

Code for Professional Advocates working with families when the local authority makes decisions about the care and protection of children

Developed by Family Rights Group

***“Advocacy was like
a safety net at the
meetings”*** *Father*

Introduction

This Code has been developed by Family Rights Group and is to be used with [the Standards and Principles for Professional Advocacy Services](#). It sets out the core expectations of an advocate working with an adult family member or carer, who is involved with local authority children's services because services are being asked for or provided to their child. This includes where a child may be in need of support, is subject to child protection enquiries or a child protection plan or where the child is looked after.

What is family advocacy in local authority children's services?

Advocacy means assisting people to make informed choices, not making decisions for them. The advocate's role is to enable the service user to have their voice heard, to participate, as far as practicable, in the decisions being made about their child and to have their viewpoint taken into account, whilst avoiding any action which may or may be seen to collude with potentially placing a child at risk of harm. The Code sets out principles, practice skills and attributes which aim to support the professional advocate's role. The advocate's task, in this context, is to:

- ensure that the local authority follows fair processes when involved with a family member or carer and that the authority takes into account the rights and responsibilities of the service user and
- give proper consideration to matters of gender, ethnicity, culture, religion, age, level of ability, mental health and sexual orientation, where relevant and
- clarify and challenge local authority actions and decisions, when appropriate, in a constructive way.

Values underpinning professional practice

A professional advocate is expected to adhere to the principles and standards required of advocacy services in their working methods.

Confidentiality

The advocate must be familiar with, and apply, their organisation's confidentiality policy and comply with their advocacy service's reporting procedures when there is information which indicates that a child may be at risk of significant harm or another adult may be at risk of serious harm.

Before starting work, the advocate must make sure that the service user understands fully the limits of confidentiality, when and how decisions will be made to share relevant information with children's services or other agencies. The advocate should not withhold information from the service user, unless it is clearly necessary to protect a child or an adult. Likewise, the advocate should not agree to receive information from any professional or agency which will be withheld from the service user.

Be committed to equal opportunities

The advocate must know and implement the agency's equal opportunities policy and be respectful of the client's cultural background, language and beliefs.

Anti discriminatory practice

The advocate must be vigilant about, and sensitive to, the impact of the many forms of discrimination on parents, carers and family members, taking this into account when working with the service user. They must be prepared and able to challenge discriminatory practice and decision making appropriately, with the support of their manager, on behalf of the service user.

“I understood she had a duty to tell Social Services if the baby was at risk and that is everyone's duty isn't it? Father

Conflicts of interest

Fundamental to advocacy is independence from the local authority or other agency service provider, both in perception and in reality. Any conflict of interest between the advocate and the agency providing services must be declared and, thereafter, the advocate cannot continue to act for the service user.

If the service user requests a change of advocate, this should be referred immediately to a manager.

If parents or carers are in conflict between themselves, the advocate can only advocate for one of the parties. If the advocate is assisting more than one person, and a potential conflict between the parties emerges, the advocate must consider, in consultation with their manager, whether it is proper to continue to represent more than one person.

Supporting the service user to have a voice

The advocate must agree to confine their role to advocacy and support, accepting the person's properly informed choices based on advice from the advocate; the advocate cannot make decisions on their behalf. The advocate must be satisfied that the service user has the capacity to make informed choices. If this is in doubt, the advocate, with advice of their manager, should seek for the service user specialist advocacy services, other appropriate support or intervention.

“I have been involved twice with the local authority and having an advocate the second time made a real difference because I was listened to.” *Mother*

The professional advocate's core knowledge and skills

The role of the professional advocate

The advocate must have a clear understanding of their role and its boundaries and be able to distinguish between advocacy, advice giving and mediation. They must be able to explain clearly their role and working practices and the organisation's confidentiality policy and complaints process to the service user.

Specialist knowledge of child welfare law and practice

The advocate must have specialist knowledge of current children and family law and guidance about entitlement to services, child protection processes and human rights law and must be informed about relevant research, as well as an ability to understand local policies and procedures. The advocate also needs to know when it may be appropriate for the service user to receive specialist legal or other advice.

Be solution-focused

The advocate needs to have knowledge of techniques which assist the service user to find child centred solutions and to manage and reduce conflict.

Practice skills

The practice skills required for effective advocacy include:

Active Listening

An ability to listen, to consider and explain to the service user their legal rights and local authority procedures, the options open to them and the likely consequences of different courses of action.

Effective Communication

To be able to

- communicate complex information to the service user and to work supportively with the service user, effectively with professionals and be imaginative in finding child centred and family sustaining outcomes and
- assist and prepare the service user to set out their views about the local authority's actions either verbally at meetings or in writing.

Constructive challenge

To be able to challenge assertively, yet constructively, the views and actions of the local authority, other professionals or agencies, which the service user considers to be unreasonable or inaccurate.

Negotiating and finding solutions

With the service user's consent, to be able to negotiate with the local authority, to obtain information about the matters of concern to the local authority and other agencies, to clarify issues in dispute and to put forward proposals to address those issues.

Supporting the service user

The ability to support and encourage the service user to work in partnership with the local authority, where this is in the child's interests.

Working with professional colleagues

The ability to work effectively with an interpreter, signer or supporter to enable the service user to be involved in the local authority's processes.

Practice attributes

Respect

The ability to respect the service user's circumstances whilst remaining objective, focused and analytical about the relevant facts on which the local authority or any other agency is assessing need and/or risk of harm to a child.

Flexibility

The willingness to meet the service user at places, accessible and suitable for them, subject to the agency's risk management and safety requirements.

Accountability

Compliance with data protection requirements, including proper security of records, and accurate factual recording, which is shared with the service user.

Reflective practice and professional development

The advocate is responsible, with support of their organisation, to use and contribute to training, to make use of group support and opportunities to reflect on and analyse their practice and to make full use of supervision and counselling as may be appropriate.

“It is extremely important to have a working knowledge of the law because we quoted case law in our letter and that had to be right. They need to know what is right and wrong...” Grandfather

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Family Rights Group

Second Floor
The Print House
18 Ashwin Street
London E8 3DL

ADVICE LINE 10AM–3.30PM:
0808 801 0366

T: 020 7923 2628
F: 020 7923 2683
E: office@frg.org.uk
www.frg.org.uk