Office of the Child and Youth Advocate

Direct Advocacy
Individual Advocacy Services
Policy Manual

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Individual Advocacy Services - Policy Manual

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Section 1.1
Overview – How to Use this Manual

The Office of the Child and Youth Advocate (**OCYA**) Individual Advocacy Services Policy Manual is created in a format for young people, their families and communities, **designated services**, advocates, and others to understand how advocacy services are provided.

Additional information about the Office of the Child and Youth Advocate including information about our Advocacy Practice Framework, can be found on our website: https://www.ocya.alberta.ca/

Authority and Responsibilities

The policy outlined in this manual is approved and under the authority of the Deputy Advocate of Direct Advocacy Services.

This manual addresses an individual advocate (advocate) delegated by the Provincial Child and Youth Advocate (the Advocate) to provide advocacy services under the *Child and Youth Advocate Act* (***CYAA***). An advocate is responsible for the actions laid out in this manual unless otherwise noted.

Format of the Manual

This manual includes:

- Policy
- Standards
- Related Legislation
- Related Policies

Acronyms and Terms in **green** can be found in Section 1.6.

Matters Not Addressed in the Manual

The manual is intended to address typical situations. Advocates will consult a Director of Advocacy Services for matters that cannot be determined by:

- An obvious comparison to policy in this manual,
- Professional critical thinking, and/or
- Referencing the Code of Conduct and Ethics for the Public Service of Alberta.

If it is believed following these policy or procedures will result in an ethical or moral challenge, advocates will consult with a Director of Advocacy Services.

Documentation

All activities, determinations, and decisions referred to in this manual that relate to the provision of individual advocacy services to a young person will be documented in the **AIMS** (Advocacy Information Management System) within 5 working days of the action occurring.

Section 1.2
Overview – Overview of the Office of the Child and Youth Advocate

The mandate of the Office of the Child and Youth Advocate (**OCYA**) extends throughout the province of Alberta. We respectfully acknowledge that Alberta is the traditional and ancestral territory of the many Indigenous peoples of Treaties 6, 7, and 8, including the Nehiyaw (Cree), Denesuliné (Dene), Nakota Sioux (Stoney), Anishinaabe (Saulteaux), Niitsitapi (Blackfoot), Îyâxe Nakoda (Stoney), and Tsuut'ina Nations, the Metis Settlements, and the Métis Nation of Alberta

We are honoured to work, live, learn, and play on the lands of those whose ancestors have walked this earth since time **immemorial**.

The OCYA is an independent legislative office that provides advocacy for young people receiving services under the ***CYFEA***, ***PSECA*** and for youth up to the age of 18 years involved with the youth justice system, so that these young people can effectively exercise their **rights**, and have their **interests** and **viewpoints** considered when decisions are made about them.

OCYA Vision

Young people in Alberta succeed in their lives and communities.

OCYA Mission

We stand up for young people.

Section 1.3
Overview – OCYA Values and Commitments

Advocacy Practice Framework

This framework provides an overview of how the OCYA develops, delivers, and supports advocacy and is intended to assist OCYA staff and stakeholders to have a shared understanding of the work of the OCYA. The work of the OCYA is:

- **Principled** – our work is guided by the following values:
  - *Rights-focused*: We are guided by the rights of young people.
    - These rights include their rights as individuals and as members of collectives or groups.
  - *Accountability*: We are responsible for our actions and the actions of the OCYA.
  - *Respect*: We value the feelings, wishes, rights, and traditions of others.
    - We respect the diversity of young people, their families, and the communities that we serve.
  - *Integrity*: We do what we say we will do.

- **Holistic** – we work with young people within the context of their lives. Their physical, mental, emotional, and spiritual well-being is important to us.

- **Relational** – We value our relationships with young people, families, stakeholders, and communities. Through reciprocity, we work hard to build and maintain these relationships.

- **Balanced** – We approach opportunities and challenges with balance. We continuously learn as individuals and as an organization.

CCCYA National Advocacy Standards

These Standards were developed in 2015 by the **CCCYA**, an alliance of Child Advocates from across Canada, and set forth the minimum expected level of service by child advocacy offices. These 9 standards centre young people in all the work of our office, they include, in brief:

- **Clarity of Purpose** – We ensure accurate information related to our scope, limitations, and authority is readily available to the public.

- **Putting Children First** – We consider the views of young people to the maximum extent possible for guidance and are non-judgmental and respectful of their experiences and viewpoints. We advocate for the **best interests** of the young person.

- **Empowerment** – We work to increase the capacity of young people to make choices and transform these into desired actions and outcomes. We strive to enhance young people's knowledge and their understanding of their rights, skills, and strengths to increase self-sufficiency.

- **Equal Opportunity** – We treat every individual in a positive and non-discriminatory manner, considering all aspects of the individual, and their **intersectionality**, including but not limited to their sex, sexual orientation, gender identity, nationality, ethnic origin, race, religion, marital or family status, physical or cognitive disability, culture, and social disadvantage.

- **Accountability** – We are accountable to the young people we serve and are answerable for the full range of responsibilities assigned to us given the public resources, confidential information, and our legislative authority.

- **Accessibility** – We ensure that our premises, publications, service delivery, and outreach initiatives are publicly available throughout Alberta and are accessible to all young people with our mandate to the maximum extent possible.

- **Support for Advocates** – We ensure that young people receive services from staff who are supported in their roles through the provision of ongoing supervision and organizational support, with access to professional development, especially as related to children's rights.

- **Confidentiality** – We keep information confidential that is obtained in the course and performance of our work, except when required to disclose the information by law or in the furtherance of our mandate.

- **Complaints** – We have a publicly available written policy for complaints concerning the provision of our services.

United Nations Convention on the Rights of the Child (UNCRC)

In 1991 Canada ratified this human rights treaty resulting in a legal obligation to ensure the rights of children are implemented and secured. The rights outlined in this treaty are essential to the education and advocacy provided to young people.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

In 2016 Canada endorsed this human rights instrument that affirms the need to respect and promote the rights of Indigenous peoples, both collectively and individually. These rights apply to Indigenous young people we serve as well as their families and communities. These rights are essential to the education and advocacy provided to Indigenous young people by individual advocates.

On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* came into force in Canada.

An Act Respecting First Nations, Inuit and Métis children, youth and families

Enacted in 2020, this federal legislation outlines principles and interests that apply to all Indigenous young people. All employees of the OCYA must understand the principles and responsibilities outlined in this legislation and ensure these principles guide our work with Indigenous young people and their communities.

Truth and Reconciliation Commission of Canada: Calls to Action (2015)

The OCYA acknowledges the legacy of residential schools, including the ongoing impacts on the lives of Indigenous young people, their families, and communities. We are committed to reconciliation and will continue to listen, learn, and actively work as individuals and as an organization to realize reconciliation.

Diversity, Equity, and Inclusion

The OCYA is committed to having a diverse, equitable, and inclusive workplace that:

- Respects and celebrates the diversity of young people, their families, and communities and advances representation in OCYA staff,
- Provides services that promote fairness and justice for young people by acknowledging their experiences related to:
    - Historical and current factors such as oppression, including colonization, and
    - Social, structural, and systemic factors that impact young people, their families, and communities.
- Is welcoming, and respectful, and promotes belonging for young people in our work.

Section 1.4
Overview – Mandate and Scope

Mandate

The *Child and Youth Advocate Act* (**CYAA**) provides the mandate for advocates to work with vulnerable young people in Alberta. The **Advocate** represents the rights, interests, and viewpoints of young people who receive or are seeking designated services. **Designated services** are:

- A service under the *Child, Youth and Family Enhancement Act (**CYFEA**)*, other than adoption (*Part 2*),
- A service under the *Protection of Sexually Exploited Children Act (**PSECA**)*, and
- A service provided to young people in the youth justice system.

