

Rights-Based Advocacy: A Critical Tool for Improving Children's Experiences in Residential Care

ABSTRACT

When children enter residential care, they often do so with little but their rights—hard-won over decades - yet rarely understood or upheld in practice. Institutional settings carry distinct safeguarding risks: closed cultures, weak or absent regulation and increased contact with adults. Independent advocacy should therefore be treated as an indicator of quality across residential settings. Drawing on anonymised accounts from Article 39's On Your Side service and a network of almost 600 advocates, this poster presents cases in which children were placed under the wrong legal status, housed without care entitlements or unlawfully charged for their own accommodation. It sets out what must change in children's residential care and institutional settings more widely.

Theme: Defining and measuring quality in children's residential care **Keywords:** rights-based advocacy · residential care · Section 20 · care leavers · institutional settings · care standards · National Advocacy Standards

RISKS INHERENT TO INSTITUTIONAL SETTINGS

Closed Cultures: Residential settings operating in isolation can quickly develop insular, defensive or non-transparent cultures in which poor practice goes unchallenged and children's voices are silenced—as evidenced in the Hesley Group report.

Poor or Absent Regulation: Inconsistent regulation and standards—particularly in unregistered or care-less accommodation^[iii]—together with weak independent oversight and poor enforcement create systemic gaps that allow substandard care to persist.^[ii]

Power Imbalance: Children and young people depend on institutions and the adults within them for many aspects of daily life. The use of transient or unvetted staff in some settings increases the risk of poor-quality care, abuse or mistreatment.^[iii]

As serious case reviews over decades have shown, the greater an institution's power over a child's life, the stronger the need for independent safeguards.^[ii]

BARRIERS TO ADVOCACY

Lack of Consistent Training: Residential-care and social-work practitioners are not always trained to understand the legal mandate and practical value of independent advocacy; advocacy is also absent from national qualifying curricula.^[11]

Lack of Rights Awareness: Vulnerable children are seldom taught about their statutory right to advocacy, and rights awareness is not structurally embedded in care-service design.^[2–4,11]

Fear of Consequences and Reprisal: Children report fearing complaints, not being believed, inconsistent care or placement instability.^[2]

Restricted Capacity and Resourcing: Advocacy commissioning does not reflect the scale of need or consistently fund tailored resources for children with additional needs.

Overstretched Resources: Underfunded and understaffed local authorities may ration care or fail to meet statutory support duties.

