

## SCRA response to the Scottish Government's consultation

### Background

The Children's Hearings System is Scotland's distinct system of child protection and youth justice. Among its fundamental principles are:

- whether concerns relate to their welfare or behaviour, the needs of children or young people in trouble should be met through a single holistic and integrated system
- a preventative approach, involving early identification and diagnosis of problems, is essential
- the welfare of the child remains at the centre of all decision making and the child's best interests are paramount throughout
- the child's engagement and participation is crucial to good decision making

SCRA operates the Reporter service which sits at the heart of the system. SCRA employs Children's Reporters who are located throughout Scotland, working in close partnership with other professionals such as social work, education, the police, the health service and the courts system.

SCRA's vision is that vulnerable children and young people in Scotland are safe, protected and offered positive futures. We will seek to achieve this by adhering to the following key values:

- The voice of the child must be heard
- Our hopes and dreams for the children of Scotland are what unite us
- Children and young people's experiences and opinions guide us
- We are approachable and open
- We bring the best of the past with us into the future to meet new challenges

### Response

We welcome the opportunity to comment on this consultation paper and on the draft principles and standards. We note however that standards of advocacy for children and young people in the Children's Hearings System is covered by a separate piece of work and our comments on these principles and standards will therefore be limited.

We consider that there is a great deal of value in having a set of minimum standards that define what level of service the child or young person can expect from an advocate, but this may be of limited use unless there is some mechanism for how these standards are to be monitored and enforced. We wonder how this is intended to be achieved.

The paper suggests that the principles and standards should be applied in any situation where advocacy support is being provided to a child. It is unclear whether this is restricted to professional advocates or is intended to cover others providing support to a child. It is important that the child's right to choose who supports them in any given situation is not fettered but it may not be helpful to describe the provision of

such support by a friend or a family member as “advocacy” for the purposes of this paper. While we recognise that there could be some value in making the principles available to those individuals to help encourage good practice, we seriously doubt whether standards can be realistically applied to friends or family members who are fulfilling a more informal support role for the child. What is important is that in situations where obtaining the child’s views/participation is important, then the professionals involved make sure that the child knows of their right to have advocacy support and that there is general awareness of the standards regarding the provision of advocacy.

Paragraph 43 does provide a definition – but it is not as helpful as it could be. A relative or a friend might be prepared to support a child or young person but may not fully understand what “providing advocacy” entails.

In relation to non-instructed advocacy, there may be a blurring of roles in some circumstances with other professionals such as Safeguarders in the Hearings System, who are required to act in the child’s best interests. It might be helpful to try to clarify this matter.

## Conclusion

We are generally supportive of the principles and standards subject to the comments above, though from the point of view of the Hearings System, provision of advocacy support and the standards expected will be provided elsewhere.

**SCRA**  
**February 2012**

