

**help
at
hand**

**Annual review
2020**



Contents


Introduction.....	2
Where children and young people were living	4
Reasons for contacting Help at Hand	4
Themes from casework	5
Stability for children in care and care leavers	5
Children’s experiences during the pandemic	6
Unregulated accommodation	8
Children behind closed doors.....	9
Mental health	11
Children in custody	12
Wider work of Help at Hand.....	14

Introduction

The Children's Commissioner for England has a statutory duty set out in the Children Act 2004 to promote and protect the rights of all children, with particular regard to children who are living away from home or receiving social care services (**Children Act 2004, s2(4) and s8A**). This includes children who are in care, leaving care, staying in hospital, or remanded in youth custody, as well as children in need who are living with their families.

These children rely on the people and systems around them for protection. Legislation makes it clear that their welfare and best interests are paramount, and that the voice of the child should be central to all decisions about their care. Unfortunately, however, this is not the experience of all children. A significant number do not receive the support and services they need, and many feel their wishes and feelings are ignored. The Children's Commissioner may, under section 2D of the Children Act 2004, intervene on behalf of these children to provide advice, assistance, and representation. This role is fulfilled by the Commissioner's Help at Hand service.

Help at Hand is a team of child rights advisers whose primary purpose is to ensure that decisions affecting children who live away from their families are made in a way that respects their legal rights and takes full account of their wishes and feelings. They also work to make sure that the rights of all children in need - including access to resources, services, and protection – are maintained. The team supports children, and care leavers up to the age of 25, who can make contact via phone, email, or the Children's Commissioner's Office website. They aim to resolve issues co-operatively with those responsible for children's care and well-being. However, where authorities or agencies are not responsive, or are not ensuring that children's rights are upheld, concerns are escalated within a public body and, in the most serious circumstances, with external regulators or the Government.



The service was contacted by **966** children and young people in 2020

From January to December 2020, the Help at Hand service received 966 enquiries, the majority of which concerned children in care and care leavers. The issues raised by these children and young people were disparate and varied but included being forced to move from a happy foster home, being restrained inappropriately while in care, feeling isolated in mental health hospital or secure children's homes, not having enough information about their rights, or being faced with homelessness. Some of these problems had been further exacerbated by the pandemic.

The team provides support ranging from information and general advice, to direct assistance and representation for children and young people whose rights have been breached. As part of their representations, they contact a wide range of professionals and agencies, including social workers and team managers, directors of children's services, regional NHS chief executives, prison governors and officials in the Department for Education and the Home Office.

Most local authorities and education, health and justice services respond well to the team's enquiries and are helpful in resolving the problems raised. However, some services are slow in providing a response, or refuse to acknowledge the concerns. The team also sees examples of poor communication between different services working with children, leading to confusion about who is responsible for addressing specific needs or problems. Likewise, when more than one local authority is involved in supporting a child (for instance when they have moved during their time in care), there may be disputes and unacceptable delays in providing the help they need. When this happens, the team will escalate concerns, and the

Children’s Commissioner will, in the most serious cases, personally write to senior managers to request urgent action to support a child. The Commissioner made personal representations on behalf of 48 children in 2020.

Help at Hand advisers work hard to get the right outcomes for children and young people who make contact. In 2020, the team were able to completely or partially resolve the problem in 8 out of 10 cases they took up. Among many positive outcomes, they ensured that children and care leavers received the resources they were entitled to (such as allowances or laptops), prevented children from being moved from their foster home against their wishes, made sure children were given accommodation when they were at risk of being homeless, and helped young people in custody to get the right support to make a fresh start back in the community. The team also worked proactively with many local authorities and health services to improve the health and educational provision for children in need and made sure that children and care leavers were given access to independent advocacy, so their wishes and feelings were clearly represented in decisions being made about them.

In 80% of cases, the team were able to resolve all or most of the issues the child or young person had raised.

The experiences of children who call the Help at Hand team inform the priorities for the research and policy work of the Children’s Commissioner’s Office. While responding to individual cases, the Office also identifies where difficulties and trends indicate there is a systemic issue which needs to be addressed. These are reflected in ongoing investigations, policy work and recommendations to improve the experience of children living away from home. This report outlines six systemic problems which were raised consistently by children, and the actions taken by the Office to make changes on an individual and national level.

