



The City of Edinburgh Council

Service Specification – Independent Advocacy and Children’s Rights Service for Looked After and Accommodated Children and for children involved in the child protection process

Service Specification – Advocacy and Children’s Rights

1. Introduction

- a) The City of Edinburgh Council (CEC) seeks to commission a service for the provision of advocacy and children’s rights to children who are :

Looked After and Accommodated in terms of the Children (Scotland) Act 1995 or the Children’s Hearings (Scotland) Act, 2011

and / or

Involved in the Child Protection process as per the [Edinburgh and Lothians Inter-Agency Child Protection Procedures \(2015\)](#)

The service will be provided for children and young people up to the age of 18.

- b) This service will be targeted to meet the advocacy and rights needs of:
- Children and young people who are looked after and accommodated by the Local Authority and who live in foster, kinship or residential care
 - Children and young people involved in the Child Protection Process
 - It does not extend to children and young people who are deemed Looked After and living at home.
- c) The Council wants to achieve a consistent approach to ensure that eligible children and young people can access the service.

2 Background

A review of children’s rights service and the current services commissioned took place in 2014. This review explored how CEC could best develop the existing children’s rights service in order to meet the changing needs of Looked After Children to have their voice heard when decisions about their lives are made.¹ The findings of this report were informed by an internal and public consultation over the summer of 2014.

¹ Review 2014 – Looked After Children and Young People – Future Provision of Professional Advocacy Services 2 February 2014

3 The Service Scope

The objective is to support eligible children and young people with an independent professional advocacy and a children's rights service. The key task is to provide independent representation, advice and preparation around issues affecting children and young people who are:

i) Looked after and accommodated. It is anticipated that the following shall provide the main areas in which the service will inform children and young people about their rights:

- Contact with family and friends
- Support and preparation for Children's Hearings and LAAC Reviews
- Enabling young people's participation in the development and implementation of their care plans
- Access to and attainment in education, training and work
- Access to legal representation / advice,
- Financial issues,
- Complaints

ii) Involved in the Child Protection process after the decision has been made to proceed to Child Protection Case Conference and in advance of the initial Child Protection Case Conference. The service will continue through any subsequent review or transfer Child Protection Case Conference across Edinburgh. The task is to inform children and young people as to their rights and to support them to represent their views whilst involved in this process. The aim is to work in partnership with existing statutory and voluntary service providers to ensure that children and young people's views/opinions are listened to, taken into account and represented when adults are making decisions that affect them. It is anticipated that the following shall provide the main areas in which the service will inform children and young people about their rights shall be similar to the above with the addition of

- Support to attend Child Protection Case Conferences, core group meetings or hearings and ensure that the child or young person's views are represented

- a) This service is to inform, empower and represent the interests of the individual to help improve outcomes for children and young people in line with the SHANARRI indicators outlined within the GIRFEC guidance.
- b) The service shall be provided using advocates who work with a caseload of children and young people who meet the eligibility criteria. The service does not include other types of advocacy such as citizenship advocacy, peer group advocacy, support for self/collective advocacy or befriending.
- c) The Council will contract with a single Provider, who shall have in place and / or will develop appropriate management and delivery mechanisms to meet the requirements as set out in this service specification.

- d) The service will be involved in the promotion and development of children and young people's participation in service delivery within the Council. This will include providing feedback on their experiences of the child protection process and the development and expansion of the Young People in Care Council (YPICC). The YPICC is a group of young people in care who meet once a month to discuss a range of topics including issues of being in care. The group's views can inform and contribute to the service developments and to the Council's Corporate Parenting plan through consultation discussion.

The provider will have the primary responsibility for supporting and developing the YPICC

4 Aims and Objectives of service

- a. To ensure that the rights and views of children and young people who are looked after away from home are taken into account in decision making. This includes those defined by the Children and Young People Act 2014 as in "Continuing Care"
- b. To ensure that the rights and views of children and young people involved in the Child Protection process are taken into account in decision making
- c. In October 2015, there were 1087 children and young people looked after away from home. Of these, around 200 are in placements beyond the City of Edinburgh Council boundary. The majority live within the Central belt and Fife. There are a small number living elsewhere in Scotland and in England. All children and young people Looked After away from home are entitled to have access to this service.
- d. To support children and young people to participate in decisions that affect their lives
- e. To provide children and young people with relevant information regarding their rights.
- f. To help these children and young people resolve any concerns or complaints they may have regarding the care or service they receive;
- g. Empower children and young people who need a stronger voice by enabling them to express their own needs and make their own decisions;
- h. Enable children and young people to obtain information, explore and understand their options and make their views and wishes known;
- i. Speak on behalf of children and young people who are unable to do so for themselves

5 The service

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- a) The service will be available to meet the needs of children and young people. The service will usually be available during office hours (9-5 Monday to Friday) for representation and support at Hearings, LAAC reviews, Child Protection case

conferences, as examples. However, occasionally young people may require to access the service out with normal operating hours and the service should be flexible enough to respond to these requests wherever possible.

