abuse are;

- Physical injury
- Sexual abuse
- Non-organic failure to thrive
- Emotional abuse
- Physical abuse.

Along with these categories of abuse the Getting It Right For Every Child (GIRFEC) approach which has been included in the Children and Young People (Scotland) Act 2014 is designed to be an early identification system to support children and families when a concern arises. It is child centred and aims to support families to address concerns before they reach a child protection level.

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The Scottish Government states that GIRFEC is “a consistent way for people to work with all children and young people. It’s the bedrock for all children’s services and can also be used by practitioners in adult services who work with parents or carers.”<sup>3</sup>

This approach uses SHANARI Wellbeing indicators, an acronym of the list below. These indicators should be used to consider whether there is a risk to a child’s wellbeing, they allow professionals to consider wider needs of a child that may not immediately fall under a child protection category

- Safe
- Healthy
- Achieving
- Nurtured
- Active
- Respected
- Responsible
- Included

At times it may be easier to identify an immediate concern raised by a child who reports abuse or neglect of a significant nature however it is equally important to notice small changes or lower level concerns. These may include small changes in the child’s mood, presentation or circumstances which may be equally important to note. However if a risk of any kind is identified action to address this must be taken.

One of the key impacts of Getting It Right For Every Child is the introduction of a Lead Professional. This person’s responsibility is to coordinate support for the child and family across the agencies and monitor progress. The Lead Professional role arises when two or more agencies need to coordinate their support to the family. Normally a Lead Professional would become involved following social work involvement although the role can be delegated to any relevant professional other than the police. In addition to the Lead Professional there is the role of a Named Person for each child. The Named Person is the same nationally, Midwife, Health Visitor or Family Nurse for preschool and Head Teacher thereafter unlike the Lead Professional who would be individual to each case. This Named Person remains allocated to that child until they reach the age of 18. Information on locally applying GIRFEC paper work or processes can be found on local Child Protection Committees’ websites or the Scottish Government website for national guidance.

<sup>3</sup> <http://scotland.gov.uk/Topics/People/Young-People/gettingitright/background>

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## **Awareness of risk**

It is important to be aware of risk when working with families. Effective training in child protection will help equip advocates to identify a child at risk and know what action they need to take.

*“Risk is fluid; it can change over time dependent on the relationships across a range of different factors and may require different interventions at different stages to ensure a child’s safety and well-being.”*

National Risk Framework: (2012): 6.<sup>4</sup>

If an advocate has a concern that a child is at immediate risk of harm they have a legal duty to take action which should be outlined in the organisation’s relevant policies and procedures. In situations where they have general concerns this should be discussed with the line manager as soon as possible and an appropriate course of action agreed.

## **Child Protection Policy**

All advocacy organisations should have a child protection policy that meets the requirements of their local Child Protection Committee procedures.

It should contain the following:

- the current law regarding child protection
- the different types of abuse
- Who staff should contact when they have a concern
- Best practice procedures
- Vetting procedures for staff such as PVG
- Contact details of your local area Child Protection Committee.

<sup>4</sup> Scottish Government 2012

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## **What is the local Child Protection Committee and what is their role?**

*“Child Protection Committees are locally-based, inter-agency strategic partnerships responsible for the design, development, publication, distribution, dissemination, implementation and evaluation of child protection policy and practice across the public, private and wider third sectors in their locality and in partnership across Scotland. Their role, through their respective local structures and memberships, is to provide individual and collective leadership and direction for the management of child protection services across Scotland. They work in partnership with their respective Chief Officers Groups and the Scottish Government to take forward child protection policy and practice across Scotland.”*

National Guidance on Child Protection: (2010): 39.

Each Local Authority has a Child Protection Committee. Details of all local Child Protection Committees can be found on the With Scotland website or on individual Local Authority websites

### **Shared responsibilities**

All organisations and agencies working with children and/or families have a shared responsibility regarding child protection. This includes the need for information and training and ready access to support and guidance.

*“All staff at all levels in all services, including third and private sector services, should:*

- have information, advice and training to make them aware of risks to children and understand their particular responsibilities in keeping children safe;*
- have ready access to appropriate, relevant and up-to-date guidance that tells them what action to take if they are concerned about a child’s safety or welfare;*
- understand what, how and when to record and share information to keep children safe, and be able to do so;*
- know what action to take if families with children whose names are on the Child Protection Register, or about whom there are significant concerns, fail to attend services or agreed appointments;*

- 
- *be given information, advice and training to help them understand key child protection processes and the roles and responsibilities of staff in their own and other services who may play a significant role in protecting children; and*
  - *have appropriate support from managers when they are concerned about a child or when they are involved in child protection processes.”*

National Guidance on Child Protection: 2010: 48.<sup>5</sup>

### **Case study**

Lucy, a young woman with an acquired brain injury, is the mother of two young sons. Her sons live at home and are on the Child Protection Register.

She has had some difficulties when dealing with the social work department and was referred to her local independent advocacy organisation. Peter, the independent advocate, has been supporting her since she was referred to the advocacy organisation. He has supported her in her communication with the social work department and has helped with preparation for meetings and supported her during the meetings.

When discussing the forthcoming meeting Lucy told Peter that she likes to go out and often leaves her sons with strangers. Peter was concerned about who the children might be left with and spoke to his manager as soon as possible.

Peter felt that if he took any action about his concerns it would have an impact on the advocacy relationship. However following their discussion, and as required by the organisation’s Child Protection Policy, they reported these concerns to the Social Worker. Peter also spoke to Lucy to tell her that he had reported his concerns.

<sup>5</sup> Scottish Government 2010



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## **The Child Protection Register**

Each Local Authority has responsibility for maintaining a central register of children (with the inclusion of unborn children) that are subject to an inter-agency Child Protection Plan as a result of a Child Protection Case Conference. This list is managed by the Local Authority Social Work Department. Although the register has no legal status, it acts a system to alert other professionals that there are currently concerns surrounding specific children. For example if police are called to a property and there are children present, the police are able to search to find out if the children are on the Child Protection Register so that appropriate action can be taken and contact with social work made. If legal safeguards are required then a referral is made to the Reporter. This is discussed further in the section that covers a Child's Hearing.

The decision to place a child's name on the register is as a result of a case conference, this is explored further in the guidance. There must be significant and reasonable grounds to believe that the child may be at risk of harm or neglect to place the child's name on the register.

A child's name can be removed from the register once the risk of harm or neglect has significantly reduced and there is no further requirement for a Child Protection Plan. This will be carried out during a review Child Protection Case Conference. If a child who is on the Register moves between Local Authorities then the previous Local Authority should notify the new Local Authority in which the child is living of their registration.