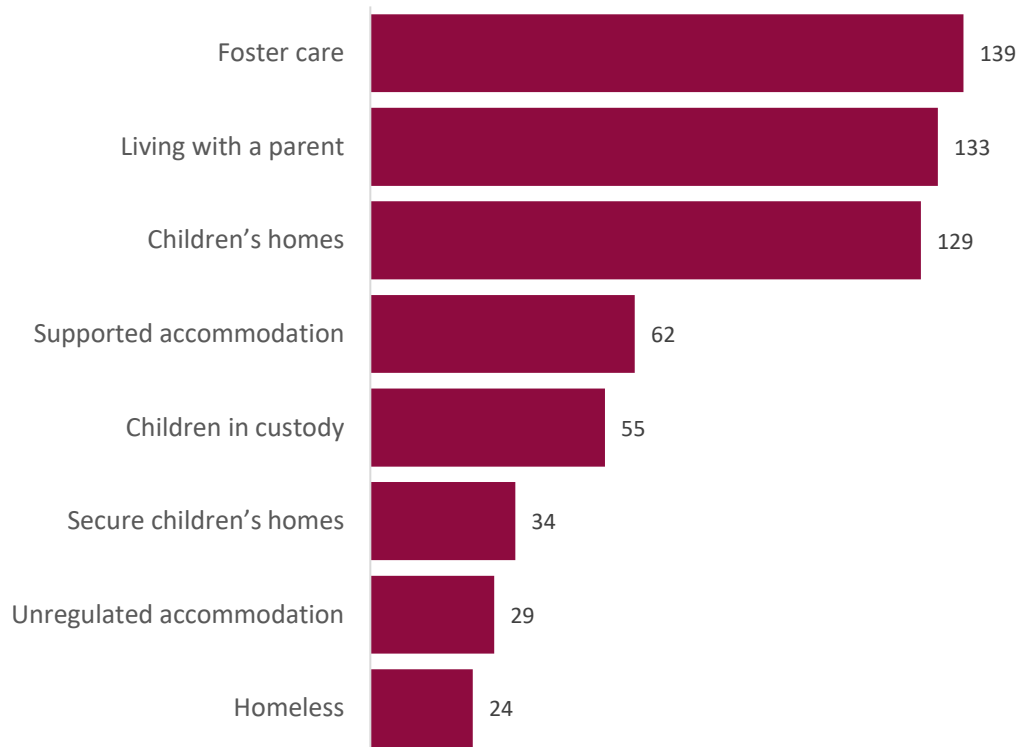


Thank you so much for your action, support and involvement in this case... With your support I am hopeful of achieving the justice Sam deserves.*