- b) Based on information available about current uptake, the Council's estimate of annual demand for the service is based on these indicators:

1. Number of clients referred	320
2 Number of hours of service	3840

Estimated demand includes face to face hours with children and young people, "back office" hours for administration and action on children and young people' cases and time spent on awareness-raising activities.

- c) Some factors that will affect levels of demand are beyond the control of the Council, such as the number of meetings and the dates and times that the service will be required on a case-by-case basis. There are no set rules about the number of contacts a child or young person would require and the Provider shall therefore provide the service to each child or young person to the extent that meets their individual needs.
- d) The Provider shall ensure that the service is easily accessible and available to all children and young people who meet the eligibility criteria.
- e) In all cases, the service shall be provided at locations conducive to encouraging the service user(s) to discuss their issue(s) with the Provider's staff. Such locations may include the service user's home or residential accommodation, office premises, schools, hospitals and venues for formal review meetings, including Children's Hearings.
- f) The Staff and advocates employed by the Provider to deliver the service shall be based at a location or locations with ready access to all parts of Edinburgh and such location or locations shall be approved by the Council
- h) The service may include, but shall not be exclusive to the following:
- communicating with the child/young person referred to the service and their family, guardians, friends, carers and others to establish the nature of their need and the issue to be addressed;
 - establishing with the child/young person their preferred outcomes and options for action;
 - supporting the child/young person or speaking on their behalf at formal proceedings, such as Children's Panels, Children's Hearings and LAAC Reviews;
 - supporting the child/young person or speaking for them at formal service meetings;

- e. negotiating on the behalf of child(ren) and young people with service providers and others to address the issue of concern.
- i) The Provider shall ensure adequate provision for communication with:
 - a. Children and young people with profound and complex learning disabilities, or mental health problems;
 - b. Children and young people from minority ethnic communities.
 - c. Children and young people with other communications issues, such as hearing or speech impairment.
- j) The Provider shall maintain a waiting list that is managed and appropriately prioritised and shall provide information about waiting times, timescales for actions to be taken and appointment times to children and young people referred to the service.
- k) The Provider shall prioritise cases that involve children and young people requiring support through formal proceedings and reviews, such as Children's Panels, Children's Hearings, Child Protection Case Conferences or LAAC Reviews.
- l) The service shall be issue-based, focusing on a specific issue or issues that children and young people raise in terms of the referral and in terms of the relevant legislation, and shall contact and meet with relevant agencies and other third parties to resolve the issue as far as it is possible to do so.
- m) The Provider shall assist children and /or young people to obtain legal advice or representation if necessary or requested to do so.
- n) The service shall use a "case management", auditable approach, showing effective case management and closure processes, for monitoring and evaluation purposes. The Provider shall maintain accurate and current details of each child or young person's case and all associated documentation. The Provider shall maximise utilisation of resources by terminating cases when an issue is resolved or no further action can be taken. Any new issue or issues raised by a child or young person is to be treated as a new case.
- o) The Provider will develop a range of communication routes for children and young people including access by telephone, email, social media and apps.
- p) The Provider will visit children and young people in residential schools, who are placed outwith Edinburgh on a regular basis as required by eligible children and young people in such establishments.