## Child Protection Case Conference

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There are four types of Child Protection Case Conferences

[www.scotland.gov.uk/Publications/2013/03/5229/5](http://www.scotland.gov.uk/Publications/2013/03/5229/5)

Type	Who it is for	Potential outcome
<b>Initial</b>	a child not currently on the child protection register	Child is registered or Child is not registered
<b>Pre-birth</b>	an unborn child	Child is registered or Child is not registered
<b>Review</b>	a child already on the child protection register or where there are significant changes in the child or family situation	Child remains on register or Child is de-registered
<b>Transfer</b>	a child already on the child protection register moving between local authorities	Child is de-registered or Child remains on register

Once a child has been identified by social services as requiring additional protection they should be allocated a social worker. An initial Child Protection Case Conference (CPCC) may then be called. The aim of the CPCC is to consider the child's circumstances. If there is more than one child in the family they may have the same social worker but different decisions may be made about each child individually.

**The Child Protection Case Conference is a multi-agency meeting.**

**Its aim is to;**

- Discuss and analyse all concerns and information from the child protection investigation — this will involve social work making a visit to the family and writing a report identifying the concerns they feel need to be addressed in order for the children to be protected. This usually includes historical information if the family are previously known to social work.
- evaluate the level of continuing risk
- decide whether a child protection plan has to be put in place,
- decide if the child's name should be placed on the Child Protection Register.

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**Participants at the CPCC would include;**

- The designated social worker and their senior line manager
- The child (they do not have to attend but are encouraged to and supported to if possible). There is no age restriction to the child attending.
- The parent or carer (those with parental responsibility) although they may be excluded for specific reasons.
- An interpreter or BSL signer should be made available if needed for the family to participate.
- Other support staff to the parents or child may be invited. For example if the parent has a support worker they may be invited.
- If the parent or child has an advocate then they should be invited to attend the case conference. This may be done by the parent but the parent may wish to make their social worker aware prior to the meeting that they have an advocate.
- Other relevant professionals that may include:
  - A representative from Health, for example a health visitor or midwife
  - Police
  - Legal services. This may be for the parent or child but legal support is more likely to be required at a Children's hearing.
  - Substance misuse worker if relevant
  - Voluntary sector agency staff if involved
  - Housing officers if relevant
  - Education staff will be invited. This may be the head teacher as the named person. Alternatively it may be the class teacher, nursery teacher or early years staff.

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**The designated social worker has a responsibility to;**

- Prepare the family for the meeting
- Gather the views of family members individually before the meeting
- Consult with other professionals regarding the decisions made at the CPCC and future planning
- Keep family records up to date
- Consult with the family on progress of the child's plan and support to carry out the child's plan.

It should be remembered that the designated social worker will have been allocated to the child or children and not to the family. Parents may have their own social worker such as a disability social worker or criminal justice social worker.

**Potentially there may be a number of documents produced for CPCC.**

**This will include reports from:**

- Social work, which may include a background report as well as a report following any home visits or contact with the family
- Health professional, the midwife, health visitor or school nurse for the child and may include a GP for the parents health
- Education, such as nursery or school if relevant
- Voluntary or third sector organisations, if relevant
- Housing, if relevant
- Police may produce a report if there has been any relevant intelligence on the family which may affect the outcome of the meeting. Some of this information may be restricted from the family.

**The role of the independent advocate would be to;**

- ensure the advocacy partner understands their rights
- help their advocacy partner to prepare for the meeting
- ensure the advocacy partner has a clear understanding of what the reports say, what they mean and possible consequences
- help the advocacy partner to prepare a statement outlining their views, needs and wishes

- 
- support the advocacy partner during meetings to ensure they get their views heard.

Parents and children attending a Child Protection Case Conference will not always have access to all the information under consideration by the CPCC. Reasons for withholding or restricting information may include its use as part of an ongoing police investigation. Whilst the professionals involved require awareness of this information in order to make their decision as to whether a child should be placed on the child protection register, the police may not share this information with the family due to confidentiality and the nature of criminal investigations and intelligence. Equally this information may involve third parties and may not be shared for the same reason. And lastly information may not be shared with the family members as it may put themselves or others at risk.

If the parent or child's access to information is restricted then they might be invited into the CPCC once professionals have discussed the restricted information. The advocate would not attend any part of a meeting that their advocacy partner was not invited to or that they were asked not to report back to their advocacy partner about.

Sometimes Pre-birth Child Protection Case Conferences take place if there is concern about an unborn child's wellbeing. The CPCC would decide whether it is safe for the child to live within the family home after birth. It will also decide whether the child's name is placed on the child protection register at birth. A pre-birth CPCC should happen no later than 28 weeks into the pregnancy or in the circumstances of a late notification of the pregnancy it should happen within 21 days of the concerns being raised.

If a CPCC decides to place a child's name on the Child Protection Register, the decision will be reviewed after 3 months. However if there is a significant change a review may occur sooner. If at the 3 month review CPCC the child's name remains on the register then it will be followed up by a second review CPCC 6 months later. Again this can be reviewed early if circumstances change and it requires to be dealt with at a CPCC.

A child's name can be removed from the Child Protection Register following a decision made at a CPCC. In some circumstances the family may require ongoing support following such a decision. The ongoing support may be provided other professionals.

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## **The decision of a CPCC**

It is important to note that those attending a CPCC will be asked whether the child should be placed on the Child Protection Register and if so under what grounds. An advocate should make clear their role at the beginning of the CPCC. They should state that they are not there to give their views or opinions but are there to support their advocacy partner and make sure the partner has an opportunity to get their views and opinions heard.

The date of the next CPCC should be set at the end of the current meeting as should the next core group meeting date.

## **Core group meetings**

The core group meetings are responsible for:

- Ongoing assessment of risk and need
- Monitoring and evaluating the child's plan to ensure it remains relevant to improving the child's circumstances
- Effective communication between those involved with the child and parents/carers
- Reporting to the review CPCC
- Reporting any changes of concern.

The core group is made up of professionals, the parents/carers and the child, all of whom play a crucial role in implementing the child's plan. This group will meet 15 days after the initial CPCC. The parent may wish an advocate to support them to attend a core group meeting. During this meeting the parents will be given more details of what is expected of them and which professionals will be involved as part of the child's plan. The meeting, which is minuted, aims to record progress made and address areas where additional support may be required.

## **Participants**

- The parent/s or carers
- the child (if suitable)
- the social worker allocated to the child
- independent advocacy

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- Other relevant professionals that may include:
    - Health, if pre-birth the midwife would be invited. For a child aged 10 days until school aged, this would be the health visitor
    - Voluntary sector agency staff
    - Housing officers.

The date of the next meeting should be set at the end of the meeting.