- Advocate, August 2020

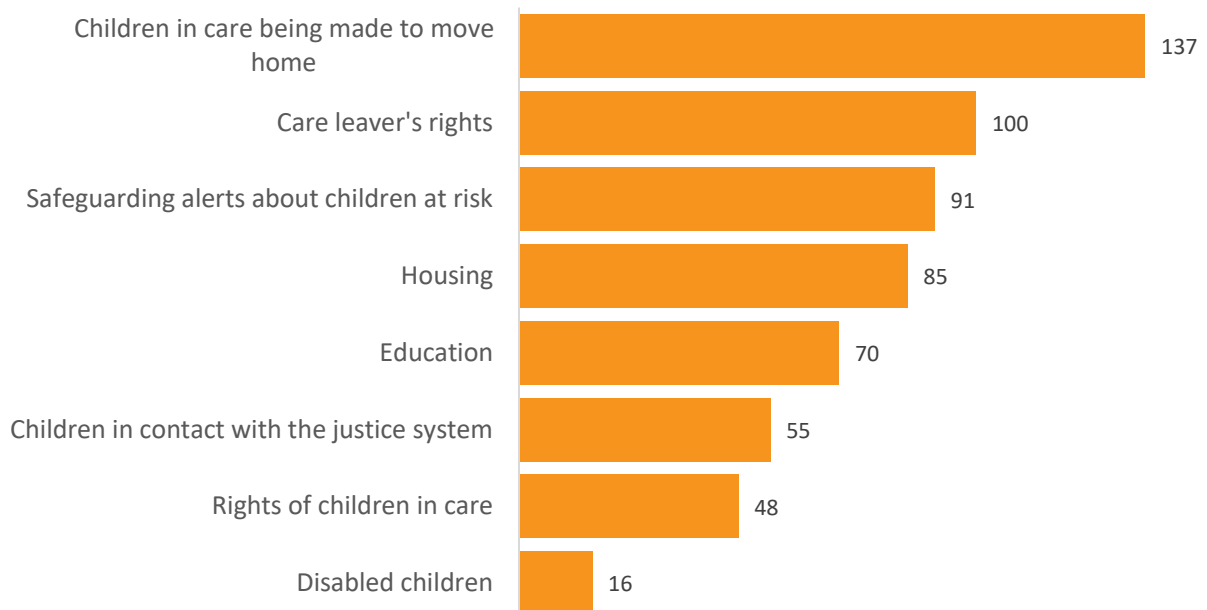


Where children and young people were living



*These figures do not cover all contacts. In some cases, the setting was 'other' or 'unknown'.

Reasons for contacting Help at Hand



Themes from casework

Stability for children in care and care leavers

Children in care consistently say that one of the things which makes them most unhappy is being forced to move home or change school when they do not want to. Constant change – of home, social worker, or school – happens too often and can have extremely damaging consequences for children. It severs important relationships, both personal and professional, and puts children through an enormous emotional challenge in rebuilding their lives again. Help at Hand is regularly contacted to intervene in cases of children being moved against their wishes, often at short notice and with little sensitivity. In 2020, 137 young people in care contacted the Help at Hand team about moving home.

Plan to move a 12 year old girl from her long term foster family against her wishes

Help at Hand was asked to intervene on behalf of a 12 year old girl who got in touch after she was told that, in a month, she would be moving from her foster home of three years to a new foster placement. She said her foster parents were like her mum and dad and she felt like she was being made to leave her home. The Help at Hand team wrote to the local authority, highlighting the duty to consider her wishes and feelings, and made sure she had an advocate, to which she was legally entitled. After this intervention, the local authority agreed not to move her, and it also reviewed its practice in this area to avoid similar situations for other children.

Multiple unsettling moves for a vulnerable teenage girl in care

The team intervened to support a 16 year old girl who had moved three times in the last three years, to different kinds of accommodation, including a secure children's home and hospital. She felt the local authority was not listening to her or supporting her education or right to a stable home. She was in touch with the Help at Hand Team regularly and the team advocated on her behalf to the local authority, asking it to safeguard her rights, prioritise her education and find her a stable long-term place to live, so that she could settle and focus on her studies. After a letter from the Children's Commissioner, the Director of Children's Services agreed that she could stay in her current home and complete her education.

Girl told she would have to move into temporary accommodation on her 18th birthday

Help at Hand were contacted by a 17 year old girl who had moved many times but settled well into a children's home in a different area to her local authority. She was distressed after being told she would have to leave the home on her 18th birthday and move into temporary accommodation until she was offered permanent social housing. The team spoke to her local authority, the children's home manager, and the housing service, who agreed to cooperate so she could move directly from the children's home into her own flat nearby.

Improving the system

In response to children's concerns, the Children's Commissioner has established a new measure of stability for children in care - the Stability Index. Now in its fourth year, the Index measures stability for children in three areas: home changes, school changes and social worker changes, reporting annual data to each local authority. The 2020 report found that 8,098 children in care (over 1 in 10) experienced 2 or more home moves in the year 2018/19, rising to 1 in 4 children over a 2-year period. Rates were largely unchanged since 2016, despite new measures such as the National Stability Forum, established by the Government in 2018 to improve permanence for looked after children. The Children's Commissioner has consistently made the case for improving stability for children in care. The Commissioner believes the independent review of children's social care provides an opportunity to reform the system to hardwire permanence and stability into everyday decision making. The Office consulted with care-experienced children and young people throughout 2020 about what the review should cover, and one resounding plea was for fewer moves, especially to places far from home.