6 Referral Outputs and management

6.1 The outputs of the service will be:

- a) The Provider will prioritise work according to agreed criteria. This will ensure that those children and young people in most need are prioritised for services as necessary. The provider will clearly communicate offers of service to children and young people referred, and if a service cannot be provided, explain the reasons why.
- b) Referral to other services or information sources if not eligible for the service;
- c) Initial meeting with an advocate within the specified timescale if eligible for the service;
- d) Case records will be created, each of which will be unique to the individual service user and will be identified with a unique alphanumeric case reference number;
- e) Each case record will be maintained and updated throughout the period that the service is delivered, recording meetings, discussions, actions that have been taken and any related or relevant events, so that there is a “log” of what has happened and when cases are closed the child/young person will be given a note of their unique alphanumeric case reference number;
- f) advocates will speak on behalf of children and young people when they are unable to do so for themselves in respect of specific issues that fall within the scope of the relevant legislation outlined above, including representation at formal proceedings;
- g) advocates will provide relevant information, both face-to-face and by telephone, to children and young people and their carers
 - about their rights;
 - about the services and legal or professional processes that impact upon children and young people and their lives;
 - about their options for resolving the issue that they are facing; and
 - about professional independent advocacy services;
- h) The Provider shall record information for the purpose of monitoring the effectiveness of the service in meeting service standards and achieving outcomes for children and young people.
- i) The Provider shall report to the Council in a format approved by the Council, using appropriate information systems to demonstrate it has delivered the outcomes noted below through the detailed outputs and using the noted measures of achievement.
- j) The service will actively network with agencies and partners in the wider community to raise awareness about the service

6.2 Referrals for Looked After and Accommodated Children will be managed as follows:

- a) All referrals, whether by children and young people themselves or by a third party shall be received, be processed and be allocated resources by the service in accordance with the agreement between the Provider and Council .
- b) Referrals will typically be received by phone, post, email, or in person and will be recorded by the Provider on paper and in electronic format.
- c) Upon receipt of the referral, the Provider shall contact the service user, if necessary by post or by phone, in order to:
 - ensure that the service is actually required by the child /young person;
 - determine whether the individual being referred or self-referring is eligible for the service;
 - ensure that the service is relevant to the issue that has been raised;
 - ensure that the referral is within the service remit;
 - provide the service user with information about the service; and
 - if appropriate, arrange for the service user to meet an advocate.
- d) The Provider shall be responsible for processing the referral and related documentation and for allocating a suitable advocate.
- e) The advocate allocated to the case shall:
 - meet the child or young person and complete a service agreement that shall be signed by both the child/young person and the advocate;
 - inform the child or young person about the service, including confidentiality of information and complaints procedures as set out in the contract conditions. This information shall be provided in a format appropriate to the individual service user, but normally both verbally and in writing, using standard texts and / or promotional literature where available
 - support the child or young person until their issue is resolved as far as it is reasonably possible to resolve the issue.

6.3 Referrals for children and young people involved the child protection process.

- The advocacy worker will be advised by the Reviewing team when a case conference is arranged
- Leaflets about the advocacy service to be enclosed with invitations to parents/carers and children/young people
- Advocacy worker will contact lead professional to establish how the child's view is best represented
- If agreed as necessary/appropriate for advocacy worker to be involved s/he will contact the family/child and arrange to visit

- The advocacy worker will establish, in conjunction with the child and relevant adults whether it is appropriate for the child/young person to attend the conference and how their views are best presented – in person, via advocacy worker, in writing or a combination of these
- Following the case conference the advocacy worker will support the child/young person as necessary and appropriate

6.4 Response timescales monitoring and recording

- a) The time scale from receipt of referral to completion and closing of cases will depend on a number of factors, such as the urgency and nature of the issue involved and schedules of any related meetings. It is recognised that the time scale may also be impacted by the complexity of the issue(s) and resource allocation.
- Referrals will be responded to within 3 working days
 - Children / young people referred are to receive contact from the service within 5 working days
 - Children/ Young people admitted to secure care are to be contacted within 72 hours.
- b) The Provider shall monitor and supervise the service throughout the duration of the case and shall consult with the advocate before the case is closed. Once the issue has been resolved, even if this is only as far as is reasonably possible (in the opinion of the Provider), the Provider shall write to the child or young person, notifying them that the case is closed and including a quality survey questionnaire and postage prepaid envelope for returning the questionnaire.
- c) The Provider(s) shall establish an electronic management information system to manage and retain information about referrals, the nature of the cases and children and young people, the waiting list for the service and to ensure that resources are used efficiently and effectively and that throughput is maximised. The management information system must be approved by the Council, as it must be in a format that is compatible with the Council's Information and Communications Technology (ICT).