### **Role of the advocate**

Where a parent seeks support of an independent advocate the role of the advocate may include;

- Ensuring the parent understands their rights and the relevant legislation
- Helping the parent think about what support they need and are entitled to
- Supporting the parent to respond to any reports
- Supporting the parent to understand the paper work such as the child's plan and what they have been asked to do and by when (the plan is reviewed and a date will be set at the end of the meeting for the next)
- Taking notes for the parent. The official minutes of the meeting will be made available to the parents however an advocate may wish to request to keep their own notes to support the parent. The request should be made at the start of the meeting
- Supporting the parent to think about concerns that have been raised and what support they themselves may need to ensure their child's needs are met — this may then require supporting the parent to access other supports
- Helping the parent think about how they could work with health and social work agencies to ensure their child's needs are met
- Supporting the parent to formulate their views and to work out how best to present these to the meeting. This could be through a written report, verbal report, the advocate asking the parent questions to prompt responses etc
- Supporting the parent to engage a solicitor and where required support the parent to meet the solicitor prior to the hearing.

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### **Case study**

Alison is a young mother with learning difficulties. She has two daughters, one is 4 and the other is 9 months old. Her children were accommodated separately away from her care. Planning for permanent adoption for her older daughter was underway when Alison's social worker referred her to her local independent advocacy organisation.

Alison met with Carah, an advocate from that organisation. They worked together for several weeks. Carah supported Alison to speak up at meetings and prepare her own reports for Hearings. This support meant that Alison was able to participate fully in all meetings.

Although Alison had wanted both her daughters to live with her she agreed to the proposed adoption of her older daughter. Carah supported Alison at meetings where decisions were made about her younger child. Alison wanted to have her younger daughter back living with her. With Carah's support she was able to make it clear that she did recognise that she needed some support to help her look after her daughter. In preparation for that to happen Carah supported Alison to agree with social services an arrangement for her to maintain contact with her daughter.

A few months after this Alison got back in touch with the independent advocacy organisation. She was now expecting twins and wanted advocacy support in her engagement with social services. With Carah's support Alison expressed her concerns about the possibility of her twins being taken into care. Alison was able to access the support she needed and when they were born the twins returned home to her care.



## Referral to Children's Hearing

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This flow chart is designed to give the advocate background knowledge of the process from the initial referral to the Children's Reporter. It is not expected the worker will be an expert in this process but it may aid the advocate.



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Anyone can make a referral to the Children’s Reporter about a child or young person for whom there are concerns. The Reporter will then investigate the referral by speaking to professionals involved with the child or young person. Every child has a Named Person and the Reporter may go initially to this person to gain more information and also enquire as to what other professionals or agencies are involved. Based on this information the Reporter will then decide whether a hearing should be arranged. The process from the referral to the Reporter to attending a full hearing has been explained in the flow chart above. While an advocate is not expected to be an expert it can be helpful to understand the process that a referral may go through.

## Grounds Hearing (Sheriff Court)

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The first Hearing that will be arranged for most children will be a Grounds Hearing. During a Grounds Hearing a set of grounds to be considered will be read out by the Charing Panel member to the child and Relevant Persons. There may be circumstances where the child or a Relevant Person is not present. If that is the case it is at the discretion of panel members as to whether to continue and formally excuse such persons. A child may be excused on the basis of their attendance being detrimental to their wellbeing. Equally a Relevant Person may be excused if they have been given adequate notification and have chosen not to attend.

The grounds for a Hearing are produced by the Children's Reporter who has collated the information that has led to a Hearing. As they are read the child and Relevant Persons have the right to state whether they agree or disagree with the wording of them or the grounds as a whole. If they do not agree with all or part of the grounds the Hearing Panel may decide to ask the Reporter to refer the case to the Sheriff Court for proof. The Hearing can also refer the grounds to the Sheriff Court if the child or Relevant Persons do not understand the grounds. The alternative decision for the Hearing is to discharge the grounds which are not accepted or not understood, in which case there will be no further discussion.

### **Length of time**

If the Hearing Panel asks The Children's Reporter to refer the case to the Sheriff Court, they must do this within 7 days of the initial Hearing. The Sheriff Court is then responsible for arranging a first date for the grounds to be heard which has to be within 28 days of the Hearing. The Sheriff Court Hearing can be continued to another date if more time is required, this at the discretion of the Sheriff. There is no maximum time within which the Sheriff has to make a decision on the grounds.

### **Participants**

- The Sheriff
- The Children's Reporter
- The child (unless excused)
- The Relevant Persons
- Solicitor for the child and Relevant Persons (if they wish to have one)

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- Possibly a Safe-guarder if one has been appointed
  - A clerk
  - A court officer who assists the Sheriff and anyone else in the court
  - Witnesses (someone who knows the case and may be able to comment on the grounds, for example the health visitor or social worker)
  - Independent advocate for the child and/or for the Relevant Person.

### **The proceedings**

The Children's Reporter is responsible for providing the grounds for the Hearing. Sometimes the solicitors for the child and Relevant Person will meet with the Children's Reporter to discuss the grounds and negotiate an agreement. If agreement can be reached the Sheriff may decide to establish the grounds and send them back to a Children's Hearing. A subsequent Children's Hearing will then be required to make a decision on the need for compulsory measures without the need to hear evidence.

If agreement cannot be reached in relation to the grounds the Sheriff may hear from witnesses called by the Children's Reporter. Witnesses may include a health visitor, social worker or police officer. They will be asked to give further information in relation to the grounds. The Reporter, the solicitor and the Safe-guarder (if there is one) will ask the witness questions in order to inform the Sheriff. The solicitor/s for the child and Relevant Persons and Safe-guarder may also call witnesses.

### **Possible decisions**

The Sheriff will listen to the information provided and may decide the grounds are proven. If this is the case then the grounds will be returned to a Children's Hearing. This may be called 'establishing the grounds' or remitting them back to a Hearing. If the Sheriff decides that the statements are not true they may end the case there and it would not go back to a Hearing. In this case any interim legal order from the Hearing or the Sheriff would come to an end.

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## Other orders from a Sheriff

Other orders may be brought in front of a Sheriff such as a Child Protection order or the extension of an order. More information on this can be found in the current Children's Hearings (Scotland) Act 2011. Also a permanence and adoption order would come before a Sheriff.

### **Legal representation**

In some cases vulnerable parents may be able to access legal aid so they can engage a lawyer to represent them at a Hearing.

Children and young people will be automatically given legal representation under the following circumstances:

- the panel members are considering secure accommodation
- a Sheriff is considering whether to vary or recall a child protection order
- a children's hearing is to be held after a child protection order is granted by the Sheriff
- a hearing is arranged after the child or young person is kept in custody by the police.

## Children's Hearing

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A Children's Hearing is a legal tribunal which decides whether a child living in Scotland is in need of care and protection. It is important to remember this is a formal legal procedure so it will follow a structured format and the decision made by the Hearing panel will be on a legal basis. The Hearing Panel is made up of 3 volunteers who have undergone training for the role. There will always be three Panel members with both male and female members. One of these Panel members will Chair the Hearing, the other members will contribute.

