

Policy briefing

Winter 2006

Standing by
disabled children



The
Children's
Society

Giving disabled children a voice:

our case for independent advocacy for those placed away from home

The Children's Society is campaigning to ensure all disabled children placed away from home have access to an independent advocate

'My advocate was really helpful, she helped me stay where I wanted. She listened to what I wanted and did her best to get this for me. She really understood.'

Gemma, 14 years old

What are we campaigning for?

The Children's Society believes that every disabled child or young person placed away from home should have a statutory right to independent advocacy.

- **13,300 disabled children in England are in long-term residential placements in education, social care and health settings¹**
- **An additional approximate 900 disabled children are living in foster care, excluding those living in a series of short breaks²**
- **Including those who only have infrequent visits, 33% of disabled children in residential placements are isolated from their parents and other family members³**
- **The Children's Society with Children's Rights Officers & Advocates (CROA) conducted a survey of advocacy providers in 2004/5, which found that only 5% of disabled children in need had received an advocacy service in one twelve month period**

What is advocacy?

Advocacy is about helping children and young people get their views across and take part in decisions that affect their lives. It involves speaking up for children and young people, making sure their rights are respected and their views and wishes are heard and acted upon by decisions makers.

Just like all children, disabled children have a right to have their views, wishes and feelings taken into account when decisions are made about their lives. This right is set out in Article 12 of the UN Convention on the Rights of the Child; in The Children Act 1989 and in a raft of other government legislation, regulation and guidance. However many research studies have shown that in practice authorities are failing to meet their duties in this regard particularly in relation to children who do not use speech and who have complex needs.⁴ All children can communicate their preferences if those working with them take the time to understand how they communicate. To be denied access to communication is to be denied a basic human right.

Government should target resources at independent providers of advocacy for disabled children, to ensure that children stay safe and have an equal chance of accessing services.

Report from Parliamentary Hearings on Services for Disabled Children (October 2006)



The case for independent advocacy

- By supporting children in reviews or planning meetings an advocate **can ensure a disabled young person has a say in a change of placement** or decision about where they might live as an adult. Whilst many more children in care are now participating in reviews and planning meetings this is by no means always the case. A 2006 Commission for Social Care Inspection (CSCI) report on children's views found children continue to be intimidated by the number of adults in meetings, find the language used difficult to understand and were not confident enough or given enough time to get their views across.⁵
- For disabled children placed away from home **making choices and decisions on a day to day level** depends on being able to communicate preferences and having someone who is willing to take the time to listen and understand. Morris found that on a daily basis disabled children's privacy was often not respected nor was there encouragement to make choices for themselves, which undermined their opportunities to develop confidence and self-esteem.⁶ Advocates do take the time, and they make sure they understand a child's means of communication and they can help children and young people gain some dignity, respect and independence by ensuring their views are heard.
- For those **children who are placed outside their own local authority** the need for access to an advocate is especially acute as the distance, cost of travel and time involved can make it difficult for parents and social workers to keep in touch with disabled children.⁷ It is widely recognised that outcomes for disabled children who are placed out of authority are worse than for other looked after children, and as a result, there is a strong push to reduce dependency on out of authority placements.⁸ At a time of significant change disabled children with communication impairments are particularly vulnerable and need support to ensure their views, wishes and feelings are taken into account in future placement decisions.
- Evidence from research in the USA suggests disabled children are more than three times **more likely to be abused than other children**.⁹ UK research also suggests an increased vulnerability to abuse or neglect.¹⁰ Clements and Read note that some disabled children may grow up to accept damaging, demeaning or over restricting treatment from others because they have never known anything more positive.¹¹ Their relative isolation from other children and adults mean that many disabled children struggle to tell others about their experiences, making it easier for abuse and neglect to remain hidden. In his investigation into the abuse of children in public care, Utting concluded that looked after children needed independent advocacy as a source of protection, and as a means of ensuring that their voices were heard within an otherwise closed system.¹²

'If anything was troubling me I could ring the advocate about it without anyone knowing.'
Christina, 13 years old

The current gap

In 2002 the Government published the National Standards for the Provision of Children's Advocacy Services.¹³ Standard 3 states that advocacy providers should give particular attention to the communication needs of disabled children and young people, including those who are very young and those with multiple and learning disabilities. However, research by Oliver¹⁴ found that children in out of area placements had limited access to advocacy services and only 5% of advocacy services targeted disabled children and young people. In addition, the research found that few advocates have experience of working with disabled children and young people, particularly those who have communication impairments.

When The Children's Society with CROA conducted a survey of advocacy providers in 2003/4 it found that less than 5% of disabled children in need had received an advocacy service in a 12 month period.

The Adoption and Children Act 2002 recognised the crucial role of advocacy for children and young people who wish to make a representation or complaint. Implemented in April 2004 the *Get it Sorted* regulations¹⁵ required local authorities to inform children about advocacy services at the point at which a complaint is about to be made. This has not been effective for many disabled children and young people who need an advocate working with them for some time in order to

help them understand that they have a right to complain and support them in pursuing a complaint. Furthermore children in care have expressed concerns about using the complaints system for fear of reprisals, this can be all the more fearful for a disabled child who is dependent upon staff or foster carers for all their daily needs.¹⁶ Oliver et al confirm that complaints procedures are less accessible to disabled children and the value of formal complaints procedures for children appears to be limited.¹⁷

Every Child Matters and the value of advocacy

The *Every Child Matters* agenda seeks to improve outcomes for children and young people, to protect children from harm and help them achieve what they want in life. *Every Child Matters* puts children's views and wishes at the forefront of the decision-making process. The research by Oliver et al offers promising evidence that advocacy can foster children's participation in decision-making and assist them in gaining access to needed services. Oliver found advocacy empowered children and young people, increased their self-confidence and communication skills and overturned or improved care plans. Advocacy was also attributed with fostering cultural change towards the development of more child-centered services.



'I wish I'd had an advocate. When I was in residential care the staff never took me anywhere and sometimes they gave me omelette for tea and I hate omelette. They just didn't seem to listen to me no matter how hard I tried to tell them.'

Layla, 12 years old

The Children's Society is a leading national charity, driven by the belief that every child deserves a good childhood. We provide vital help and understanding for those forgotten children who face the greatest danger, discrimination or disadvantage in their daily lives; children who are unable to find the support they need anywhere else. Our network of projects helps over 50,000 children and their families each year. Through our pioneering research and influential campaigning, we defend, safeguard and protect the childhood of all children.

For more information on how you can support this campaign, please contact:

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Notes

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