7 National and Local Policy Drivers

- a) The National and Local policy drivers are as follows:
- The Single Outcome Agreement (SO1 – SO2)
 - Council Outcomes (CO1 – CO6)
 - YP Advocacy services Review Report 2 February 2014
 - Getting it Right for Every Child (Girfec)
 - National Guidance for Child Protection in Scotland 2014
 - Edinburgh and Lothians Inter-Agency Child Protection Procedures (2015)
 - Additional Support for Learning Act 2004

- The Children and Young Persons Act 2014
- The Children (Scotland) Act 1995
- The Children's Hearings (Scotland) Act, 2011

8 Key Service Outcomes

a) The outcomes of the service will be:

- Children and young people will be better informed about their rights;
- Children and young people, who are vulnerable, discriminated against or find it difficult to access services, will have their rights to services protected;
- Children and young people will gain access to information and, as a result, will have a better understanding of their options in relation to services and will be better able to make their views and wishes known and make informed choices;
- Children and young people will feel more confident and will be enabled to express their own needs, make their own decisions and have more control over issues that affect their lives when dealing with health, social care or legal interventions in relation to health or social care services;
- Children and young people will be encouraged and empowered to take action on their own behalf;
- Children and young people will benefit from having an advocate speaking on their behalf when they are unable to do so for themselves;
- Children and young people will have their issue resolved to the extent that is reasonably possible;
- Children and young people and the wider community will be better informed about the benefits of independent advocacy.

b) Achievement of service levels will be monitored and measured by:

- Quarterly management reports, detailing throughput of referrals, efficiency / effectiveness of the service and resolution / outcomes;
- Outcomes noted in service user case records;
- Individual service user questionnaires;
- An annual report of service activity.

9 Monitoring

Performance management, monitoring, evaluation and review will be based on:

1. Contract Management

This will comprise an initial post contract award meeting and an annual contract review meeting, which shall be convened by the Council's designated contact(s). The annual contract review meeting shall consider performance of the contract against the service specification and the General Conditions of contract.

2. Quarterly Monitoring Reports

These shall be submitted by the Provider to the Council's designated contact(s) and shall include the following information:

- a. The number and nature of referrals during the quarter. Referrals will normally be supported by a completed referral form. Referrals made under exceptional or emergency circumstances will be followed up by the relevant referral detail at the earliest possible date;
- b. The numbers of requests for advocacy that are rejected on the grounds of eligibility and referral advice provided, if any;
- c. Anonymised "tracking" information regarding the service being delivered to children and young people, the outcomes achieved for children and young people and a breakdown by type of intervention and geographical location of children and young people;
- d. Any "exceptions" reports, in cases of self-referral requests;
- e. Any unmet demand;
- f. Any issues arising from the interface with Council and it's interagency partners;
- g. Any concerns about weaknesses in the services provided by the Council and it's Inter-Agency partners, together with information about any related actions being taken;
- h. Future key events and actions;
- i. Any breaches identified/rectified;

- j. Any significant events or child protection and welfare issues or adult support and protection issues;
- k. Any unexpected problems and emergencies resolved by the Provider;
- l. Recognised recruitment needs;
- m. Staff and volunteer training progress;
- n. Comments on any service user complaints or compliments received;
- o. Any failure of services provided by others;
- p. Any results of customer satisfaction surveys;
- q. Any security breaches; and
- r. Any proposed changes to working practices leading to greater efficiencies, improved performance and enhanced value for money.

3. Annual Reports

The Provider shall submit annual reports to the Council's designated contact(s) in a format to be agreed with the Council.

4. Feedback from children and young people using the service

This shall include questionnaires and data obtained through other forms of consultation by the Provider with children and young people. This data shall be used by the Provider to inform quarterly monitoring reports and annual reports and shall be made available to the Council's designated contact(s) on request.

5. Performance Improvement Plans

The Council is keen to work with the Provider to improve performance. Operational arrangements shall be subject to review. If opportunities for performance improvement are identified or complaints are received, the Council may require the Provider to develop and implement a Performance Improvement Plan in consultation with the Council. The effectiveness of any Performance Improvement Plan will be monitored by the Council, which may then require review and / or amendments to the Performance Improvement Plan. If a Provider fails to provide an acceptable Performance Improvement Plan or adhere to the Plan within the timescales required and such failure is, at the sole discretion of the Council, deemed a serious service deficiency that adversely affects the performance of the contract or the provision of the service, this may be deemed a breach of contract.