### Participants

- The child or young person unless it has been agreed that they will be formally excused (this may be due to the child being very young or that their physical, mental or social/emotional welfare would be placed at risk by attending the hearing)
- The three panel members
- The Children's Reporter
- A social worker
- Parents
- Independent advocate for the child and/or for the parent/s
- Education representative — for example a head teacher or nursery staff
- Health representative — for example a Health Visitor or Midwife
- A Safe-guarder if one has been appointed
- Anyone classed as a Relevant Person in relation to the child or young person
- Solicitor and/or other representative of the child or Relevant Person.

### A Relevant Person

Information on who a Relevant Person may be can be found in the Children's Hearing Act (2011) and can be clarified by contacting the Children's Reporter. A Relevant Person has certain rights and responsibilities in relation to the Hearing, such as the right to receive the papers, the right and obligation to attend the Hearing (with a representative if they wish), the right to accept or deny the grounds and to appeal the decision of the Hearing.

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### **A Safe-guarder**

A Safe-guarder can be appointed by the Hearing, a Sheriff or a pre-hearing panel to safeguard the interests of the child. They will usually speak to everyone involved in the Hearing, including the child. There is not an age limit in speaking to a child. It is instead assessed on their capacity to contribute, a wide range of tools and resources are available to be used to find out the child's opinion, likes and dislikes.

The information the Safe-guarder gathers from everyone will aid the panel members in making their decision. This may be because the Panel did not feel they had enough information at the time of a hearing or there was a difference of opinion between the family and professionals that required more information. The Safe-guarder will report on findings and attend the next Hearing.

### **The independent advocate**

The child, young person or those considered a Relevant Person (generally parents and carers) have a right to have a representative accompany them to a Hearing, for example an independent advocate.

The advocate should support the advocacy partner to be prepared for the Hearing. They can discuss who will be there, think about what may happen and possible outcomes and identify any additional support they might need e.g. communication support, interpreter etc.

The Children's Reporter has the right to request reports from relevant professionals involved in the life of a child or young person. The reports are then shared with the child or young person, parents, the Relevant Person and professionals

The advocacy partner may wish to submit their own report and may need support from their advocate to get their views, wishes and needs across clearly. Where possible this should be submitted to the Children's Reporter at least 4 days prior to the Hearing. The Children's Reporter can provide details of who else the report should be sent to.

The advocate should check with the Chair of the Hearing if they can take notes during the Hearing as this is at the discretion of the Chair.

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In the event that an advocacy partner has been unable to remain in the Hearing the advocate can remain if the advocacy partner wishes them to do so. Equally if the advocacy partner does not wish to attend themselves they may wish their advocate to attend on behalf. It is important to remember that, as with any other such situation, the advocate is there solely to represent their advocacy partner and not to respond on their own behalf.

If a parent chooses not to attend and is considered a Relevant Person the Hearing will have to make a formal decision to excuse this person or to proceed in their absence. If they feel they cannot go ahead without them the Hearing may be deferred.

### **The Hearing**

Panel members will introduce themselves and the Chair will ask everyone else present to introduce themselves. If the child is present and is able to respond the Panel members will ask the child questions to confirm they are the child concerned in the hearing. If there is anyone missing who is considered a Relevant Person, the Panel members will make a decision as to whether it is appropriate to continue with the Hearing without them.

The Panel will have already read all the papers submitted and so will not usually go through in detail unless they wish to clarify any areas or gain more information on a section of a report. The Panel will ask for an update of current situation and plans. Following questions and discussion the child or young person should be asked their opinion, if they are of the age and maturity to give a view. The Relevant Person will also be asked for their opinion.

Once the Hearing feels they have all the information that they require then they will make their decisions. This decision will be made in front of everyone who attended the Hearing. Each Panel member makes their own decision and the overall decision is taken on majority. If the Panel cannot come up with an overall decision it will be sent to the Sheriff.

The Chair should summarise the Hearing decisions and rights to appeal and review if a legal order is made. These decisions are written up immediately following the family and professionals leaving the hearing by the Hearing Chair and will be sent to the relevant persons.



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### **The possible decisions**

The decisions must comply with the Children's Hearings (Scotland) Act 2011. Following the Hearing the child and Relevant Persons will receive the Panel's decision and any reasons in writing.

- The Hearing can decide that formal, compulsory supervision measures are not required and discharge the case,
- The Panel Members can decide that they need more information to help them make a decision about what is best and they can continue the Hearing until a later date,
- The Hearing can make an Interim Compulsory Supervision Order. This lasts for three weeks, until the next Hearing but only if this is necessary,
- The Hearing can decide that compulsory measures of supervision are needed to help the child, and can make a Compulsory Supervision Order.

Where the Panel decides that a child should be placed away from home they will also make a decision regarding the frequency and nature of contact, the location (if relevant) and whether contact is supervised or not.

### **Appealing a decision**

At the end of the Hearing the Panel Chair will explain that a child or the Relevant Person has the legal right to appeal if they disagree with the decision of the Panel. This must be done in writing to the Sheriff within 21 days of the decisions unless the appeal is against a decision about a relevant person, in which case it should be made within 7 days. If they wish to appeal any decision the advocacy partner may wish to seek legal advice.

## Looked after and accommodated review (LAAC)

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These are meetings held to consider and discuss the current plans for a child whilst they are out of the care of their parent or carer. Following a child being accommodated a planning meeting should be held within 5 working days that includes making contact arrangements. Subsequently the first LAAC review should be held within 6 weeks of the child's placement starting. The next review will follow 3 months after this and each subsequent review will then be every 6 months whilst the child remains in the care placement.

Children may also be 'looked after at home', this means that a Hearing has made the decision that a child is able to remain at home but this must be closely monitored by the local authority social work department.

- Participants
- parent/carer
- foster carers
- child's social worker
- the health visitor for the child
- nursery or school staff
- any other professional relevant to the child or parent's circumstances.

### **The meeting**

As a result of a child being looked after and accommodated for longer than 6 months, it may be considered at a LAAC review to consider the necessity of permanence planning. This may include permanent foster care or adoption. An invitation should be sent out by the social work department and reports may be requested to consider the current plans and arrangements. It follows a similar style to a case conference which may help prepare an advocacy partner to know the general style of the meeting. These meetings will also have a formal chair who will keep the meeting to task as well as a minute taker.

## Permanence and adoption panel

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This is a group of people who meet to consider a range of issues:

- Whether a child or young person needs to be looked after away from home on a permanent basis
- If a permanent placement is in the best interests of a child or young person
- The legal route for a placement
- If a referral should be made to court to free a child for adoption
- To consider the suitability of potential foster carers
- To consider the suitability of a child/children to specific foster carers.

### Panel members

The size of the panel may vary between Local Authorities although there are specific members who are required in all local authorities. The panel is made up of:

- A chair person
- A professional advisor
- A medical advisor
- A legal advisor (who does not vote)
- Panel members who may be employees of the local social work department or similar relevant experience
- A professional officer
- A minute taker (who cannot vote as a result of the discussion)
- There may also be lay panel members who do not work for a department of the local council but may be previous foster/adoptive carers.