Thank you - **I'm moving to a permanent placement**
today.

- July 2020, from a child moving to a new home



Children's experiences during the pandemic

The pandemic had a significant impact on children and families in England throughout 2020 and calls to Help at Hand reflected this. Following the start of the national lockdown on 23rd March, three distinct issues emerged through the Help at Hand advice line: children and families in distress because they were suddenly unable to see each other, as virtual family visits instead of face-to-face visits became the norm for children in care; strain on families who were coping without the SEND (Special Educational Needs and Disabilities) support their children would usually have; and uncertainty and isolation among care leavers whose support network fell away.

12 year old child with disabilities missing out on contact with family

The team was contacted by the family of a young boy with complex disabilities. He is in care with the consent of his parents and lives in a children's home. At the beginning of the year, he was having weekly overnight contact with his family and spent half of the school holidays with them. However, face to face contact stopped suddenly on the 23rd of March. He had some Skype contact with his family, but this was difficult and both he and his family found the situation very distressing. The local authority said it could not do anything because it had to comply with Covid restrictions.

In relation to this and many similar calls that came to Help at Hand, the Children's Commissioner wrote to the Department for Education, Ofsted, the Association of Directors of Children's Services, and the Independent Children's Homes Association, to highlight issues with contact arrangements and push for care settings to resume in-person family visits as soon as possible. Subsequent guidance has exempted children in care from restrictions on household mixing, enabling them to spend time with parents and siblings they do not live with. Help at Hand has referred to this guidance to make representations for children missing out on contact.

Girl asked to move during lockdown because she turned 18

A 17 year old girl called Help at Hand in April. She was in care and about to turn 18. She has additional needs and requires ongoing support from the local authority. She told the team she was due to move the following week as a planned transition to more independent accommodation. She was scared and did not want to live on her own for the first time during lockdown. Help at Hand escalated her concerns to the Director of Children's Services and referred to new Government guidance about transition in lockdown. The move was paused.

11 year old disabled child unable to attend school

The mother of an 11 year old boy who is a child in need due to his disabilities called the Help at Hand Team because he was not able to attend school during lockdown. This was because his school did not consider his needs as high as those of other children with disabilities, who were permitted to attend, according to Government guidance. After the intervention of Help at Hand, the school reconsidered its decision and accepted that he was a vulnerable child, so he was able to return.

Improving the system

The Children's Commissioner has undertaken a significant programme of work to shine a light on children's needs during the pandemic. This has included speaking out on the importance of keeping

schools open, highlighting where children's rights were being breached, and keeping a close eye on changes in Government regulations and guidance. The Commissioner was concerned about the passing of regulation amendments in April which temporarily relaxed the legal timescales for social workers visiting children in care, arguing that vulnerable children and care leavers were more dependent on regular support than ever and pushing for guidance to make clear that virtual visits should only happen if no other option is available. This is now the expectation for all local authorities. The Commissioner has made representations to the Government on a range of issues during the pandemic, including on the rights of children with SEND, care leavers, and children accommodated by the state, particularly on contact with their families, as highlighted by Help at Hand.



Thank you so much for all your help and advice.
Without it we would not have had such a great
outcome.

- Mother of a severely disabled child, August 2020



Unregulated accommodation

The Help at Hand team consistently hears from children in care who are placed in unregulated settings. These are settings which do not have to register with Ofsted because they offer children 'support' rather than the higher standard of 'care'. The team hears shocking examples of poor-quality accommodation and children have also reported not receiving enough support and feeling threatened by some of the activity in these homes, including others using or dealing drugs. Most children in unregulated placements are living in hostels and self-contained flats, but the team also heard from children living in caravans and even on a barge. While these settings are generally used for over 16s, the service has been contacted by children under 16, who have been moved to unregulated accommodation because the local authority could not find anywhere else for them. Some children and professionals describe settings which seem to be offering a level of help which meets the threshold for 'care', rather than support. This means these settings are effectively operating as illegal children's homes and are not being inspected and monitored as they should be. Often children with extremely high needs (for example, severe mental health conditions) are being placed in unregulated placements because local authorities cannot find them a suitable place in a children's home.