The ages of young people we can serve are:

- Birth to 24 years under *CYFEA*, except adoption,
- Up to 18 years under *PSECA*, and/or
- Up to 18 years who are involved with the youth justice system.

Scope

Individual advocates help young people address issues they are having with designated services. The focus of individual advocacy is the designated service, not the young person's family, other professionals, services, or public bodies.

Individual advocates do not provide support and services; when a young person cannot access the support and services they need, advocates can help young people access support and services from designated services.

Matters that are **in the scope** of individual advocacy include issues related to:

- Intervention (child welfare) services, including the Transition to Adult Program (TAP),
- Youth justice services, including probation and custody,
- Secure confinement under *CYFEA* or *PSECA*, and
- Supports for Permanency, after a *CYFEA* s.56 private guardianship order.

Matters that are **out of scope** for individual advocacy include, but are not limited to, issues related to:

- Indigenous Governing Bodies (**IGBs**) who have resumed the provision of child and youth services from the Government of Alberta (**GOA**),
- Supports for Permanency, after adoption,
- Family Support for Children with Disabilities (FSCD),
- Assured Income for the Severely Handicapped (AISH),
- Persons with Developmental Disabilities (PDD), and
- *Family Law Act* matters, including custody and access.

In some circumstances **limited advocacy** can be provided to young people whose issue is not in the scope of individual advocacy, but the young person is involved with designated services in Alberta, these include:

- Young people transitioning from a designated service to an adult service such as AISH or PDD,
- Young people living in Alberta who receive child welfare or youth justice services from another province or territory, and have courtesy supervision/support from an Alberta designated service, or
- Young people not currently in Alberta, who previously received and are seeking to re-access designated services in Alberta.

In these situations, the focus of advocacy is limited to:

- The designated service in Alberta and,
- Providing information and/or helping the young person access advocacy services for the service/program that is outside of our scope.

Individual advocates **cannot**:

- Investigate allegations of abuse or neglect of young people.
- Represent young people or give evidence in any court matter.
- Provide advocacy to young people about decisions made by:
    - Private businesses or entities,
    - Public services, other than a designated service,
    - Parents or guardians, (except when this is a designated service).
- Assist parents or others with issues they are having with designated services, unless the parent is also defined as a young person under the *CYAA*.

Section 1.5
Overview – Delegated Authority

The *Child and Youth Advocate Act* provides the authority for the work of the Provincial Child and Youth Advocate in Alberta.

The Advocate's ability to delegate their powers to others is outlined in *CYAA* s.10. The Advocate may:

- Delegate to a person any power, duty, or function of the Advocate except the power to delegate or to make a report under the *CYAA*.
    - The delegation must be in writing and may contain conditions or restrictions.

For individual advocacy services, the Advocate delegates the required powers and duties to individual advocates.

Individual Advocates

The Advocate delegates individual advocates to perform the following duties as per *CYAA s.9(2) (a, b, e, f, g, and h)*:

- Communicate and visit a young person, their guardian, or other persons.
- Initiate or assist a young person in appealing or reviewing a decision relating to a designated service.
    - This includes the formal dispute resolution processes, appeals, and reviews in *CYFEA* and *PSECA*, but not reviews or appeals in the *YCJA*.
- Participate in processes in which decisions are made about young people.
- Provide public education about the rights, interests, and well-being of young people.
- Conduct research related to improving designated services or addressing the needs of young people.
- Provide information and advice to the government concerning any matter relating to the rights, interests, and well-being of young people.

Section 1.6
Overview – Acronyms and Terms

Persons and Entities

- **The Advocate** – refers to the one individual appointed as the Provincial Child and Youth Advocate under the ***CYAA*** s.2(1).
- **An advocate** or **individual advocate** – refers to a person delegated under ***CYAA*** to provide individual advocacy services.
- **GOA** – Provincial Government of Alberta.
- **Indigenous Community Representative** – A person identified by a First Nation, Métis Settlement, Inuit community, or collective to represent their community concerning young people involved in child welfare or youth justice.
- **Natural advocate** – a person the young person has a substantial connection with, such as a family member or other support, who can and wants to be an advocate for the young person.
- **OCYA** – Office of the Child and Youth Advocate.
- **CCCYA** – Canadian Council of Child and Youth Advocates.
- **Designated services** – are services provided under ***CYFEA***, ***PSECA*** and in the youth justice system.
- **IGB** – Indigenous Governing Body.
- **LRCY** – Legal Representation for Children and Youth.
- **Young Person** – a child or **youth** who falls within the mandate and scope of the **OCYA**.
- **Youth** – a young person aged 15 years and older.

Legislation, Human Rights Instruments, and other Guidance

- ***An Act Respecting*** *– An Act Respecting First Nations, Inuit and Métis children, youth and families.*
- **Beijing Rules** – United Nations Standard Minimum Rules for the Administration of Juvenile Justice.
- **CRPD** – United Nations Convention on the Rights of Persons with Disabilities.
- ***CYAA*** – Child and Youth Advocate Act.
- ***CYFEA*** *– Child, Youth and Family Enhancement Act.*
- ***FLA*** *– Family Law Act.*
- ***FOIPPA*** *– Freedom of Information and Protection of Privacy Act.*
- ***HIA*** *– Health Information Act.*
- ***PSECA*** *– Protection of Sexually Exploited Children Act.*
- **TRC** – Truth and Reconciliation Commission of Canada.
- **UNCRC** – United Nations Convention on the Rights of the Child.
- **UNDRIP** – United Nations Declaration on the Rights of Indigenous Peoples.
- ***YCJA*** *– Youth Criminal Justice Act.*

Other Terms

- **AIMS** – Advocacy Information Management System the online database to document individual advocacy services.
- **Best Interests** – This is an inclusive term referring to all the rights and interests of young people that are outlined in the **UNCRC**, **UNDRIP**, and ***An Act Respecting*** that should be the primary consideration in matters affecting the young person.
- **Immemorial** – Means from a time long ago, before written histories exist. Respectfully acknowledging the First Peoples of Turtle Island (North America) and their rich cultures and traditions that pre-date colonization.
- **Interests** – refers to matters that are of importance to a young person and may differ from what others deem important. May include wishes, hopes, fears, and concerns. These may not be specific to an issue but rather focused on what the young person values and cares about. Includes interests that are important to all young people and are outlined in both legislation and human rights instruments.
- **Intersectionality** – the unique combination of factors that relate to a person's identity (e.g., gender, age, cultural group, etc.) and how these contribute to advantage and discrimination.
- **MOU** – Memorandum of Understanding.
- **Privileged information** – is all information provided in confidence by a young person to an individual advocate. Refers to the legal protection of any information a young person shares in confidence with an advocate.
- **Personal information** – is all information that can identify an individual (young person or third party) and includes but is not limited to their name, date of birth, **designated service** involvement, contact information, school, health, or assessment details.
- **Rights** – refers to all the rights a young person has as both an individual and as a member of a group or collective (e.g., child rights, Indigenous rights, disability rights).
- **Viewpoint** – refers to both the young person's perspective on a matter, and a consideration of a matter from the perspective of the young person, especially on behalf of a young person who cannot articulate or express an opinion.

Section 2.1
Individual Advocacy Approaches – Rights, Interests, and Viewpoints

Policy

Individual advocacy is provided to represent the **rights**, **interests**, and **viewpoints** of young people.

Rights

The rights of an individual or group are an acknowledgment by society that certain interests are important and require recognition and protection. A person's rights enable them to secure protection for their interests, to seek provision related to basic human needs, and to access remedies when their rights are not secured.

Advocates have a broad understanding of rights that could relate to the young person's issue. This includes rights that are held by individuals and by collectives and groups, including children, Indigenous peoples, and persons with disabilities, and includes language rights.