Most regional panels meet every 2 weeks. The panel can only sit if there are any 3 members plus the medical advisor.

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## **The meeting**

The prospective adoptive parents that are being considered have a right to attend the panel when their suitability is being considered. They are allowed to bring a supporter. In addition to the supporter they may be accompanied by their social worker; this is not the child's social worker. There may be exceptional circumstances which lead to the prospective parents being unable to attend but this will not have an impact on their application. Besides the adoptive parent/s, the child or young person's social worker is also invited to present the case.

It is current common practice to not invite the birth parents to the panel. This may be subject to change however the information that is presented at the panel should have been shared with the parent/s.

## **Appeals or complaints**

If any of the participants are unhappy with the decision that has been made they have 28 days to appeal. This should be made in writing to the Director of Social Work who will appoint a panel to investigate the circumstances. If anyone involved in the hearing wishes to raise a more general complaint regarding the way in which the panel conducted themselves or the panel's practice they have a right to complain using their Local Authority Social Work complaints procedure.

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### **Case study**

Shumalia is an asylum seeker living in Glasgow. She has 4 children, 2 lived in Glasgow looked after by the Local Authority. On their arrival in Glasgow her other 2 children were also accommodated by the Local Authority. When she became pregnant with a fifth child Shumalia made the decision that she was not able to care for the child and so decided for the child to be accommodated voluntarily.

She continued to have contact with her children and hoped that she would be soon able to look after her children herself. She became concerned when, after a generally positive assessment of their situation, a report stated that one of her children was not meeting their developmental milestones in that they couldn't walk. Shumalia felt that she was accused of not supporting that child's development as well as she could have.

Shumalia did not agree with this but found it difficult to state her opinions during the looked after and accommodated reviews. She heard about an independent advocacy organisation from a neighbour. She got in touch with them and met an advocate who attended meetings between Shumalia and her children's social worker. The advocate supported Shumalia in discussion with the social worker, Shumalia had a video of her child jumping at a birthday party some months earlier which she was able to show.

The advocate supported Shumalia to understand her rights; the advocate helped Shumalia to maintain communication with social work and ensured her rights were followed. Since then three of the children have returned to her care and Shumalia feels more confident that she may be able to have her other two returned to her care.

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### **Case study**

Fiona and Joe have 3 children under 10. Fiona became ill and was admitted to a psychiatric unit. Her mental health fluctuated and she had several spells in the hospital. Joe remained the main carer for the children.

The 2 older children had been having some difficulties at school and all the children were placed on the Child Protection Register. At one point in Fiona's illness Fiona and Joe became concerned that their children would be removed from their care.

While in hospital Fiona had been in touch with her local independent advocacy organisation and was supported to attend the Child Protection meetings. She was also supported to contact a solicitor who clarified the role of the law within the situation.

With the support of the advocate Fiona was better able to question and respond to the suggestion that the children be placed in care. The children remain at home with their parents albeit under the supervision of the local authority social work department. Planning meetings have continued and the advocate is continuing to support Fiona at these meetings.

# Principles and Standards for Independent Advocacy

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## **Principle 1 Independent Advocacy puts the people who use it first**

**Standard 1.1** Independent advocacy is directed by the needs, interests, views and wishes of the people who use it

**Standard 1.2** Independent advocacy helps people to have control over their lives and to be fully involved in decisions which affect them

**Standard 1.3** Independent advocacy tries to make sure that people's rights are protected

**Standard 1.4** Independent advocacy values the people who use it and always treats people with dignity and respect

### **Independent advocates must:**

- Ensure that the advocacy partner understands their rights.
- Be aware of the rights of the parent they are supporting.
- Not let their personal opinions, choices and values interfere with their advocacy partner's choices.
- Help their advocacy partner to access accurate information.

### **Organisations must:**

- Ensure advocates receive regular support and supervision.
- Ensure the advocate has training on child protection legislation, policy and practice.
- Regularly review their child protection policies and procedures and ensure they meet the requirements of the local Child Protection Committee.
- Regularly review their policy and procedures about recording and storage of information.
- Ensure that all staff and volunteers are familiar with relevant policies and procedures.

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## **Principle 2 Independent Advocacy is accountable**

**Standard 2.1** Independent advocacy is accountable to the people who use it

**Standard 2.2** Independent advocacy is accountable under the law

**Standard 2.3** Independent advocacy is effectively managed

### **Independent advocates must:**

- Act on the issues agreed by their advocacy partner and at the pace appropriate to the advocacy partner's needs.
- Be aware that they might have to break their advocacy partner's confidentiality, if the law or the organisation's policies say so, if their advocacy partner intends to harm themselves or others, or if the advocate has information that the person's health and safety is in danger from the actions of others.
- Be trained on their responsibility regarding child protection.
- Be aware that when attending a children's hearing that it is a legal system and an advocate must respect the structures that this involves.
- When supporting a parent to write a report to be used in a children's hearing ensure that it accurately reflects the opinion of the parent.

### **Organisations must:**

- Have a complaints procedure that is accessible to the advocacy partners that use the service.
- Have policies and procedures for the line management or support of advocates, including support and supervision or guidance, training and personal development.
- Comply with the law and have policies in accordance with the law.
- Be aware that referrals for parents whose children are involved in the child protection system may require taking into consideration a range of issues.



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**Principle 3 Independent Advocacy is as free as it can be from conflicts of interest**

**Standard 3.1** Independent advocacy cannot be controlled by a service provider

**Standard 3.2** Independent advocacy and promoting independent advocacy are the only things that independent advocacy organisations do

**Standard 3.3** Independent advocacy looks out for and minimises conflicts of interest

**Independent advocates must:**

- Be clear about their role as an advocate and where their responsibilities lie, including the boundaries of relationships with people other than their advocacy partner.
- Follow the organisation's policies and procedures and the Code of Practice for Independent Advocacy.
- Be fully aware of the boundaries of their advocacy role and understand when to refer individuals on to other services.

**Organisations must:**

- Ensure that all staff members have training in good advocacy practice that meet the *Principles and Standards for Independent Advocacy* and the associated *Code of Practice*.
- Have clear policies and procedures in place about the things that advocates do and what to do in situations where service providers may try to direct the work of the advocates.

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## **Principle 4 Independent Advocacy is accessible**

**Standard 4.1** Independent advocacy reaches out to the widest possible range of people, regardless of ability or life circumstances

### **Independent advocates must:**

- Be as flexible as possible to the needs of the advocacy partner.
- Be flexible about where they meet their advocacy partner.
- Use accessible language and communication, and, if others are using technical terms or jargon, ensure that the advocacy partner understands all of the discussion.

