

North East Lincolnshire SENDIASS

Impartiality Policy and Advocacy Definition

Impartiality Policy

The role of the NEL SENDIASS is to inform and empower parents / carers/young people in order that they may become more effective partners in their child's/own education. The service is provided as a statutory duty placed on Local Authorities by the SEND Code of Practice July 2014 and Children and Families Act 2014.

The service cannot act in isolation 'on behalf of' parents/young people, for example in the way a solicitor would. The service supports parents/young people in reaching informed decisions and does not make decisions on their behalf. When the service takes any action it is in order to determine and clarify facts in order to better inform the parents about their child's educational needs. The intention is twofold; to provide parents/young people with more informed opportunities, choices and options in relation to their child's education and to empower them to act appropriately as a result.

Empowering parents/young people to explore alternative ways of resolving difficulties and making progress comes only after seeking to understand the parents'/young people's perspective of their concerns about their child/themselves.

It is not the role of the service to give direct advice concerning an individual child but to remain impartial in respect of the information, help and support it provides.

When supporting parents/young people in a practical way, such as supporting them in meetings, NEL SENDIASS staff will act in the capacity of a "McKenzie Friend". As such, they will:

- support parents/young people to ensure they have opportunity to make all the points they wish to make

- ensure parents/young people understand points being made and decisions reached
- clarify what the parents/young people have said if others have not understood
- offer to take notes for the parent/young people (but not to take formal minutes for the meeting)
- if the parent/young people is distressed and feels unable to continue, and at the parent's/young people's expressed request, consider speaking for the parent//young people, but to demonstrably and constantly check with the parent that they are accurately conveying the parent's opinion.

Client confidentiality is of paramount importance to the function and operation of NEL SENDIASS and this confidentiality is between the client and NEL SENDIASS; the service is established on a trust basis and any breaches of confidentiality would compromise this protocol. NEL SENDIASS operates a confidentiality policy with its client group, assuring parents/young people that any information they discuss with the service, other than that which raises child protection issues, will not be passed to schools, the LEA or any other person without permission. (Anonymised statistical data may be used to monitor and audit service use)

On occasions there may be some LA policies with which individual parents /young people may not agree (for example, inclusion and the role of special schools or the use of out-county placements). In such instances the service will give accurate and neutral information and support to parents about their entitlements and will also explain LA policies fully.

It is important that parents'/young people's perception of NEL SENDIASS is one of a service giving information and support independently from the LA position. In N.E. Lincolnshire this is assisted by both our location and the fact that we are a Barnardo's service but it remains essential that the service gives parents/young people contact information for such bodies as ACE, IPSEA, NAS or other local organisations to enable them to check on the independence of the advice they are being given.

It is equally important that impartiality is extended to working to avoid conflictual models of practice and to actively promote parent-school-Local Authority cultures of partnership with parents, and for the NEL SENDIASS to avoid simply acting as parent/young people advocates.

Approaches to disagreement resolution can be based around reconciling interests rather than resolution based on upholding rights or on the basis of power. Such partnership cultures may help parents, schools and the LEA to avoid the need for conflictual litigation around SEND Tribunal issues.

Despite the best efforts of the service however SENDIASS can be called upon to support parents/young people in preparing for and attending an Independent Appeals Panel (IAP) or First tier Tribunal Special Educational Needs and Disability (SEND). When SENDIASS staff attend an IAP or SEND Tribunal to support parents they do so in the role of a McKenzie Friend and subject to the following conditions:

- all parties recognise that the SENDIASS worker's role is to give independent and impartial information and support to the parent
- the SENDIASS worker's role is not to represent or to be witness for the parents
- the SENDIASS worker's role is not to represent the LA or to interpret its position

The involvement of SENDIASS can help positively to reduce conflictual and adversarial positioning in IAP and SEND settings. This may be seen as desirable by all concerned.

The Team Manager is always happy to discuss any concerns regarding the impartiality of the service with parents or other agencies.

Advocacy Definition

Advocacy means getting support from another person to help you express your views and wishes and help you understand and exercise your rights. IASS do not fulfil the role of statutory advocates - more info here - <https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/legal-rights-to-advocacy/#> nor do they provide legal advocacy as provided by a lawyer.

More information on what we mean by advocacy can be found on the MIND website and in the extract below:

<https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/#.WyJ4mKdKiM9>

An advocate can:

Listen to your views and concerns

Help you explore your options and rights (without pressuring you)

Provide information to help you make informed decisions

Help you contact relevant people, or contact them on your behalf

Accompany you and support you in meetings or appointments.

An advocate will not:

Give you their personal opinion

Solve problems and make decisions for you

Make judgements about you.

The support of an advocate is often particularly useful in meetings when you might not feel confident in expressing yourself.

They can:

Support you to ask all the questions you want to ask

Make sure all the points you want covered are included in the meeting

Explain your options to you without giving their opinion

Help keep you safe during the meeting – for example, if you find the meeting upsetting, your advocate can ask for a break until you feel able to continue.