Rights that may relate to the young person's issue with **designated services** include:

- Individual and collective or group rights that are enshrined in human rights instruments and associated guidance, including but not limited to the:
    - United Nations Convention on the Rights of the Child (**UNCRC**) and General Comments,
    - United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**),
    - United Nations Standard Minimum Rules for the Administration of Juvenile Justice (**Beijing Rules**),
    - United Nations Convention on the Rights of Persons with Disabilities (**CRPD**), and
    - Universal Declaration of Human Rights.
- Rights in legislation and regulations, including but not limited to:
    - *An Act Respecting First Nations, Inuit and Métis children, youth, and families*,
    - *Constitutional Act 1982*, including the *Canadian Charter of Rights and Freedoms*,
    - *Alberta Human Rights Act*, and
    - Designated service legislation: ***CYFEA***, ***YCJA***, and ***PSECA***.
- Traditional laws of Indigenous peoples that are unique to each First Nation, Métis Nation and/or Settlement, and Inuit community.
    - These laws may oral, written in the nation or community's language and may or may not yet be litigated.
- Procedural rights and administrative fairness principles.

Interests

A young person's interests are those matters that are important to the young person and may differ from others. Interests may include desires, hopes, fears, and concerns that need to be considered when decisions are made about young people. They may not specifically relate to the young person's issue but focus on what the young person values and cares about and/or on interests that are important to all young people.

Advocates understand the young person's interests by:

- Exploring what is important to the young person and why, including their thoughts, wishes, and feelings,
- When a young person cannot express their thoughts, wishes, and feelings, speaking with others who understand the young person's interests and are aware of what is important to the young person,
- Considering interests included in legislation such as:
    - ***An Act Respecting*** – Primary considerations and factors to be considered,
    - *CYFEA* – Matters to be considered, and
    - *YCJA* – Principles.

Viewpoints

The young person's viewpoint includes both the young person's point of view on an issue and considering the issue from the young person's perspective.

Advocates understand a young person's viewpoint by:

- Seeking the young person's point of view directly from the young person, whenever possible and/or
- Considering the issue and situation from the young person's perspective, which includes:
    - Meeting the young person, whenever possible,
    - Understanding the young person's **intersectionality**, and how this relates to the issue, and
    - Focusing on how the issue affects or impacts the young person.

Representing Rights, Interests, and Viewpoints

An advocate's approach to representing rights, interests, and viewpoints will vary depending on whether the young person can direct the advocacy, and whether the young person can express a point of view.

The goals of individual advocacy can focus on:

- Process – such as a young person participating in decisions and expressing a preference, or having relevant information considered by designated services, and/or
- Outcome – such as securing access to basic needs (housing, clothing, food), education, health care, and/or cultural connection.
    - This can mean the provision of an item, support, or service, but not necessarily the young person's preferred item, support, or service.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 3.7 Advocacy Strategies

Section 2.2
Individual Advocacy Approaches – How We Work with Young People

Policy

Individual advocacy is provided in one of three ways:

- Taking direction from the young person,
- Representing the young person's **rights**, **interests**, and expressed **viewpoint**, or
- Representing the young person's **rights**, **interests**, and **viewpoint**.

Taking Direction from the Young Person

Advocates will take direction from a young person unless there are factors that indicate this is not possible. Taking direction is a strengths and rights-based approach that means the young person and the advocate work in partnership, with the young person deciding on what issues they want to address. The following table identifies the key roles and responsibilities of this approach.

Young Person	Advocate
Identifies the issues they want to resolve	Determines if the issues are within scope and mandate
Describes what could work better related to the issue	Helps the young person understand their rights and entitlements related to the issue
Decides what information an advocate should access and from whom	Helps the young person understand the designated services system and the access to information policy and legislation
Participates in developing and deciding on the strategies they want to implement to address the issue(s)	Helps the young person understand the benefits and challenges of potential strategies and any limitations
Participates in decision-making related to the issue and advocacy process	Ensures the advocacy process aligns with the OCYA guiding principles and policy
Attends related conversations with designated service providers, when possible	Supports the young person's participation or acts on the young person's behalf at the young person's request

Rights, Interests, and Expressed Viewpoint

This approach is used when a young person can express a point of view on the issues and articulate some of their interests but cannot direct the advocacy. In this approach, the advocate identifies the issues and determines strategies by:

- Communicating with the young person and ensuring the advocate considers the young person's interests and the young person's thoughts, wishes, and feelings on the issues.
- Communicating with others who have information related to the young person and the potential issue(s). This could include:
    - Family members and caregivers,
    - Designated service providers,
    - Community members or representatives, and
    - Professional and community support.
- Considering and ensuring designated services consider:
    - The young person's rights that relate to the issue,
    - The young person's thoughts, wishes, feelings and interests, and
    - What the young person is entitled to and should expect from designated services.

Rights, Interests, and Viewpoint

This approach is used when a young person is unable to express a point of view or articulate their interests. In this approach, the advocate identifies the issues and determines strategies by:

- Communicating with others who have information related to the young person and potential issue(s),
- Considering the young person's rights and interests as they relate to the issue(s),
- Meeting the young person and understanding their day-to-day lives and **intersectionality**, and considering the issue from the young person's perspective, and
- Considering what the young person is entitled to and should expect from designated services.

Factors to Consider Before Not Taking Direction

Advocates make every effort to ensure young people can direct the advocacy, whenever possible. Before deciding that a young person cannot provide direction, the advocate must consider whether:

- All means of communicating with the young person have been explored and/or accommodated, including adapting to, and understanding communication styles for:
    - Young people with cognitive challenges,
    - Young people who have experienced trauma, and
    - Younger children.
- The young person has developed communication skills,
    - For young people 6 years old and younger it is assumed they will not be able to direct the advocacy efforts; however, many will be able to express a point of view and may be able to articulate their interests, both of which must be considered.
- The young person is experiencing challenges due to mental illness, emotional well-being, or substance use and may be able to provide direction intermittently.
- The complexity of the issue is beyond the young person's developmental abilities and/or awareness.
- The young person can:
    - Identify what they would like to be different,

  - Choose an advocacy strategy, and/or
  - Participate in the implementation of the strategy.

A lack of accommodation for, or not understanding the method the young person uses to communicate are not reasons to not take direction. The onus is on the advocate to accommodate the young person's communication needs.

Hybrid Approaches

There may be circumstances when a young person can direct advocacy efforts for one issue and not another. This could result when the young person has more than one issue and there are varying complexities related to each issue.

Evolving Capacity

In all circumstances where a young person is not directing the advocacy efforts, advocates must regularly consider the young person's evolving capacities and whether the young person may now be able to direct the advocacy efforts. This should include the young person's:

- Developmental stages,
- Cognitive changes,
- Emotional and mental wellness,
- Increased access to information,
- Learning and participation opportunities, and
- Increased understanding of the issues.

Related Policy

- 1.3 OCYA Values and Commitments
- 2.1 Rights, Interests and Viewpoints
- 3.5 Commencing Advocacy
- 3.6 Advocacy Issues
- 3.7 Advocacy Strategies

Section 2.3
Individual Advocacy Approaches – Communicating with Young People and Others

Policy

To provide quality advocacy services to young people, advocates need to communicate directly with young people and others. This communication should:

- Occur in the way the young person prefers, whenever possible,
- Be private and confidential,
- Consider the health, well-being, and safety of all parties, and
- Not negatively affect the young person's relationships with **natural advocates**.

Direct Communication with Young People

For young people who have a direct means of communication (landline, mobile phone, email, etc.) and/or can communicate in person, an advocate will:

- Communicate with the young person via the method the young person prefers, and
- Limit communications via methods that do not ensure the young person's privacy and confidentiality, including:
    - Minimizing the sharing of **personal** or **privileged** information by email, voicemail, or other means that third parties can access.