### **Organisations must:**

- Ensure advocacy is free to those who use it.
- Offer training or support materials for advocates on issues and situations they may encounter in working with families at risk.
- Have accessible offices or meeting places or use accessible meeting rooms where people can be involved, including the person's own home if this is required.

## Appendix 1 — Glossary of terms

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### **Adoption agency**

A local authority, voluntary or independent service responsible for the recruitment, assessment, approval and training of adopters.

### **Adoption panel**

A panel of people that meets to consider plans for children, to consider whether or not to approve prospective adopters and to consider whether or not to match children with prospective adopters. The panel makes recommendations and these recommendations are considered by the Agency Decision Maker

### **Advocacy partner**

The person who uses advocacy. Some advocacy organisations use the term 'client' or 'service user'.

### **Allocated Social Worker**

The social worker allocated to an individual's case, and who leads on the care planning for that child.

### **Appeal**

If a child or their parent/guardian does not agree with the decision made by the people at the Hearing they can go to court to appeal the decision. An appeal cannot be made just because they disagree with the decision. There has to be a reason in law for the basis of any appeal. If you disagree with the decision of a Hearing, you should speak to a solicitor (lawyer) as soon as possible, because you may have the right to appeal.

### **Approved Adopters**

The term applies to any couple or single person who has gone through an assessment and vetting process carried out by an adoption agency. Their circumstances will have been considered by an adoption panel and they will have been formally approved as fit to adopt by an Agency Decision Maker.

### **CAMHS**

Child and Adolescent Mental Health Services.

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## **Care plan**

Each looked after child is required to have a care plan which details the immediate and longer term plans for the child, details of services to be provided and the responsibilities of the local authority to the child and parents.

## **Child Protection Order**

An application may be made by any person who is concerned for a child, or by the local authority. The order may state that the child should be removed to a safe place or that the child cannot be removed from the place where s/he is staying. A child protection order lasts for 8 days but must be reviewed within that period either by the court or children's hearing.

## **Child Assessment Order**

An application can only be made by the local authority. It lasts for a maximum of 3 days. It may not involve the child being away from home but will mean that the child has to be taken to a particular place to be assessed.

## **Child abuse**

Abuse (and neglect) is a form of maltreatment of a child. Somebody may abuse a child by inflicting, or by failing to act to prevent, significant harm to the child. In a child protection context, there are three key different types of abuse that can be identified. Physical abuse is the causing of physical harm to a child or young person. Emotional abuse is persistent emotional neglect or ill treatment of a child causing severe and persistent adverse effects on the child's emotional development. Sexual abuse is any act that involves the child in any activity for the sexual gratification of another whether or not it is claimed that the child either consented or assented.

## **Child neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide: adequate food, shelter and clothing; to protect a child from physical harm or danger; to ensure access to appropriate medical care or treatment or; to provide a child's basic emotional needs.

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## **Child protection**

Child protection is when a child requires protection from child abuse or neglect. For a child to require protection, it is not required that child abuse or neglect has taken place, but rather a risk assessment has identified a *likelihood* or *risk* of significant harm from abuse or neglect.

## **Child Protection Committee**

Child Protection Committees are locally-based, interagency strategic partnerships responsible for child protection policy and practice across the public, private and wider third sectors. On behalf of Chief Officers, their role is to provide individual and collective leadership and direction for the management of child protection services in their area.

## **Child Protection Plan**

Put in place to organise and co-ordinate activity to ensure the protection and wellbeing of every child registered on the child protection register.

## **Child Protection Order**

Gives provision for the immediate removal of a child for a period of 8 working days.

## **Child Protection Register**

All local authorities are responsible for maintaining a central register, known as the Child Protection Register, of all children — including unborn children — who are the subject of an inter-agency Child Protection Plan. It has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan.

## **Community of interest**

The group of people that the advocacy organisation has been set up to support, for example, people with learning difficulties or mental health issues.

## **Conditions**

Allow panel members to make their intentions for supervision more specific. Conditions may include matters relating to, e.g. contact, where a child should live; secure accommodation, non-disclosure of address.

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## Contact

Arrangements to allow a child to keep in touch with someone, for example a birth parent. It can be direct — meeting face-to-face — or indirect — by post or telephone or through another person. If a court makes a formal order for contact, this is called a contact order.

## Defer a Hearing

This means that the Panel Members are unable to make a decision about the future of the young person on the day of the Hearing. This may be because they would like some more information about the young person before they make a decision, so the Hearing is stopped (deferred) to wait for that information and it will be re-arranged for another day.

## Discriminatory practices

Anything that an organisation or individual does that directly or indirectly shows prejudice against or favouritism towards an individual or group of people.

## Exclusion order

Allow for an alleged abuser to be excluded from the family home in order to avoid a child being removed. This can only be applied for by the local authority. It can last for six months and may mean that a person who is suspected of abusing a child has to leave or stay away from the child and his/her home.

## Grounds

The reasons that are given for a referral to be made to a Children's Hearing.

## Harm/significant harm

"Harm" means the ill treatment or the impairment of health or development of the child — in this context, "development" can mean physical, intellectual, emotional, social or behavioural development and "health" can mean physical or mental health. Child protection is closely linked to the risk of *significant* harm — whether the harm suffered, or likely to be suffered, by a child is "significant" is determined by comparison of the child's health and development with what might be reasonably expected of a similar child.

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## **Independent advocacy organisation**

Advocacy organisation that is structurally, financially and psychologically separate from service providers and other services.

- **Structurally** — an independent advocacy organisation is a separate organisation in its own right. For example, they are registered as a charity or company and have their own Management Committee or Board of Directors. Everyone involved in the organisation recognises that they are separate and different from other organisations and services.
- **Financially** — an independent advocacy organisation has its own source of funding that does not cause any conflicts of interest and that does not compromise the work it does. (See conflict of interest)
- **Psychologically** — Everyone involved in the organisation knows that they are only limited in what they do by the principles of independent advocacy, resources and the law. It is important to recognise that although there may be conflicts of interest present, psychological independence is vital.

## **Initial child protection conference**

Considers the circumstances of a child or children who are not on the register and about whom there are serious concerns.

## **Matching**

Refers to the process whereby a local authority decides which prospective family is the most suitable family to adopt a certain child or sibling group at the adoption panel. Any recommendation made by the adoption panel needs to be considered and a decision made by the agency decision maker.

## **Parents/carers**

A “parent” is defined as someone who is the genetic or adoptive mother or father of the child. A “carer” is someone other than a parent who has rights/responsibilities for looking after a child.

## **A parenting order**

Can be applied for by the local authority or by the Reporter to the Children’s Panel. It can last for up to twelve months and requires the

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parent(s) to undertake guidance and counselling and other activities as directed by the court to improve their parenting skills. Breach of a parenting order is a criminal offence

### **A permanence order**

Can only be applied for by the local authority. It can last until a child reaches the age of 18. It transfers the parental right to have the child living with the parent and to control where the child lives to the local authority. Other parental responsibilities and rights can be shared between the local authority, the birth parents and the carers of the child, for example, foster carers or kinship carers.