Teenage girl living in poor quality unregulated accommodation

The Help at Hand team supported a 17 year old girl who complained that the unregulated accommodation she was living in was dirty, particularly the bathrooms, with only one working shower for all residents, and a broken oven. She also said the bedroom was damp, smelt and was infested with bugs. Help at Hand alerted the team in charge of accommodation for the local authority and also complained to the trustees of the property company. Repair work began shortly afterwards, and the girl was able to move to a better room. The provider apologised to all of the children living there for the conditions.

16 year old girl unhappy and scared in an unregulated hostel

The team was contacted by a girl who was just 16 when she was placed in an unregulated hostel. She was unhappy that she was not in foster care, as she wanted to be somewhere that felt like home and to have a foster mum. She felt unsafe for herself and her belongings in the hostel and said it was very noisy at night. Help at Hand wrote to the local authority, raising her concerns and highlighting the responsibility to consider her wishes and best interests, finally with a letter from the Children's Commissioner to the Director of Children's Services. As a result, the girl was able to move in with a foster family.

Girl of 17 assaulted in her semi-independent accommodation

A 17 year old girl contacted Help at Hand after she returned to her former foster carers having been attacked in her semi-independent accommodation. No immediate action had been taken to safeguard her following the assault and she felt unsafe there. The foster carers were no longer registered, so she lived with them informally for several weeks. After intervention from Help at Hand, the carers were assessed in line with statutory guidance and a formal arrangement, with financial support, was put in place.

Improving the system

The Children's Commissioner carried out an investigation of unregulated placements, involving data analysis, interviews with children, professionals and managers, and visits to settings. The Commissioner's report asked the Government to intervene to put an end to unregulated provision of this kind for children in care. The Government has undertaken a consultation on reform of the unregulated sector, which has proposed banning under 16s from unregulated placements.



It was because of you and your organisation that Sarah now has a chance in life, and for that we will always be grateful.

- Foster father, April 2020



Children behind closed doors

Through calls to the Help at Hand service, the Commissioner has become concerned about a group of children who are being deprived of their liberty but were not showing up in official statistics. Rather than being placed in youth custody, secure mental health wards, or secure children's homes, which are carefully regulated, the team has heard about children being 'locked up' in a range of other places. Sometimes these are registered children's homes, but there are also more makeshift arrangements, such as hotels and holiday homes, which are being used when nowhere else could be found. Not only are these children sometimes living in places that are extremely unsuitable, but often, while they are in this accommodation, they are being deprived of their liberty in a number of ways. This could be through constant supervision by staff (up to three staff for each child), doors being locked, or by imposing strict limits on their activities. Sometimes local authorities are unaware that they need to seek legal authorization to deprive children of liberty in this way, meaning there is a risk that their rights are being breached.

Severe restrictions on a 16 year old boy without a deprivation of liberty order

The advocate of a 16 year old boy with significant needs contacted the Help at Hand team to raise concerns about his care plan. It was clear that the limits on what he was able to do (for example not leaving the house) were very restrictive, but the local authority had not applied for a deprivation of liberty order. Help at Hand raised this issue and shared the relevant law with the local authority, which then made the necessary application, so a judge could examine whether the restrictions were justified.

17 year old boy in residential care unhappy with strict limitations on his freedom

The Help at Hand Team was contacted by a 17 year old boy who was living in supported accommodation but had a safety plan with many restrictions on what he could do. He felt his freedom was too limited, but the local authority had not applied for a deprivation of liberty order. The team contacted the local authority, who agreed to discuss the restrictions with him and decide whether they should be relaxed, or whether an order was needed. They were able to agree on how they could change the plan to keep him safe while not depriving him of his liberty.

Social worker unable to find a secure placement for a highly vulnerable child

The social worker of an extremely vulnerable boy contacted Help at Hand because, although court approval for a secure children's home place had been obtained, no provider would accept him. The only other option was an unregulated placement with a deprivation of liberty order. After Help at Hand made representations to the Secure Accommodation Network and the Department of Education, a place was found for him.