If a young person requests the advocate relay information through a third party, the advocate will:

- Discuss the potential risks to the young person's privacy and confidentiality in a way the young person can understand,
- Minimize the sharing of confidential information with the third party, and
- Regularly discuss whether the young person has or prefers a different means of communication.

Accommodation

The onus is on the advocate to communicate with a young person in a way the young person can both communicate and understand. Advocates will:

- Seek to understand and learn how the young person best communicates their thoughts, wishes, and feelings,
- Accommodate the pace and mode with which the young person communicates, and
- When required, arrange interpretation services.

In-Person Communication

Advocates meet with young people in places where the young person feels comfortable and in places where **designated services** are provided, including but not limited to young people's homes, community agencies, and designated service offices. Advocates may also meet with young people in courthouses to facilitate conversations with designated service providers. Advocates do not provide advocacy in court.

Before meeting with a young person, in-person, the advocate will ensure:

- The young person wants in-person contact with the advocate,
- The young person has chosen or agreed to the location of the contact,
- The young person is aware of any privacy considerations due to the location,
- The young person is aware that any person who is responsible for their whereabouts, such as a parent/guardian or caregiver, may need to know or may find out about the contact, and
- That in-person contact is safe for the young person and advocate.

In circumstances where a young person cannot express an opinion, before having in-person contact with the young person, the advocate will consider:

- The young person's safety, well-being, and dignity,
- The young person's privacy, and
- Any concerns or considerations raised by the young person's caregiver and/or guardian.

Concerns and Denials of Access

If a third party has concerns about or denies access to a young person, the advocate should:

- Seek to understand the concerns,
- Answer questions the third party may have about individual advocacy approaches and processes,
- Explain the advocate's role including:
    - Scope, mandate, and delegated authority,
    - What an advocate can and cannot do, and
    - The benefits of advocacy for a young person.

If the third party continues to deny access and the young person is:

- In the care or custody of a designated service, work with the designated service providers to arrange access.
- In the care or custody of their parent or guardian, determine if there are other ways to communicate with the young person that:
    - Respect the young person's privacy,
    - Respect the young person's right to access advocacy services, and
    - Consider potential impacts on their relationship with their parent/guardians.

Communication with Others

For young people who do not have a direct means of communication with an advocate, the advocate will:

- Arrange opportunities for direct communication with the young person through a third party, such as a caregiver, and
- Not share any confidential or privileged information with the third party, if the young person is directing or will likely direct the advocacy efforts.

When communicating with third parties, advocates should:

- Explain the advocacy role and mandate of the **OCYA** and,
    - When necessary, explain the legislative authority to collect information.
- Explain the limitations of sharing information with third parties due to confidentiality and privilege.
- Clarify the information they are seeking and whether the young person is aware.
- Explain that they should not access or review information unrelated to the advocacy being provided.

In the event an advocate receives unsolicited information, they will advise the third party that they will:

- Share the information with the young person, or
- Assist the young person to access the information if it is relevant to the young person.

Written Communication with Designated Services

Advocates must follow information security policies when communicating via email and text with young people and designated service providers.

If a young person is directing the advocacy, the advocate's communication with designated services should be part of the advocacy strategies. Young people should be aware of, and if possible, agree to and be copied in, on any communications between the advocate and a designated service provider.

If a young person wants their personal or privileged information to be shared in writing with a designated service provider, it is best practice to:

- Support the young person to write a letter or send an email in their own words, from their email address and/or under their signature, or
- Help the young person deliver the letter in person or have the advocate scan and send the communication via email on the young person's behalf.

Written Communication with Third Parties

When a young person wants the advocate to share information with a third party, other than a designated service provider, the advocate should:

- Understand the purpose of sharing the information,

- Consider if sharing the information relates to the advocacy being provided and falls within the mandate and scope,
- Discuss the potential risks to the young person of sharing the information,
- Encourage the young person to share the information themselves, and
- If the advocate cannot share the information explain the reasons to the young person.

Standard

- After assignment, an advocate must meet with a young person in person or virtually within 45 working days, unless the young person does not wish to meet with the advocate.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.2 How We Work with Young People
- 2.3 Communicating with Young People and Others
- 2.4 Managing Personal and Privileged Information
- 3.8 Dispute Resolution Processes

Section 2.4
Individual Advocacy Approaches – Managing Personal and Privileged Information

Policy

An advocate can collect information from a young person and about the young person when it relates to the provision of advocacy services. **Personal** and **privileged** information must be kept confidential and can only be disclosed when necessary and allowed by legislation and policy.

Child and Youth Advocate Act

The ***CYAA*** outlines the authority of individual advocates to collect, keep confidential, and/or disclose (or not) information. This authority includes:

- Advocates can gather personal and health information necessary to provide advocacy services (*s.13*),
- Advocates cannot give or be compelled to give evidence in any matter, except in limited circumstances (*s.17*), and
- All information provided in confidence by a young person to an advocate is privileged and cannot be disclosed without the young person's consent (*s.20*).

Other Guiding Legislation

Advocates must know how the following legislations govern the collection and disclosure of information regarding a young person receiving advocacy services.

- *Freedom of Information and Protection of Privacy Act (**FOIPPA**)*
    - Defines personal information and how public bodies, including the **OCYA** may use and must protect this information.
    - Advocacy services client files are exempt from disclosure under *FOIPPA* (*s.4(1)(d)*).
- *Health Information Act (**HIA**)*,
    - Describes health information and how it may be used and must be protected.
- ***CYFEA***, ***PSECA***, and ***YCJA***.

Accessing Information

Advocates have the authority to gather information that relates to the young person's advocacy issue and the development and implementation of advocacy strategies.

When a young person can direct the advocacy efforts, advocates should limit gathering information from sources other than the young person (ex. Designated services staff, caregivers, family members, or written documents), until the advocate:

- Has confirmed the issue(s) the young person wants assistance with,

- Understands any concerns the young person has with gathering information from other sources, and
- Assists the young person in understanding the purpose for gathering information from sources the young person may be concerned about, when this is deemed necessary to address the advocacy issue.

Privileged and Personal Information

Privileged information is all information provided in confidence by a young person to an individual advocate.

Personal information is all information that can identify an individual (young person or third party) and includes but is not limited to their name, date of birth, designated service involvement, contact information, school, health, or assessment details.

Duty to Inform

When providing advocacy services to a young person an advocate must inform the young person:

- That information shared by the young person is confidential and privileged,
- How their information will be used, and
- The situations in which their information could be disclosed without their consent.

Taking Consent

Before sharing a young person's information with any party for the purposes of advocacy, the advocate must ensure that the young person consents to sharing their information. This includes both personal and privileged information.

Before accepting the young person's consent, the advocate must confirm the young person:

- Knows:
  - The purpose of sharing the information,
  - The specific information that will be shared, and
  - Who will receive the information and when.
- Understands:
  - The possible consequences of sharing or not sharing the information.
- Is aware that:
  - They can restrict the information that is shared, and
  - Once shared, it may be difficult to limit who else has access to the information.

Young People Unable to Consent

If a young person cannot consent, the advocate cannot share the young person's privileged information except for the young person's **viewpoint** and expressed **interests** including their thoughts, wishes, and feelings about the issue.

When advocacy services exceed three months, an advocate will:

- Regularly consider the young person's evolving capacities and ability to consent.

Reporting Obligations

There are two circumstances where an advocate must share information that may be privileged. Advocates will first encourage the young person to share the information with the appropriate authority. If the young person is unwilling to share or provide their consent to share the information, the advocate will report the information. The two situations arise if:

- A young person is believed to need intervention services (is at risk of harm or danger) this information must be reported to the director under *CYFEA* s.4. Or,
- There is a substantial risk of harm to a person or persons, and the disclosure of the privileged information could prevent the harm, this information must be reported to the police or persons who are the subject of the intended harm.
    - Individual advocates are not required to report crimes that have been committed or that are planned, if these are shared with an advocate in confidence by a young person (except as above).
        - Advocates discourage young people from sharing this type of information, as it is not necessary to provide advocacy services.