### **Permanency planning**

Decisions made on the long-term future of children who have been removed from their families' care. Its purpose is to ensure that the child has a permanent, stable and secure upbringing either with their original family or with alternative high quality care.

### **Plan for Adoption**

This means that the local authority has made a recommendation that a child should not return to live with their birth family and that there is a plan in place to seek an adoptive placement for that child. The child may have already been registered for adoption (see below). A plan for adoption usually means that the legal position is still uncertain and that court processes have not been concluded.

### **Pre-birth child protection conference**

Considers the risks to an unborn child and future risks upon the child's health. This should take place no later than at 28 weeks pregnancy or, in the case of late notification of pregnancy, as soon as possible after the notification of concern and, in any case, within 21 calendar days.

### **Registered for Adoption**

This refers to a child where the Local Authority has ruled out the possibility of the child being brought up by their birth parents and that they require to be adopted. In some Local Authorities the child is registered for adoption by the Adoption/Permanence Panel. In others



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the adoption plan is made as part of a case review meeting (Looked after Child Review). Where a child has been registered for adoption, this usually means that the legal position is still uncertain and that court processes have not been concluded.

### **Review child protection conference**

Reviews the circumstances of a child or children whose name is already on the child protection register and should be held within 12 weeks of the initial CPCC and every 12 weeks thereafter (*note: National guidance suggests 3 months for first review and 6 months thereafter*)

### **Risk**

In the context of this guidance, risk is the *likelihood* or *probability* of a particular outcome given the presence of factors in a child's or young person's life. What is critical with respect to child protection is the risk of significant harm from abuse or neglect.

### **Scottish Children's Reporter Administration**

Non-departmental public body whose statutory function is to manage the reporter service and to provide suitable accommodation and facilities for children's hearings.

### **Social Background Report**

Report provided by the local authority which provides detailed information on the child and the family and recommends a course of action to guide the hearing.

### **This glossary was tailored using the following websites:**

[www.scotland.gov.uk/Publications/2010/12/09134441/0](http://www.scotland.gov.uk/Publications/2010/12/09134441/0)

[www.adviceguide.org.uk/scotland/relationships\\_s/relationships\\_children\\_and\\_young\\_people\\_s/children\\_who\\_are\\_looked\\_after\\_by\\_the\\_local\\_authority\\_scotland.htm](http://www.adviceguide.org.uk/scotland/relationships_s/relationships_children_and_young_people_s/children_who_are_looked_after_by_the_local_authority_scotland.htm)

[www.corporateparenting.co.uk](http://www.corporateparenting.co.uk)

[www.scotlandsadoptionregister.org.uk/adopters/glossary](http://www.scotlandsadoptionregister.org.uk/adopters/glossary)

[www.scra.gov.uk/young\\_people/a\\_z\\_of\\_the\\_children\\_s\\_hearings\\_system.cfm](http://www.scra.gov.uk/young_people/a_z_of_the_children_s_hearings_system.cfm)

## Appendix 2 — Commonly used abbreviations

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<b>ADSW</b>	Association of Directors of Social Work
<b>CHP</b>	Children’s Hearing Panel
<b>CMA</b>	Comprehensive medical assessment
<b>CMS</b>	Compulsory measures of supervision
<b>CPC</b>	Child Protection Committee
<b>CPCC</b>	Child Protection Case Conference
<b>CPN</b>	Community psychiatric nurse
<b>CPR</b>	Child Protection Register
<b>CPP</b>	Child Protection Plan
<b>CPO</b>	Child Protection Order
<b>DMS</b>	Designated member of staff
<b>GIRFEC</b>	Getting it right for every child
<b>IAR</b>	Initial assessment report
<b>IER</b>	Initial enquiry report
<b>IRD</b>	Interagency referral discussion
<b>KC</b>	Kinship carer
<b>LA</b>	Local Authority
<b>LAAC</b>	Looked after and accommodated child
<b>MEO</b>	Medical examination order
<b>PF</b>	Procurator Fiscal
<b>RAI</b>	Restricted access information
<b>RO</b>	Residence order
<b>SCRA</b>	Scottish Children’s Reporter Administration
<b>SLAB</b>	Scottish Legal Aid Board
<b>SWD</b>	Social Work Department

Each local authority has its own guidance but also uses National Guidance for Child Protection Scotland. If you are unsure of any of these abbreviations please check with the local child protection committee. These can be found using the With Scotland website connections section. This website has been listed in the useful links section of this document.

## Appendix 3 — Useful websites

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### **Children’s Hearings Scotland**

**[www.chscotland.gov.uk](http://www.chscotland.gov.uk)**

This website contains information about the hearing system and is the National organisation for administration of panel members.

### **Child Poverty Action group**

**[www.cpag.org.uk/scotland](http://www.cpag.org.uk/scotland)**

Useful information on the welfare reform as well as training on benefits. Holds a number of case studies through the Early Warning System project which includes regular updates and briefings.

### **Information Commissioners Office**

**<http://ico.org.uk>**

Guidance on data protection.

### **National Society for the Prevention of Cruelty to Children**

**[www.nspcc.org.uk/Inform/policyandpublicaffairs/scotland/guidance\\_wda88255.html](http://www.nspcc.org.uk/Inform/policyandpublicaffairs/scotland/guidance_wda88255.html)**

List of useful documents surrounding child protection.

**[www.legislation.gov.uk/ukpga/1995/36/contents](http://www.legislation.gov.uk/ukpga/1995/36/contents)**

Children (Scotland) Act 1995

### **Scottish commissioner for children and young people Scotland**

**[www.sccyp.org.uk](http://www.sccyp.org.uk)**

Scotland’s commissioner for children and young people.

### **Scottish Government**

**[www.scotland.gov.uk](http://www.scotland.gov.uk)**

Scottish Government website with a search facility. Most documents regarding Scottish child protection can be found here.

**[www.scotland.gov.uk/Topics/People/Young-People/gettingitright](http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright)**

This section of the Scottish Government website gives information on Getting It Right For Every Child. Some of this terminology may be useful to know and support a parent to use.

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**[www.scotland.gov.uk/Topics/People/Young-People/protecting/child-protection](http://www.scotland.gov.uk/Topics/People/Young-People/protecting/child-protection)**

This section of the website has information specifically about child protection guidelines and policies that affect the whole of Scotland.

**[www.scotlandsadoptionregister.org.uk](http://www.scotlandsadoptionregister.org.uk)**

Works with adoption agencies and prospective adoptive families in Scotland.

**Scottish Consortium for Learning Disabilities**

**[www.sclld.org.uk](http://www.sclld.org.uk)**

Scottish consortium for learning disability; useful resources and links. Have published some of their own documents and resources which may aid work with parents. Includes a section on Scottish Good Practice for supporting parents with learning disabilities.