10 Service Standards

- a) The Provider shall ensure that children and young people who are vulnerable and may be discriminated against have their rights protected and that they are empowered to express their needs and wishes.
- b) The Provider shall ensure that every opportunity is taken to maximise the children and young people' capacity to speak for themselves, consistent with their physical and mental capabilities.
- c) The Provider shall promote and deliver the service in line with the "Principles and Standards for Independent Advocacy" and the "Code of Practice For Independent Advocacy", as published by the Scottish Independent Advocacy Alliance.
- d) Whether explicitly or implicitly expressed, these standards must be attained by the Provider in the provision of the service.
- e) The service shall:
 - i) put children and young people first, specifically:
 - be directed by the needs, interests, views and wishes of the children and young people;
 - empower children and young people to have control over their lives and to be fully involved in decisions which affect them;
 - ensure that children and young people' rights are protected; and
 - ii) ensure that children and young people are valued and are always treated with dignity and respect.
 - be accountable, specifically:
 - to its children and young people;
 - under the law; and
 - be effectively managed.
 - iii) be free from conflicts of interest, specifically:

- The Provider and the service cannot be controlled by a third party;
- The Provider shall only promote and provide the service; and
- The service shall avoid any possible conflicts of interest.

iv) be accessible, specifically:

- The service shall, subject to eligibility criteria, reach out to the widest possible range of children and young people, regardless of ability or life circumstances.

f) To support the service standards, the Provider shall ensure that:

- Skilled and knowledgeable staff are available to provide the service to meet the needs of children and young people identified in this service specification;
- There is high quality leadership and robust and skilled management support;
- There are appropriate supervisory and staff development arrangements in place for all staff;
- The rights and dignity of children and young people are protected, including their right to confidentiality within the confines of data protection legislation;
- Staff are aware that they are in a unique position of trust in the advocacy relationship and should actively demonstrate the central importance of choice, dignity, independence, respect and confidentiality in the advocacy service;
- The service shall be focused on outcomes and be time-limited;
- Staff are adequately trained in or have access to a range of communication techniques, particularly when dealing with children and young people with a sensory impairment or who require assisted communication techniques;
- The Provider has a communications strategy to address communication needs where there are issues relating to language or understanding.

11 Complaints

- a) Children and young people or their representatives have the right to complain about the service they receive, either verbally or in writing, by means of free and clear access to a complaints procedure operated by the Provider.

- b) The child or young person will also have the right to make a complaint using the Council's formal complaints procedure if they prefer.
- c) The Provider's complaints procedure will be issued and explained to the child or young person on commencement of services.
- d) The Council will have the right to investigate complaints which may result either from the complainant contacting the Council directly under the Council's formal Complaints Procedure or once the Council is in receipt of the Provider's completed investigation into the complaint.
- e) The Provider shall maintain a log of all complaints received detailing:-
 - The name and address of the child or young person.
 - The name and address of the complainant where different.
 - The nature of the complaint.
 - The response to the complaint.
 - The level of satisfaction of the outcome of the investigation.
- f) The provider shall inform the Council of any complaint received by the provider within 5 working days.
- g) The child or young person and/or their representative, will receive information on the outcome of the complaint in a format that they understand and in a timescale appropriate to the nature of the complaint.

12 Staff Recruitment, Training & Support

- a) The Provider will employ sufficient, suitably qualified staff to ensure that the work undertaken meets the needs of children and young people involved in the child protection process or who are Looked After and Accommodated.
- b) Staff will be responsible for: -
 - Accepting all referrals including those made by the Council.
 - Ensuring that the required referral information has been received and logged.
 - Processing the referral.
 - Conducting individual risk assessments at the point of referral and subsequent reviews of advocacy agreements.
 - Ensuring staff conduct is appropriate at all times.
 - Ensuring that all policies and procedures of the organisation are understood and adhered to at all times.
- c) The Provider shall demonstrate its commitment to the ongoing learning and development needs of its staff and provide an induction programme; training

on equality and diversity issues and opportunities for ongoing professional development of these staff. The provider is to ensure that its staff have knowledge of the needs of looked after children and of child protection and relevant training to support this.

- d) The provider shall ensure that its staff responsible for providing this service are supervised and professionally supported.

13 Community Benefit

- a) As detailed in the Council's [Sustainable Procurement Policy](#), the Council is committed to maximising social, economic and environmental benefits through the delivery of Council contracts (known as 'Community Benefits'). Community benefits include targeted recruitment and training; sourcing from Small and Medium Enterprises (SMEs), Social Enterprises and Third Sector Organisations; contributions to education within communities; community consultation, engagement and strengthening of community relations; environmental improvement; volunteering; providing community resources; mentoring and sponsorship of community organisations.
- b) The successful Provider is to secure positive outcomes that would benefit the communities they operate within.