Improving the system

The situation these children face is little understood among policymakers, and their voices are rarely heard. To address these concerns, the Children's Commissioner's Office has sought out and published data, conducted research visits, and drawn on Help at Hand cases to provide as much information as possible on these children in the annual 'Who are they; Where are they?' reports in 2019 and 2020. These reports called for: better care for children who need a very high level of supervision, with more joined-up services which can support children with mental ill-health; data collection on children deprived of their liberty in secure settings; and guidance for local authorities on what a deprivation of liberty is, and what must be done to ensure children's right to liberty is upheld.

The Children's Commissioner has also received numerous papers and judgements in cases relating to deprivation of liberty from the judges overseeing proceedings. In response, the team has shared experience and research, which has been cited by the courts. The Office has also drawn on information from our casework and research to intervene in a Supreme Court case, and provided information to the High Court, to demonstrate the scale of the problem.

“

We would like to thank Help at **Hand and the Children's** Commissioner for their support through this extremely difficult journey.

- Parent of a child in hospital, December 2020

”

“

With your help we were able to show Zain that people do listen and that people wanted to support him.

- Support worker, April 2020

”

Mental health

Help at Hand calls have highlighted how children can struggle to get access to community mental health services and have exposed the difficulties for care leavers who face a cliff edge in mental health support as they turn 18. There have also been serious concerns raised about the quality of care that children on inpatient mental health wards have received, and the difficulty their families and advocates have in ensuring they get the right care. The Commissioner and her team have visited children living in secure mental health hospitals to learn more about their experiences and to advocate on their behalf.

16 year old boy in an adult mental health unit

The Help at Hand team was contacted by the independent advocate for a boy who had arrived in an adult mental health unit when he was just 16. He had no contact with young people his age, was often in isolation and had virtually no access to education. His advocate was not making any progress with his social care team or the hospital in trying to improve his situation. A member of the Help at Hand team attended several meetings with NHS and local authority professionals and pushed them to explain their actions and take steps to move the boy to a more appropriate hospital, and ultimately back into the community, with the right support. As the boy was a child in care, the Children's Commissioner wrote to the Director of Children's Services to express her concerns and since then the support offered to him has improved.

Inadequate care for a teenage girl with mental and physical health needs

The father of a 16-year old girl with autism and mental health difficulties got in touch with Help at Hand as she had sustained significant self-harm injuries whilst under apparent supervision as a mental health inpatient. Help at Hand raised these concerns with the Care Quality Commission and the relevant local authority. The team also liaised with her Clinical Commissioning Group and NHS England, as there were real difficulties in joining up support for her mental health and serious physical health challenges. She is now in the right place to support her recovery.

Teenager with complex mental health needs with multiple failed placements

Help at Hand was contacted by the parents of a teenage girl who became looked after by the local authority due to her complex mental health needs. She had been in hospital many times and her placements outside hospital had all broken down. Her parents were very concerned about how the authorities would find her somewhere to live safely. After intervention from Help at Hand, the local authority and CCG worked together to plan her care and accommodation. The team also ensured she had an independent advocate to represent her views.

Improving the system

Informed by the experiences of young people who called Help at Hand, mental health support has been a major priority for the Children's Commissioner. The Office's annual update on mental health services shows that, despite progress in expanding provision and some excellent local services, the national picture falls far short of the level of need and hundreds of thousands of children are left without adequate support. The Commissioner has focused on children, particularly those with learning disabilities and autism, who are placed in inpatient mental health settings. Policy work has involved gathering data from the NHS about the number of children being admitted to inpatient wards, and the kind of wards they go to, as well as carrying out frequent visits to children in all types of inpatient ward. Subsequent reports called for increased information about these children, and for improved community mental health support so that more children can live safely at home rather than in hospital. The Office also reported on the level of education, care and family contact children in inpatient settings received during the first national lockdown, to ensure that these children, some of the most vulnerable in the country, were not forgotten, and to advocate for their needs.



I want to say that I could not have done that without you and how much your service is needed for young people like Jack who struggle to engage with services for a multitude of reasons.