If a Young Person Requests Access to their File

If a young person wants to access their advocacy services file information, the advocate will:

- Seek to understand what information the young person wants and why this is important to them,
- Advise the young person that an advocacy services file cannot be accessed by any party, however a summary of involvement can be shared if the information:
    - Relates to the advocacy services provided,
    - Communications between the advocate and the young person, and
    - Does not contain third-party information or information that is in the care and control of a designated service.
- Advise the young person how to request access to designated services file information, if that is what they are hoping to access.

Third-Party Requests for Information

Advocacy services file information is protected and cannot be accessed by any party, including parents, caregivers, lawyers, or designated service staff.

The following may be shared unless information from the young person, therapeutic professionals, and/or designated services indicates there may be an adverse effect on the young person by doing so:

- Whether or not an advocate has been assigned to a young person, and
- Whether advocacy has been concluded.

Advocates cannot share:

- Information shared with them in confidence, without the young person’s consent.

- The young person's personal information, such as the young person's location, contact information, legal status, and school, with any party except when required by legislation and policy.
- Information obtained from designated services.
    - Advocates will help young people access information from designated services related to the young person's issue.
    - All other parties must seek information directly from designated services.

Related Policy

- 1.5 Delegated Authority
- 2.10 Complaint Process

Section 2.5
Individual Advocacy Approaches – First Nations, Métis, and Inuit Young People

Policy

Individual advocacy is provided in a manner that:

- Recognizes and honours a young person's Indigeneity,
- Respects the diversity of Indigenous peoples (First Nations, Métis, and Inuit) and communities,
- Respects the inherent right and ability of Indigenous peoples to make decisions about and care for their children, families, and communities,
- Respects the legislation, laws, and languages that guide the care and decisions for Indigenous children, families, and communities, and
- Recognizes the individual and collective **rights** that young people hold as children and as Indigenous peoples.

When providing advocacy to Indigenous young people, advocates must be aware of:

- A young person's indigeneity and the Indigenous community or communities with whom the young person is or could be connected, including:
    - Understanding the young person's relationship with their family, community, language, and land.
- Whether a young person is or soon will transition to the authority of an **IGB** that is enacting a law that replaces a **designated service** law, including:
    - Ensuring the young person is aware of the transition and that advocacy will not continue when a young person is under the authority of an IGB, and
    - Recognizing that during the period of transition decision-making most often becomes shared between designated services and the IGB, and that advocacy will be limited to designated services.

An Act Respecting First Nations, Inuit and Métis children, youth and families

The *Act Respecting* establishes minimum national standards for Indigenous young people. Designated services under ***CYFEA*** and ***PSECA*** must comply with these standards:

- Best Interests of an Indigenous Child (*s.10*),
- Provision of Child and Family Services (*s.11-15*),
- Placement of an Indigenous Child (*s.16*), and
- Attachment and Emotional ties (*s.17*).

Advocates will ensure that Indigenous young people are aware of their rights and **interests** and that these guide the advocacy for young people. In addition to the **best interests** of the Indigenous child, advocates will focus on the rights and interests in the following sections:

- Cultural continuity (*s.9(2)*), and
- Substantive equality (*s.9(3)*).

Indigenous Community Involvement

Indigenous young people involved with designated services can have complicated relationships with their families, communities, and designated services. Advocates recognize that this is a direct result of colonization, including the over-involvement of designated services in the lives of Indigenous young people, families, and communities, and the impacts of intergenerational trauma.

Advocates use trauma-informed and strengths-based approaches to working with young people and are aligned with the young person.

Indigenous Community Representative

Advocates encourage young people to involve a representative from their Indigenous community in decisions related to their designated services involvement.

If a young person does not want an advocate to contact a representative of their Indigenous community, the advocate will:

- Seek to understand:
    - The young person's concerns, and
    - The young person's connection, or not, to their Indigenous community.
        - When a young person has limited information about their community, advocates will provide or help a young person seek accurate information about their community, whenever possible.
- Determine if the advocate has a legislated requirement to involve the Indigenous community.
    - When notification or involvement is required, the advocate will advise the young person and involve them in how this occurs.

Designated Services

If a young person, or a third party on behalf of a young person, wants advocacy to stop a designated service from involving the young person's Indigenous community, the advocate will:

- Seek to understand the young person's or third party's concerns,
- Provide information on ***An Act Respecting***, and the young person's Indigenous community's status as an **IGB**, if applicable,
- Assist the young person in addressing their concerns with the designated service provider, or
    - Direct the third party to the designated service provider who can address their concerns.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope

Section 2.6
Individual Advocacy Approaches – Young People, Parents, and Guardians

Policy

Individual advocacy is provided in a manner that respects the importance of family. For many young people, their parents are their first and most important **natural advocates**. Several of the **rights** that young people hold are connected to the rights of their parents, guardians, and family. These rights include, but are not limited to:

- The importance and respect of the responsibilities, rights, and duties of parents, guardians, and extended family or community to provide direction and guidance to the young person (**UNCRC** Article 5).
- The recognition that both parents have common responsibilities for the upbringing and the development of the young person and that the state should render assistance when needed (UNCRC Article 18).
- The importance of the parent's responsibilities related to a young person's physical, mental, spiritual, moral, and social development (UNCRC Article 27).

There are times when young people seeking or receiving **designated services** are in their parents' care and/or guardianship, and their parents retain the rights and responsibilities highlighted above. When these young people have issues with designated services, they are also in the scope and mandate of individual advocacy. Whenever possible, it is hoped that the young person's parent or guardian will act as their natural advocate to address the issues the young person has with designated services.

There are times when parents/guardians cannot be their child's advocate for a variety of reasons. It is common for young people and their parents/guardians to have different perspectives and opinions about a range of matters. When these differences relate to the involvement and/or decisions of designated services, it is challenging for parents to be the young person's natural advocate. When issues arise with designated services, it is important that:

- Designated services hear both the young person's and the parent's perspectives.
- The young person and the parents know their rights, including procedural rights related to the issue.
- Support and assistance be provided to the young person and the parent/guardian.

When an advocate is involved in these situations, their role is limited to:

- Working with the young person and representing the young person's **rights**, **interests**, and **viewpoint** concerning the issue,
    - Including discussing process and/or provision outcomes and limitations.
- Respecting that parents' rights and perspectives should be considered by designated service providers.

- Providing information about the advocate's role, scope, mandate, and limitations to the parent/guardian.

Young People who are Parents

There are times when young people receiving designated services are also parents. These young people, like other parents are their child's natural advocate. However, young parents who have their own designated services involvement often find their parenting under increased scrutiny and may find that there is an overinvolvement of designated services in the lives of their child(ren), compared to their peers.

When young people who are in the scope of individual advocacy services have issues as parents related to designated services, an advocate can be assigned to help them address issues that relate to their rights, interests, and viewpoints as parents. Young parents can expect the same quality of advocacy, including privacy and confidentiality as any other young person receiving advocacy services.

In these situations, advocates will ensure the young person and designated services are aware that the advocate's role is limited to assisting the young person with decisions being made about them by designated services. If the parent believes there are issues related to decisions being made about their child, this information will be screened to determine if there is a role for an advocate for their child.

If a Parent/Guardian does not want an advocate involved

Young people who have issues with designated services and are within the scope and mandate of individual advocacy have a right to advocacy services under the ***CYAA***. Advocacy service will be provided in the manner outlined in this policy and will be respectful to all parties involved with the young person.

