

# **Working with advocates in relation to children and young people with Special Educational Needs & Disabilities**

**October 2019**

## The aim of this policy

We are committed to supporting the interests of all children and young people with additional needs and ensuring equity within our processes and services. We recognise that it can sometimes be difficult for children, young people and their families to express their feelings and views fully, particularly as part of statutory processes.

We recognise that in these situations, the role of an advocate can be important to ensure that the views of children, young people and their families are heard and acknowledged.

We also recognise the need for a clearly defined policy and process for managing communication in cases where children, young people and families have allocated an advocate to act on their behalf. This will ensure that all parties are safeguarded in that process.

## Legal Framework

In carrying out our functions in relation to children and young people with special educational needs and disabilities we have a statutory duty under the Children and Families Act 2014 to consider:

- the views, wishes and feelings of the child or young person, and the child's parents;
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions; and
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood. '*Special educational needs and disability code of practice: 0 to 25 years*' statutory guidance.

Sheffield City Council will work constructively with advocates to enable them to support children, young people and their parents, make representations on their behalf, and to meet any other requirements of their role as set out in the statutory guidance.

The statutory guidance recognises the potential need for advocates and makes specific references to the role of an advocate and these are listed below for ease of reference, with the relevant paragraph numbers:

*1.10 Local authorities should consider whether some young people may require support in expressing their views, including whether they may need support from an **advocate** (who could be a family member or a professional).*

7.15 Where a student is identified as having SEN and needing SEN support, colleges should bring together all the relevant information from the school, from the student, from those working with the student and from any screening test or assessment the college has carried out. This information should be discussed with the student. The student should be offered support at this meeting and might be accompanied by a parent, **advocate** or other supporter. This discussion may identify the need for a more specialist assessment from within the college or beyond.

8.9 Local authorities must ensure that the EHC plan review at Year 9, and every review thereafter, includes a focus on preparing for adulthood. It can be helpful for EHC plan reviews before Year 9 to have this focus too. Planning must be centred around the individual and explore the child or young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition. Local authorities should ensure that children and young people have the support they need (for example, **advocates**) to participate fully in this planning and make decisions.

9.25 In addition, some children and young people will require support from an **advocate** where necessary (this could be a family member or a professional) to ensure that their views are heard and acknowledged. They may need support in expressing views about their education, their health, the future and how to prepare for it, including where they will live, relationships, control of their finances, how they will participate in the community and how they will achieve greater autonomy and independence. Local authorities should ensure that children and young people who need it have access to this support.

11.38 For mediation to work well:

- the parents or young person may be accompanied by a friend, adviser or **advocate** and, in the case of parents, the child, where the parent requests this and the local authority has no reasonable objection. In cases where parents are the party to the mediation and it is not appropriate for the child to attend in person the mediator should take reasonable steps (within terms of time, difficulty, expense etc) to obtain the views of the child. Young people with learning difficulties, in particular, may need advocacy support when taking part in mediation

## **Our approach to working with advocates**

We recognise the value of independent advice and will work constructively with advocates wherever possible to support children, young peoples and their parents, including (but not limited to):

- Checking that informed consent for us to work with the advocate has been provided in writing either by the child or young person or from the parents of the child or young person.
- Discussing the individual child or young person's case with the advocate.
- Considering representations made by the advocate on behalf of the individual child or young person and providing written responses directly to the advocate.
- Meeting with the advocate at the request of the young person and their parent.
- Sharing information/records with the advocate following the appropriate consents.
- Explaining Local Authority policies and processes to the advocate.
- Informing the advocate of decisions made by the Local Authority regarding SEN support, EHC needs assessment and plans outcomes.

In order to minimise the number of people documents are sent to, we will primarily only communicate with the child, young person and the child's parent. All documents will be sent to that person directly and we would expect where an advocate is involved that these would be shared by the family with the advocate.

If the child, young person, child's parent or advocate has a disability which requires an adjustment to be made in how documents are provided, we will comply with any request where it is reasonable to do so, for example providing documents electronically. We would expect the family or advocate to notify us of this need.

In their efforts to support children, young peoples and their parents we expect advocates to:

- Provide written authority either from the child or young person or from the parents of the child or young person for the advocate to work with us.
- Take responsibility for sharing with the child, young person or parent the Local Authority's responses to representations the advocate has made on their behalf.
- Cooperate with reasonable requests from the Local Authority that are made with regards to information/meetings about the individual child or young people.
- Attend decision making meetings in support of a child or young person, offering support to the child or young person within the meeting to articulate their own wishes and feelings.

## **Raising Concerns**

If the advocate has any concerns about how the Local Authority have acted or a decision that has been taken relating to a specific child or young person, the advocate should forward their concerns in writing to the Local Authority. The concerns raised by the advocate will be dealt with under the Local Authority's Complaints Procedure.

Likewise if we have any concerns about the behaviour of the advocate or the support that is being provided to the child or young person, we will raise those concerns directly with the advocate. The advocate will have an opportunity to respond to the concerns in writing.

## **Review Process**

The Advocacy Policy for Children & Young People with Special Educational Needs & Disabilities (SEND) policy will be reviewed in summer 2020. We would welcome your views on how clearly we have described our approach and how it could be improved. There is a short survey available which will be open until the end of July 2020 and feedback received will be used as part of the review process.

You can complete the survey at: <http://bit.ly/SheffieldAdvocacyPolicy>

This policy will be published on the Sheffield City Council Website and on the Local Offer.