



Who Cares? Scotland
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SC026076

Hello,

I wanted to give an update on the exciting new Independent Advocacy offer available to children and young people in the Children's Hearing System. Who Cares? Scotland are the primary provider of Independent Advocacy for Children's Hearings in Aberdeen; and along with Aberdeen Independent Advocacy, who are the secondary providers we will be making an offer of advocacy to children and young people who are involved in the Children's Hearing System. We will also be looking to see how we link in with the Aberdeen Young Person's Rights Service who will be continuing to deliver Children's Rights work within the city.

The following information will give you a brief summary of the advocacy offer, further reading and contact info if you have any questions or wish to discuss a referral.

Why have we created this offer?

Following meaningful consultation with children and young people, with experience of the Children's Hearing System, Scottish Government have made it clear that advocacy for children and young people, to support them within the unique decision-making context of the Children's Hearings System, is absolutely necessary. It allows young people to really feel like the most important person in the room, which of course they are!

Provision of independent advocacy at Children's Hearings ensures children and young people's rights are respected and realised, enables them to express their views, feelings and wishes, and have their views considered and taken seriously, in line with Article 12 of the UNCRC. Advocacy is intertwined with many policy and legislative areas in Scotland, including, but not limited to:

- The United Nations Convention on the Rights of the Child, namely Article 12
- The Mental Health (Care & Treatment) (Scotland) Act 2003
- The Mental Health (Scotland) Act 2015
- The Education (Scotland) Act 2016
- The Children's Hearings (Scotland) Act 2011
- The Children and Young People (Scotland) Act 2014

Through listening to the voice of children and young people, we have developed the National Practice Model for Advocacy in Children's Hearings, commissioned by the Scottish Government, a sustainable model of advocacy realising the policy intention of Section 122 of the Children's Hearings (Scotland) Act 2011. We want to ensure that every child and young person in the Children's Hearing System has the opportunity to work with independent advocacy to support them to explore their options, to understand and exercise their rights and to have their voice considered and reflected in decisions being made about their life.



What is the offer?

All children and young people attending a Children's Hearing will be offered the opportunity to work with an advocacy worker and will be given choice about who they wish to work with. This offer is based on the voluntary consent of the child or young person and they will guide and direct their Advocate based on their individual views and wishes, this will include what they want to be shared at Hearings.

Independent Advocacy allows for independence from services already in their lives, and in turn promotes increased objectivity when working with children and young people within legal contexts. The Scottish Government recognises that those with a legal duty to act in the best interests of a child are not always best placed to provide advocacy for them.

An advocacy worker will have up to date knowledge of the Children's Hearing System, their rights and relevant legislation. They will support the child or young person's understanding of the range of rights and opportunities within the Hearing System and support them to seek out and exercise these. They will also help to prepare them for the range of potential decisions that might be made, and help them understand the outcomes of Hearings and what impact this will have on their lives. An advocacy worker never makes decisions and is only committed to ensuring that the child or young person's rights are upheld, and views taken seriously.

How will independent advocacy work?

An advocacy worker will meet with children and young people, explain what an independent advocacy worker does and how they might be able to support them. The young person then has the choice on whether to take up the offer of advocacy. The worker will be directed by the young person they are working for. This includes meeting before, during and after the hearing, if this is how the child or young person chooses to use the offer of advocacy.

An advocacy worker will never offer an opinion or advice, simply the information needed for the child or young person to reflect on their thoughts and feelings on their situation and what they would like to see change, if anything. They will then be supported to express their wishes in the Hearing, in a way that suits them, whether that is through the worker or speaking up for themselves.

Where can I get further information?

For further information on Who Cares? Scotland and the work we do you can check out our website - <https://www.whocaresscotland.org/>

For further information on advocacy in the Children's Hearing System you can have a look at the National Practice Model - <https://www.gov.scot/publications/advocacy-childrens-hearings-system-national-practice-model-guidance/pages/3/>

When will the offer of advocacy be available?

The offer is available to children and young people now! More information will be coming your way in the next few weeks. We will be fine-tuning the way in which we receive referrals in the coming weeks, but at present we can accept referrals from the young person, their carers or parents, social workers or anyone else



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working with a child or young person through our website - <https://www.whocaresscotland.org/get-involved/get-advocacy/>

Who will the workers be?

Who Cares? Scotland are the primary providers of Independent Advocacy within the Children's Hearing System and, to allow for choice for children and young people, Aberdeen Independent Advocacy are the secondary provider. I will be the Advocacy Worker for Aberdeen City and would be delighted to answer any queries you have.

Thanks and best wishes,

Jo McLeod

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