If a parent/guardian has concerns about advocacy services involvement with their child and cannot resolve these with the assigned advocate, they can elevate their concerns to an Advocacy Services Director.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.2 Rights, Interests and Viewpoints
- 2.4 Managing Personal and Privileged Information

Section 2.7
Individual Advocacy Approaches – Independent or Disconnected Youth

Policy

Advocates often work with **youth**, who are young people aged 15 years and older. Some youth that advocates work with are adults. Others live independently or identify as living independently and/or are considered unhoused. These young people often make their own day-to-day living decisions by choice or circumstances. This group of young people includes:

- Young people who are living in their own homes, without a caregiver,
- Young people who are adults and do not have a guardian or co-guardian, and
- Young people living away from the care and custody of caregivers, parents, or guardians for extended periods, including those who are unhoused, houseless, and/or staying in a shelter.

Advocates will take direction from youth about the advocacy services provided unless there are exceptional circumstances. Advocates will also respect the youth's agency, which includes trusting the young person can and will:

- Decide whether they want in-person contact with an advocate,
- Determine if they want to be transported by an advocate, if they do not have an alternative means of transport, and
- Inform any person(s) who needs to know about their whereabouts or activities.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.2 How We Work with Young People
- 2.3 Communicating with Young People and Others
- 2.8 Transporting Young People

Section 2.8
Individual Advocacy Approaches – Transporting Young People

Policy

Young people should participate in decision-making and planning, whenever possible. Young people have a range of communication styles and many express themselves best when they meet others in person. Young people seeking and receiving **designated services** can also experience barriers and challenges related to transportation, mobility, privacy, and confidentiality.

Advocacy with young people includes:

- Conversations with young people,
- Conversations with designated service providers,
- Processes where decisions are made about young people.

Before Transporting a Young Person

Whenever possible, young people are encouraged to seek transportation from caregivers and service providers or use public transportation if available and appropriate for the young person. When these transportation options are unavailable, an advocate may provide transportation to the young person.

Before transporting a young person, the advocate will ensure:

- There are no known safety risks to the young person or the advocate,
- The young person is aware that any person who is responsible for their whereabouts, such as a parent, guardian, or caregiver, may need to know about the transportation,
- They are aware of and abide by all related laws, policies, and regulations, and
- The vehicle used to transport the young person has the required insurance,
    - Including understanding the insurance implications related to using a personal or fleet vehicle.

Young People in the Custody of a Parent or Guardian

Before transporting a young person, who lives with their parent or guardian, the advocate will:

- Discuss the need to advise the parent or guardian of the planned transportation with the young person, and
- Confirm that the parent or guardian supports the transportation of the young person.

Independent or Disconnected Youth

When an advocate is working with a **youth** who makes their own day-to-day living decisions and/or is an adult, the advocate will:

- Plan transportation directly with the young person,

- Trust the young person will advise any parties who may need to know about the young person's whereabouts.

Related Policy

- 2.2 How We Work with Young People
- 2.3 Communicating with Young People and Others
- 2.4 Managing Personal and Privileged Information
- 2.7 Independent or Disconnected Youth

Section 2.9
Individual Advocacy Approaches – Working with Lawyers and Other Professionals

Policy

Individual advocates often work with young people who have active involvement with professionals, other than **designated services**. This can include but is not limited to lawyers, therapists, teachers, and community advocates. At times, these professionals may be advocating for or involved with the young person about the same issues as the advocate.

Individual advocacy is provided in a manner that respects the young person's relationships with other professionals.

Before communicating with other professionals, the advocate will:

- Determine if communication is necessary to gather information and/or develop strategies related to the young person's issue, and
- Discuss any potential communication with a young person directing the advocacy and respect the young person's direction if they do not want the advocate to communicate with professionals other than designated service providers.

When communicating with other professionals, the advocate will:

- Provide information related to the role of the advocate and the advocacy approach, including the limitations the advocate has in sharing or receiving information,
- Only request information related to the issue, and when necessary, advise of the advocate's authority to gather information,
- Respect and seek clarification on the professional's role and their ability to share or deny information (e.g., privilege and legal representation),
- Determine if the information shared has been or can be shared with the young person and if not, help the young person access the information directly.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.5 Delegated Authority
- 2.3 Communicating with Young People and Others
- 2.4 Managing Personal and Privileged Information

Section 2.10
Individual Advocacy Approaches – Complaint Process

Policy

Individual advocacy is provided to and for young people. The young person is the advocate's client, and young people need to have confidence in and feel comfortable with their assigned advocate.

When an advocate explains their role to a young person, they must let the young person know:

- The importance of the young person feeling comfortable and confident in the advocate,
- That the advocate is open to any feedback and concerns the young person has about the advocate or advocacy services, without reprisal,
- That the advocate has a supervisor and how the supervisor can be contacted, and
- That a young person can request another advocate anytime during advocacy.

Response to Complaints and/or Requests for a Change in Advocate

Concerns raised by young people and/or third parties are responded to respectfully, promptly, and follow policy.

Requests for new advocates or complaints about advocacy services from young people or third parties are addressed by the advocate if the young person is comfortable with this option.

If the matter is not resolved at the advocate level, requests and complaints will be directed to an Advocacy Services Director who will:

- Follow the OCYA Complaints Policy (available on the OCYA website), or/and
- Review requests to assign a different advocate to the young person, considering:
    - Whether the young person wants a different advocate.
    - Confirming the issue the young person or third party wants to be addressed is within **OCYA** mandate and scope.
    - How a young person who cannot give an opinion will be affected by a change.
    - Whether there are exceptional circumstances.

Standard

- When a complaint has been raised to an Advocacy Services Director, they will acknowledge receipt of the complaint within 2 working days and advise the complainant when they can expect a response.

Related Policy

- 1.3 OCYA Values and Commitments
- 2.3 Communicating with Young People and Others
- 2.4 Managing Personal and Privileged Information

Section 3.1
Individual Advocacy Process – Overview
Page 1 of 1

Individual advocacy at the **OCYA** is a professional issue-based advocacy service for young people offered at no cost to them.

Issue-based advocacy is focused on actively working with or on behalf of a young person to resolve a particular issue or issues with **designated services**, relating to the young person's **rights**, **interests**, and **viewpoint**.

Individual advocacy:

- Recognizes the young person's **intersectionality** and ensures the young person and others are informed of the rights that apply to the young person's situation.
- Respects a young person's valued relationships, including with **natural advocates** such as their family and community members.
- Focuses on acceptance of the young person and uses strength-based and trauma-informed approaches when working with young people.

Whenever possible:

- Advocates meet in person with young people, unless the young person prefers another method of communication.
- The young person decides on the issues they want help with and the solutions they would like to see.
- The young person participates in strategies, conversations, and decisions affecting them.

Stages of Individual Advocacy Services:

- Referrals
    - Notifications to the OCYA
- Assignments
- Commencing Advocacy
- Advocacy Issues
- Advocacy Strategies
    - Dispute Resolution Processes
- Reviewing Advocacy
- Concluding Advocacy

Section 3.2
Individual Advocacy Process – Referrals

Policy

Anyone can request advocacy services for a young person. Referrals directly from young people are given a priority response.

Referrals are responded to by an intake worker who communicates directly with the referral source to understand the nature of the referral.

Information Gathering During Referral

The following information may be gathered to determine if the young person and their issue(s) are within the scope and mandate of the individual advocacy services:

- The young person's **personal** information including their name, pronouns, date of birth, contact details, and Indigeneity, if applicable,
- The young person's views on the issue and referral, when possible,
    - For young people 12 years old and over, these are sought directly from the young person whenever possible during the screening process.
- The referral source's name and their contact details,
    - These are kept confidential and not disclosed without the consent of the referral source.
- Whether the young person is receiving or seeking to receive a **designated service**,
- The nature of the issue(s) that the young person or referral source identifies,
- If the young person has a **natural advocate**,
- If there are safety or other factors an advocate should consider, and
- Whether the young person requires accommodations to communicate with others.