**Scottish Children's Reporter Administration**

**[www.scra.gov.uk/home/index.cfm](http://www.scra.gov.uk/home/index.cfm)**

This website contains information about what may happen at a hearing that can be used with parents, children and young people. This is the main website for the administration of Scottish Reporters.

**Scottish Independent Advocacy Alliance**

**[www.siaa.org.uk](http://www.siaa.org.uk)**

The Scottish Independent Advocacy Alliance. Information and publications for advocates as well as a advocacy finder facility for service users.

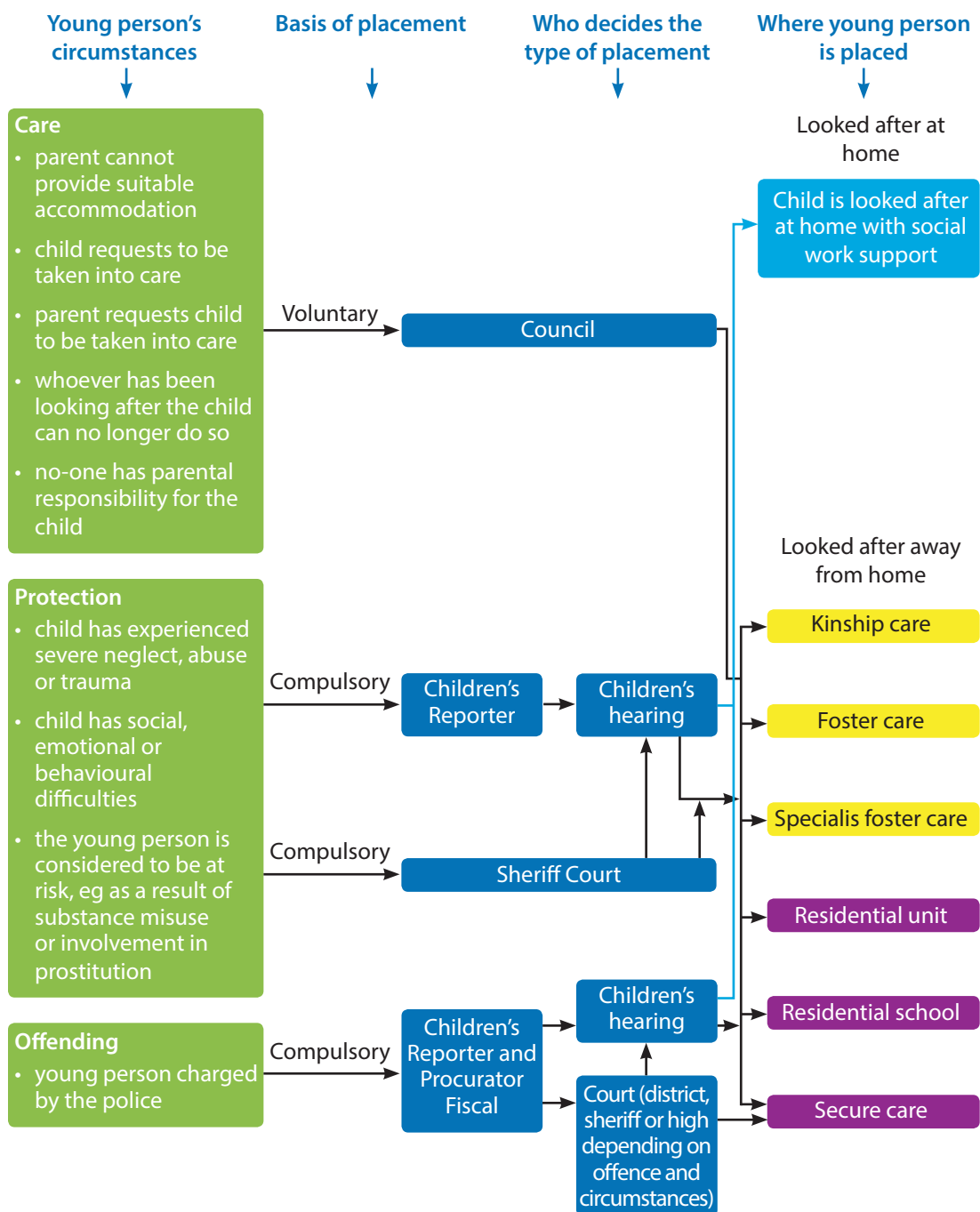
**[withscotland.org](http://withscotland.org)**

A very useful source of child protection information for both parents and professionals.

## Appendix 4 — Looked after process

### How children and young people become looked after

Children and young people become looked after by their council and placed in different types of care setting through various routes.



Sourced from Audit Scotland: *Getting it right for children in residential care: September 2010*

## Appendix 5 — Resources

For more information please visit our website [www.siaa.org.uk/resources](http://www.siaa.org.uk/resources)

**What is independent advocacy?**

Information for young people and children on independent advocacy

**What is an independent advocate?**

An independent advocate is there to help you have your voice heard. An advocate works just like you, so your views are heard. You make choices but you should do what you look at and think about. An advocate will be there to help you make choices and then ensure your views are taken into account. An advocate will be there to help you make choices and then ensure your views are taken into account.

**How could an independent advocate help me?**

- They can listen to you and help you think about what you want to happen.
- They can meet you before meetings like a Hearing to help you prepare and discuss what you would like to say or write down in a report.
- They can talk through what might happen at a meeting to help make sure you are involved in the decisions made about you.
- They can support you to speak at meetings or talk to someone like your social worker or other professionals involved in your life.
- They can help you to find out about other forms of help or services you might want.

**How do you find an independent advocate?**

- Ask your social worker or Children's Hearing.
- The SIAA website has a section called Find an advocate. You can use this tool to search for advocacy in your local area.
- To find out more speak to the SIAA or to your local independent advocacy organisation.

**Independent advocacy puts you first**

Find out more at [www.siaa.org.uk](http://www.siaa.org.uk)

**How can an advocate help me?**

Information for parents on independent advocacy

**What could an independent advocate help me with?**

- Supporting you to attend a children's hearing.
- Accessing information to explore and understand your options.
- Expressing your own needs and wishes.
- Accessing services to which you are entitled.
- Getting your rights upheld.
- Supporting you to attend a social work meeting such as a case conference or core group.
- Reading and understanding reports before and after meetings.
- Writing your own report towards a meeting. The worker will not write it themselves but will support you to write your own views.

**What can an independent advocate not help me with?**

- The advocate will not provide other support e.g. parenting or budgeting. The advocate can however signpost you on to support and help you access it.
- Solving all your problems.
- The advocate will not give you specific advice or tell you what you should do.

**How do I access independent advocacy?**

The SIAA website has a section called **Find an advocate**. You can use this tool to search for advocacy in your local area.

Access to independent advocacy varies across Scotland. Speak to your local independent advocacy organisation to find out what support they can provide.