- Support worker of a care leaver, September 2020



Children in custody

Many children in the youth justice system have been in care prior to entering custody and all of them will need support during and after their sentence if they are to settle successfully back into the community. This is a statutory responsibility of local authorities and the Help at Hand team can get involved if there are concerns about how resettlement is being managed or if the young person is not receiving the support they need.

Boy of 16 worried about his accommodation after leaving custody

A 16 year old boy's youth justice case worker called the Help at Hand team because he was due to be released from his Secure Training Centre and there was no plan for where he would live. The team spoke to him about where he wanted to live and contacted his social worker on his behalf to ensure plans were made. His responsible local authority arranged suitable accommodation in an area where he felt safe and he was able to move there and receive ongoing support after he completed his sentence.

Teenage boy denied college place after finishing his sentence

The youth justice worker of a 16 year old boy called Help at Hand as he was being released from a Secure Training Centre but the college he applied to had refused his application because of his past. The team contacted the professionals working with him, who gave evidence about how well he had done in custody and agreed that his chances of successfully reintegrating into the community could be harmed if he was not in education. Help at Hand made representations to the college on his behalf, following which they reconsidered his application, and he was admitted.

Care leaver in a Young Offender Institution threatened with deportation

The social worker of a care leaver who was in a Young Offender Institution, in a high-risk mental health support unit, contacted the Help at Hand Team for assistance when, a month before his 18th birthday, he was served with a notice of deportation from the Home Office and his local authority withdrew legal funding for his appeal. The Commissioner wrote to the Director of Children's Services to ask for the funding to be reinstated. When this was refused, Help at Hand referred him to a specialist immigration charity, and they submitted an appeal. The judge decided that the decision to withdraw the funding was unlawful, ordering the local authority to support him as a care leaver.

Improving the system

Help at Hand's ongoing interventions on behalf of children leaving custody have highlighted some of the key issues which hinder their rehabilitation, such as poor partnership working. The Children's Commissioner's Office has drawn attention to this in policy work, including the recent report 'Injustice or In Justice: Children and the justice system' (December 2020).

The Office was aware of the practice during the pandemic of isolating new arrivals for 14 days in Secure

Training Centres and Young Offender Institutions, and children in this situation contacted Help at Hand. The Office was therefore able to provide examples to the Youth Custody Service when making representations about the shortfalls of the practice. This issue was raised in an evidence submission to the Joint Committee on Human Rights in June and influenced their subsequent report, which raised concerns about 'solitary confinement' being used against children in custody.

“

*So far he seems to be doing well in the community.
Thank you again for your help with this matter.*

- Youth justice caseworker, September 2020

”

Wider work of Help at Hand

This report has covered some key themes of Help at Hand's work in 2020, but the team has provided advice and support to children and care leavers on a far wider range of issues. The service continues to receive a large number of enquiries from young people who have recently left care and are seeking advice about their rights and entitlements. By far the most common problem shared by care leavers (and children in care who are approaching their eighteenth birthday) is the lack of suitable housing available to them, and the stress and insecurity this causes. Help at Hand also regularly takes calls from children who are 16 or 17, facing homelessness but denied accommodation by their local authority. In addition, the team assists unaccompanied asylum-seeking children, who may be struggling in the care system and often have the additional challenges of immigration issues, the language barrier, trauma, and isolation. Another important area of work is supporting children who are facing difficulties in accessing appropriate education, particularly if they have special educational needs and disabilities, which includes children who are in care and those living with their families. In all these areas and more, the Children's Commissioner's Officer uses case examples from Help at Hand to look into what is really happening to vulnerable children, to stand up for their rights and to challenge the Government when they are being failed by the system.

“

I want to say that I appreciate what you have done for me for the past few months and that we wouldn't have been able to make any progress without your help.

- 17 year old child in need, December 2020

”

“

I really appreciate your help. Thank you.

- Care leaver and previous unaccompanied asylum seeking child, October 2020

”

**All names have been changed.*

**Children's
COMMISSIONER**

**help
at
hand**

**Children's Commissioner for England
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT**

**Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gov.uk
Visit: www.childrenscommissioner.gov.uk
Twitter: @ChildrensComm**