Individual advocacy respects the jurisdiction of **IGBs**. If a young person is Indigenous, gather information to determine:

- The Indigenous community with whom they are or could be connected, and
- Whether the young person is or could be under the authority of an IGB that has enacted their own legislation.

Referral Outcomes

Referrals are responded to promptly, especially when there are recent or upcoming decisions impacting the young person.

As soon as the intake worker has enough information to determine the next steps they will:

- Recommend assignment and forward the Screening to an Advocacy Services Director, or
- Close the referral as a Screening or General Inquiry, depending on whether the young person is receiving or seeking designated services.

- For referrals that close, the referral source is provided with information about supports and services that may help the young person and/or referral source.

Standard

- Referrals are responded to within 1 working day.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 1.5 Delegation of Authority
- 2.2 Rights, Interests and Viewpoints
- 2.4 Managing Personal and Privileged Information
- 3.4 Assignments

Section 3.3
Individual Advocacy Process – Notifications to the OCYA

Policy

There are times when the **OCYA** receives notifications from **designated services** that relate to the young person and/or their experiences in care or custody. These include notices that:

- A young person receiving intervention services disagrees with a significant decision,
- A young person receiving intervention services has unmet needs,
- Third parties have strong competing points of view related to a young person who is receiving intervention services,
- A young person has been abused in care, or
- Oleoresin capsicum (OC) spray has been used on a young person in custody.

New Referrals

When a notification is received, it is screened by an intake worker in the same manner as other referrals and closed or forwarded for assignment as per policy.

Open Individual Advocacy Files

When a notification is received and an advocate is already assigned to the young person, the advocate is advised of the notification. Upon reviewing the notification, the advocate will determine if:

- The young person, and others if applicable, are aware of the notification to the OCYA,
- The young person's **rights**, **interests,** or **viewpoint** have been impacted and/or considered concerning the circumstances of the notification, by:
    - Speaking with the young person, and/or
    - Reviewing information related to the situation on behalf of a young person.
- There is an issue that should be addressed on behalf of a young person, or that the young person wants to be addressed related to the notification.

If a new issue is identified, proceed as per policy. Otherwise, the advocate does not have a role in the circumstance related to the notification.

Related Policy

- 2.2 How We Work with Young People
- 2.3 Communicating with Young People and Others
- 3.2 Referrals
- 3.4 Assignments
- 3.6 Advocacy Issues

Section 3.4
Individual Advocacy Process – Assignments

Policy

Individual advocacy looks for ways to help young people address issues they are having with **designated services**. We recognize that the lives of young people are improved when their **rights** are secured, their **interests** and **viewpoints** are considered, and they participate in decisions and planning about their lives.

Young people can be assigned to an advocate if:

- They are receiving or seeking to receive a designated service.
- They have an advocacy issue that:
    - Impacts their rights, interests, or viewpoints, and
    - Is within the scope and mandate of individual advocacy services.
- They do not have a **natural advocate** who is capable and willing to assist them.

If a young person does not want to work with an advocate, we respect their decision. We also let them know they can contact us in the future if they change their mind.

All recommendations to assign an advocate are reviewed by an Advocacy Services Director and are either:

- Assigned to an advocate,
- Sent back to the intake worker for further clarification of the screening information, or
- Closed if:
    - The issue or the young person is outside of the scope and mandate of individual advocacy services,
    - The referral relates to a third party's issue, not that of a young person,
    - Advocacy has previously been provided and nothing substantive has changed, and/or
    - There is no way to contact the young person.

Standard

- Recommendations to assign an individual advocate are responded to within 2 working days.

Related Policy

- 1.4 Mandate and Scope

Section 3.5
Individual Advocacy Process – Commencing Advocacy

Policy

Individual advocacy starts with the young person and is guided by the young person's **rights**, **interests**, and **viewpoint**.

Whenever possible, advocates start the advocacy process by communicating directly and privately with the young person. The advocate needs to:

- Explain the following in a way that works well for the young person:
  - How an advocate can help, and any limitations,
  - Privacy, confidentiality, **privilege**, and limitations,
  - The young person's rights,
  - That the advocate has a supervisor and what the young person can do if they are dissatisfied with the advocate or advocacy, and
  - That the young person can decline advocacy involvement at any time.
- Understand who the young person is and what is important to them.
- Whether the young person wants advocacy, and if so, what the young person wants help with.
- How the young person wants to and/or can participate in the advocacy.

If an advocate cannot start the advocacy process directly with the young person, the advocate will start the process by communicating with people who are best positioned to know the young person's interests and viewpoint about the issues affecting them.

Standard

- An advocate will commence advocacy within 5 working days after assignment.

Related Policy

- 1.5 Delegation of Authority
- 2.2 How We Work with Young People
- 2.3 Communicating with Young People and Others
- 2.4 Managing Personal and Privileged Information
- 2.8 Transporting Young People
- 2.10 Complaint Process
- 3.4 Assignments

Section 3.6
Individual Advocacy Process – Advocacy Issues

Policy

Individual advocates provide issue-based advocacy. Advocacy can be provided when the issue relates to:

- **Designated services**, and
- The young person's **rights**, **interests**, or **viewpoint**.

Potential Issues

Issues can be identified by a young person, third parties who know the young person, or an advocate. However, if an issue is not identified by a young person or is identified during the screening process, it is considered a potential issue until:

- A young person directing the advocacy:
  - Confirms whether it is an issue for them,
  - Confirms whether they want an advocate's help with the issue, and
  - The advocate confirms the issue falls within scope and mandate.
- The advocate confirms the issue for a young person not directing the advocacy, by:
  - Verifying the issue is within scope and mandate.
  - Understanding the young person's viewpoint and interests that relate to the issue.
  - Speaking to and reviewing relevant information from third parties who know the young person.
  - Considering:
    - The young person's rights, interests, and viewpoint,
    - The potential consequences of addressing the issue, or not, and
    - Whether it is an issue for the young person.

Confirmed Issues

Issues can be identified at any point during the individual advocacy process from screening to reviewing advocacy. After commencing advocacy, when a young person or an advocate, on behalf of a young person, identifies an issue, this issue is considered a confirmed issue and becomes part of the advocacy services being provided.

Closed Issues

An issue is considered addressed and closed when one or more of the following occurs:

- The young person decides the issue is addressed.
- The young person no longer wants to focus on the issue.
- The young person cannot be contacted and/or located.
- The young person is no longer in contact with the advocate.
- The potential issue is not an issue for the young person.

- The advocate has ensured that designated services have addressed the issue by:
  - Meaningfully considering the young person's viewpoint and interests,
  - Securing the young person's rights, and
  - Considering all the information relevant to the issue.
- Multiple efforts to address the issue with the designated service have been unsuccessful.

Systemic Issues

There are times that advocates will notice or hear about issues that:

- Affect more than one young person or specific groups of young people,
- Are new or emerging, and/or
- Relate to the application of a practice or policy.

When an advocate observes issues of this nature, they will:

- Determine whether others are observing similar issues,
- Determine whether the issue is being tracked by the **OCYA**,
- Gather information that may help understand the issue or the scope of the issue, and
- Advise an Advocacy Services Director.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.1 Rights, Interests and Viewpoints
- 3.7 Advocacy Strategies

Section 3.7
Individual Advocacy Process – Advocacy Strategies

Policy

Advocacy strategies are developed with the young person, whenever possible. This means that the young person works with the advocate to determine the steps that may best address the issue from the young person's perspective.

An advocate will start this process by understanding:

- The circumstances related to the issue from the young person's perspective, including any efforts the young person or others have made to resolve the issue, and
- When possible, what the young person hopes will be different if the issue is addressed.

