



**Government
of South Australia**
**Office of the Guardian
for Children and
Young People**

individual advocacy and the Charter of Rights

A child or young person in care has not always had the time to develop the knowledge, skills or confidence to express their wishes or advocate for themselves. In the absence of parents or relatives, other adults can and should act to ensure that the voice and interests of each child and young person in care are represented. This is individual advocacy – and the *Charter of Rights* can help.

A Charter of Rights for Children and Young People in Care is required in the *Children's Protection Act 1993* and almost every agency that works with children and young people in care in South Australia has endorsed the Charter and undertaken to apply it in their policy and practice. (See the full list at <http://bit.ly/e46gRT>) Each endorsing agency and their staff and volunteers are empowered and obliged to act on behalf of a child or young person if they identify a need.

Advocacy in practice

Advocates may work with a child or young person to make sure:

- their views are presented in planning such as at meetings, conferences or reviews
- they participate in decisions that are made about such matters as school changes, placement moves, or family contact
- they have access to services such as housing, mentors, cultural support, recreation or education
- they receive information and updates about case planning or decisions
- their strengths, achievements or abilities are highlighted to relevant parties
- others who work with children and young people consider how decisions have been made and if the child's best interests and voice have been included in this process
- systemic barriers, resource deficiencies or discrimination are addressed.

This can involve:

- assisting a child or young person to communicate and express their view with decision makers in person, over the phone or in writing
- talking with a child or young person face to face before a case review and supporting them to write down their ideas and questions
- working out how best to present the information, in person, via an advocate, in writing or in pictures
- finding out what is behind the 'no' (is it a safety issue, resource problem, a decision about a child's best interests?) and assisting the young person to understand how and why the decision was made
- ensuring that the child or young person's views are documented
- if the young person wishes, raising an issue with the decision maker and if you are not satisfied, raising it with their senior.

How the Charter of Rights can help with advocacy

Under the *Children's Protection Act 1993* government and non-government organisations are obliged to uphold and implement the *Charter of Rights for Children and Young People in Care*. Almost all agencies that provide services for children and young people in care have endorsed the Charter, promising, among other rights, to ensure the right of the child to:

- request the support of an adult to act on their behalf when they cannot do so
- express an opinion about things that affect them
- be involved in what is decided about their life and care
- have their thoughts and opinions asked for and considered
- know who to go to if they have a problem or want to complain

This means that all endorsing organisations recognize the role of an advocate.

In work teams where advocacy is not the norm, the formal recognition of rights in the Charter can be a starting point for developing an advocacy-friendly culture.

Asking questions of workers and colleagues about if or how the rights in the Charter have been considered can throw new light on planning, process or decision making.

In talking with external agencies, advocates can invoke the mutual endorsement of the Charter, as a shared responsibility to consider the rights and voice of the child or young person in a particular matter.

Working with some children, making reference to one or more of the Charter's rights can help them see that their issues go beyond individual power and personalities and clarify and strengthen their resolve.

Advocates can build awareness by routinely mentioning the Charter in communications, including letters, emails, phone calls and in records.

Some examples of advocacy

Here are two real-life examples that illustrate how advocacy can work with the Charter.

James, social worker for young person Jeremy, was concerned that his supervisor had decided that funds were not available for Jeremy could to go on an interstate holiday with his carer. The trip was costly and budgets were constrained at the time. James collected information from the carer on exact costs, obtained Jeremy's view on the holiday and developed a list of arguments about the benefits of the trip. James linked the arguments to the Charter of Rights, stating that Jeremy had the right to be treated like other children and young people who do not live in care and be involved in what was decided about his life. James advocated to his supervisor for Jeremy to go on the trip. An agreement was reached, where the supervisor agreed the department would pay for half the trip and the carer was pleased with this arrangement.

During a case conference, non-government youth worker Kurt advocated for the case manager to keep Alice's case file open, although she had turned 18, because her accommodation was not stable. Kurt also presented Alice's view, that she wanted the case manager to remain working with her as she felt nervous about her transition. Kurt noted that, as per the Charter, Alice had a right to have a place to live and support when she left care. As she had only moved into the house six weeks ago, Kurt successfully advocated for the case manager to remain involved for another three months to allow Alice time for a more effective transition.

Individual advocacy involves not just a recognition of rights but a response that hears and considers the views, wishes, experiences and opinions of the child or young person, presents them to the relevant people, structures and systems and works together to achieve a better outcome.

Through being involved with the advocacy process young people learn valuable lessons; that they have rights, including the right to be heard, that rights can be negotiated to achieve better outcomes and the value of persistence. Advocacy can promote a positive sense of self and the confidence to interact with the world.

If you would like to read more

Dalrymple, J, 2005, 'Constructions of Child & Youth Advocacy: Emerging Issues in Advocacy Practice', *Children & Society* Vol. 19, o. 3 - 15; available online at <http://onlinelibrary.wiley.com/doi/10.1002/chi.828/pdf> (includes children's views on the advocate role and relationship)

Speaking out – A guide for advocates (UK version); available online at http://www.nspcc.org.uk/Inform/publications/Downloads/speakingout_wdf48015.pdf (how to advocate, how to be a good advocate)

More about the Office of the Guardian

Information about the Office and its functions, as well as facts, reports and opinions about issues for young people in care, are on www.gcyp.sa.gov.au.

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