



Children's Commissioner for England

Help at Hand Service

1. Practice Guidance

This Practice Guidance is developed to strengthen and enhance the service so that it can better represent the needs of children living away from home and can better inform the overall work of the Office of the Children's Commissioner (OCC).

Help at Hand is a small service provided by 4 staff members, but in some ways it lies at the heart of the Office of the Children's Commissioner as it is outward-facing, concerned with local authority social work and education and other public sector practice, and entirely informed by the voices and needs of children and young people themselves. Help at Hand is in a position also to inform more broadly the work of OCC by providing evidence of system failings and early trends suggesting developing areas of concern.

Purpose

Help at Hand supports, advises and makes representations on behalf of children who are in care, or are care leavers, or are otherwise working with local authority children's services, or are living away from home in some other provision such as residential school, hospital or youth custody.

The primary purpose of Help at Hand is to ensure that all decisions and plans made for children living away from their families, are made taking their views and wishes into account and in their best interests, whilst ensuring their rights are maintained.

Help at Hand seeks to **resolve issues co-operatively** with those responsible for children's care and well-being, ensuring the children's views are listened to and their legal rights adhered to. Help at Hand always works in an open and problem-solving way with local authorities and other bodies to achieve the best solution for the child with the least possible delay and disruption. However, where authorities are not responsive or are not ensuring children's rights and entitlements are adhered to, matters can be escalated to Director level and in extreme circumstances shared with Ofsted or the relevant regulator.

Legislation

The Help at Hand service was established in response to the Children and Families Act 2014, Part 6, when the responsibilities of the Children's Rights Director within Ofsted transferred to OCC. This inserts section 2d into the Children Act 2004:

The children's commissioner may provide advice and assistance to any child within S.8A (children living away from home or receiving social care – including care leavers, and those in residential schools).

The children's commissioner may in particular under this section make representations on behalf of a child who is within S.8A.

S.8A covers children living away from home in any setting regulated by Ofsted. However, it also includes any children or care leavers receiving social care. This includes children in custody or in hospital or residential school for 3 months whom LA Children's services have a responsibility to visit:

Section 15 of the Children and Young Persons Act 2008 imposes a duty on the local authority to ensure that a child who was looked after by that local authority but has ceased to be so as a result of certain circumstances, is visited by a representative of the authority. The local authority also has a duty to arrange for appropriate advice, support and assistance to be available to those children. This relates to children in custody.

Also

Sections 85 and 86 of the Children Act 1989 provide that when children in England are accommodated by health authorities or by local authorities exercising education functions (section 85) or, when they are accommodated in a care home or Independent hospital (section 86) for a consecutive period of at least three months, this must be notified to the relevant local authority.

When a local authority have been notified, they are under a duty to take such steps as are reasonably practicable to enable them to determine whether the child's welfare is adequately safeguarded and promoted while the child is accommodated, and to consider whether they should exercise any of their functions under the 1989 Act in relation to the child. (see: Visits to children in long-term residential care regulations 2011)

Help at Hand's remit extends to ensuring that children's rights to visits from children's social care to safeguard their well-being when living in care, education, custody or health residential settings away from home. This includes mental health hospital.

The legal remit of Help at Hand does not currently extend to issues such as school exclusion where children are living at home, or other children's rights issues where children are living with their family, unless the young person is open to children's social care.

Who the service is for?

Help at Hand is open to any child or young person who is in care or a care leaver up to age 25, or who is involved with children's services (perhaps through a child protection or child in need plan), or who is living away from home in a regulated setting (such as a residential school, a hospital or a secure training centre).

Help at Hand provides advice, information and if necessary, representation on the child's behalf. Enquiries for the service come direct from children themselves, but we can also be contacted by parents, foster carers, and professionals who know the child. We always seek to speak with the child, to establish their views, wishes and concerns, as long as they are of an age of understanding and to do so would not be detrimental to them.

Enquiries for advice and support

Help at Hand is available from Monday to Friday 9.00a.m. to 5.00p.m. when professional staff respond to calls and emails. Messages can be left and emails sent out of hours and will be responded to on the next working day. Help at Hand is a small team. Every request is responded through the provision of information, advice and sign-posting to the most relevant service or agency for further support. The Help at Hand team, once advice has been provided, concentrate their representation work on situations where children and young people appear to be at risk of imminent placement breakdown or where their needs are not being met or rights ignored. Help at Hand's representations focus on the more urgent and complex matters that if unresolved have negative consequences for children.

Thus, Help at Hand respond to enquiries in a layered way as set out below:

1. All enquiries are listened to and the issues discussed with the referrer. Where possible the child is spoken to. Advice and information is provided and the referrer can be sign-posted to a more relevant organisation.
2. Where the issues appear to be ones of disputing plans rather than infringing rights, the referrer and child is advised of the local authority's responsibility to offer the child an advocate and of how to use the LA children's services complaints process. We will also contact the local authority on the child's behalf to share with social worker/ IRO the child's concerns and their need for an advocate. We will ask the local authority to let us know the outcome.
3. We have a memorandum of understanding with Coram 'Always Heard' service, who hold a DfE contract for children's advocacy, to avoid duplication, so we will sign-post some enquiries to Coram, as they do to us, where Coram are better placed to advocate.

4. Help at Hand's primary focus is on the rights of children in care or care-leavers and other not living at home, but in publicly regulated places. Enquiries are listened to carefully, information gathered from the young person and by contacting social worker, IRO or other relevant professional, and analysed. Where the matter is complex or urgent, and it appears that a breach of a child's rights has occurred or is about to, Help at Hand will make representations to the local authority or relevant body to take remedial action. Often this will be done through relevant team manager, head of service and IRO.
5. For children away from home in hospital or mental health setting, in a youth custody establishment, or in a residential school, but not in care, we will make representations to the relevant authority, as well as children's services.
6. Help at Hand is not there to decide what should be in a care plan or where a child should be placed etc. Help at Hand seeks to establish the facts and to ensure the child's rights are respected. This includes the right to independent advocacy locally, the right to be consulted and listened to and the right to be involved in planning and review. It is for the local authority or relevant body to consult with and take the child's views and needs into account when coming to a decision or new plan.
7. Where Help at Hand's representations are not responded to, or not responded to adequately, and it appears that actions (or lack of actions) are likely to have a significant detrimental effect on a child whose rights have not been maintained, the Children's Commissioner will write a formal letter to the Director of Children's Services, or chief executive of the relevant body, asking for action to be taken and a swift response.
8. Where no response or unsatisfactory response still pertains, the OCC has an agreement with Ofsted and CQC to share our concerns with them.

See: <https://www.childrenscommissioner.gov.uk/help-at-hand/>

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