Young People Providing Direction

For young people directing the advocacy, the advocate will:

- Discuss the young person's **rights** and the legislation and policy related to the issue, including what the young person can expect and their entitlements.
- Discuss potential strategies, including but not limited to:
    - Meeting with **designated service** providers,
    - Supporting the young person to communicate with designated service providers via email, letter, or other means,
    - Elevating concerns to supervisors, managers, or executive leadership,
    - Accessing alternate dispute resolution processes.
- Discuss any limitations to strategies the young person may want to pursue, including but not limited to:
    - Whether the strategy has already been used unsuccessfully and nothing substantive has changed,
    - The strategy is unethical or does not follow the values and commitments of the **OCYA**, and
    - The likelihood of the strategy addressing the issue in the way the young person wants.
- Discuss, when applicable, how the advocate will interact with other professionals who may also be involved in resolving the issue.
- Support the young person with the strategies the young person wants to pursue.

Rights, Interests, and Viewpoint Approaches

When a young person is not directing the advocacy, the advocate will:

- Consider and ensure designated services consider:
    - The young person's **rights**, **interests**, and **viewpoint** related to the issue, and
    - The legislation and policy related to the issue.
- Consider the benefits and risks to the young person from pursuing the issue, or not.

- Determine the strategies that are most aligned with the considerations above. This may include, but is not limited to:
    - Communicating with designated service providers and others,
    - Elevating concerns to supervisors, managers, or executive leadership,
    - Accessing alternate dispute resolution processes.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.1 Rights, Interests and Viewpoints
- 3.6 Advocacy Issues
- 3.9 Reviewing Advocacy

Section 3.8
Individual Advocacy Approaches – Dispute Resolution Processes

Policy

Young people need to have their issues addressed in a timely way that also preserves the relationships they value with family, community, **designated services**, and others. Individual advocacy aims to help young people resolve issues informally at the designated service level that has responsibility for, connection with, and understanding of, the young person and their circumstances.

When informal measures do not address a young person's issue with designated services, advocates will assist the young person or act on the young person's behalf, to access and influence a higher or different level of decision-making.

Before Initiating Formal Dispute Resolution

Before initiating or assisting a young person to access a formal dispute resolution process, the advocate will confirm that concerning designated services:

- The young person's **rights** were not respected and/or secured,
- The young person's **interests** and **viewpoint** were not fully considered, and/or
- That a young person providing direction is dissatisfied with the response or lack of response from designated services.

Formal Dispute Resolution Processes

Advocates **can** initiate or assist young people with the following:

- Under ***CYFEA***:
  - Administrative Reviews and Appeals,
  - Filing applications for reviews when prescribed for young people 12 years old and over,
  - Filing requests for review forms when a child is confined, and
  - Alternate Dispute Resolution processes as per *section 3.1(1)*.
- Under ***PSECA***:
  - Filing requests for review forms when a child is confined.
- Youth Justice:
  - Reviews and appeals defined in youth justice system policies, including but not limited to:
    - Requests for Interview and
    - Behavioural Incident Reviews.

Advocates **cannot**:

- Assist young people in filing ***YCJA*** appeals and reviews.

    - However, advocates can help a young person seek or access youth justice services, such as legal counsel or other youth justice programs and services that can help the young person with *YCJA* appeals and reviews.
- Represent a child in court matters or proceedings or give evidence in court. Young people can:
    - Access Legal Representation for Children and Youth (LRCY) for *CYFEA* and *PSECA* matters, including filing applications, or
    - Access Legal Aid Alberta for *YCJA* matters.

Other Processes

Advocates can also:

- Educate young people and third parties about dispute resolution processes they can access outside of designated services,
- Assist, or on behalf of young people raise complaints about administrative fairness related to designated services with the Alberta Ombudsman.
- Educate young people about complaint processes related to professional conduct, and assist young people if these relate to designated service providers, including professions regulated by the:
    - *Health Professions Act*, and
    - Law Society of Alberta.

Role of an Advocate in Dispute Resolution

An advocate's role in dispute resolution with designated services is:

- Determined by considering the following factors:
    - If the young person is directing the advocacy.
    - If the young person initiated the dispute resolution process.
        - Including if the issue being disputed is an issue for the young person,
    - Whether other parties are representing the young person's rights, interests, and viewpoint, and to what extent.
    - The advocate's authority and any limitations.
- Focused on ensuring the young person's rights, interests, and viewpoint related to the issue being disputed are presented to and meaningfully considered by the decision maker(s).

An advocate's role may include:

- For a young person directing the advocacy:
    - Who has initiated the process, assisting the young person in preparing, presenting, and participating in related processes,
    - Who did not initiate the process, working with the young person to determine what role, if any they want in the process and how they would like their position and information shared, if at all, and
    - To continue to support the young person and confirm the young person's direction throughout the process.

        - If a young person who has initiated the process stops participating and/or is no longer providing direction about the process to the advocate, the advocate will determine whether there is merit in proceeding on the young person's behalf by considering whether:
            - The young person's rights were respected and/or secured, and
            - The young person's interests and viewpoint were fully considered by designated services concerning the young person's issue.

- For a young person who cannot direct the advocacy:
    - For whom the advocate initiated the process, the advocate will prepare, present, and participate in the process on the young person's behalf,
    - For whom a third party initiated the process, the advocate will determine the best method to present the young person's rights, interests, and viewpoint to the decision-makers, and whether the advocate's participation in the process is necessary.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 1.5 Delegation of Authority
- 2.1 How We Work with Young People
- 2.1 Rights, Interests and Viewpoints
- 2.3 Communicating with Young People and Others
- 2.9 Working with Lawyers and Other Professionals
- 3.6 Advocacy Strategies

Section 3.9
Individual Advocacy Process – Reviewing Advocacy

Policy

It is important for advocacy to be responsive to young people and respect their right to timely decisions in matters affecting them. Issue-based advocacy is usually short-term and ends when the young person's issues are addressed and closed.

If the young person's issues are not closed within the first or subsequent 90 working day periods, in collaboration with the young person, when possible, the advocate must:

- Determine if the young person's ability to direct the advocacy, or participate in advocacy strategies and decision-making has changed,
- Review each advocacy issue to determine if the issue is still an issue for the young person and is being actively worked on, or meets the criteria for closure,
- Determine if new advocacy issues have been identified, documented, and have active strategies, and
- Review any ongoing issues to determine the effectiveness of strategies, whether different strategies should be implemented, or if strategies have been exhausted.

Standard

- No advocacy file will be without active documentation for more than 30 working days.
- A rationale to continue advocacy must be documented every 90 working days.

Related Policy

- 1.3 OCYA Values and Commitments
- 3.6 Advocacy Issues
- 3.7 Advocacy Strategies

Section 3.10
Individual Advocacy Process – Concluding Advocacy

Policy

Issue-based advocacy concludes when advocacy issues are closed. The decision to close advocacy issues and conclude advocacy involves the young person, when possible.

When concluding advocacy involvement with a young person, the advocate will:

- Communicate with the young person, when possible, to confirm that the issues are closed and that the young person has no current issues.
- Ensure the young person or other third parties who could be referral sources know how to reach the advocate and the **OCYA** to make a future referral if needed.
- Provide any referral information that may be helpful for issues that are outside of the mandate and scope of individual advocacy.
- Confirm the young person's contact information at the time of closing the file.
- Advise any young person who is 10 years old or over that they will be contacted by a surveyor and asked for feedback on the advocacy services they received.
    - If it is believed a young person cannot provide feedback, the advocate will advise the Advocacy Services Director.

Related Policy

- 1.3 OCYA Values and Commitments
- 1.4 Mandate and Scope
- 2.1 Rights, Interests and Viewpoints
- 3.6 Advocacy Issues
- 3.7 Advocacy Strategies
- 3.9 Reviewing Advocacy