

FOI Status: Public	CHILDREN AND YOUNGER ADULTS DEPARTMENT	Version: 2.0 Review Due: February 2011
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WORKING TOGETHER TO FIND CHILDREN AND YOUNG PEOPLE WHO GO MISSING FROM HOME OR CARE IN DERBYSHIRE

1. Approval and Authorisation

Completion of the following section signifies the review and approval of this process:-

Name	Job Title	Date
Authored by: Mick Upsall	Planning & Project Manager	Revised June 2009
Approved by: Ian Johnson	Assistant Director – Specialist and Safeguarding Services	June 2009
Authorised by: Ian Johnson	Assistant Director – Specialist and Safeguarding Services	June 2009

2. Change History

Version	Date	Reason	Name
Version 2.0	June 2009	Revised joint protocol. This will form part of a new policy/procedure for Children who go Missing	Mick Upsall

3. Summary and Contents

This joint protocol refers to situations when children or young people go missing – whether from home or wherever they are placed. It defines the roles of and provides guidance for the police, social services staff and carers.

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INTRODUCTION

This over-arching protocol sets out the arrangements for promoting multi-agency working in Derbyshire to minimise the risk of children and young people going missing, alone or with their parents/carers, and for protecting them from harm. It should be read alongside the following:

- [Derbyshire Safeguarding Children Board's Guidance & Procedures](#)
- [Section 11 of the Children Act 2004 and Working Together Sections 11.63 – 11.85](#) and the
- [Statutory Guidance on Children who Run Away and go Missing from Home or Care](#)

This protocol is in four parts covering:

1. Children and Young People who go Missing in Derbyshire:
 - 1.1. Children and young people who go missing from their parents or carers.
 - 1.2. Children and young people who go missing with their parents
2. The Vulnerable Young Person's Panel
3. Children and Young People who go Missing from Home: Protocol between the Derbyshire Police, Derbyshire County Council and the Derbyshire Runaways Project
4. Children in Care who go Missing from their Placements: Protocol between the Derbyshire Police, and Derbyshire County Council

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1. CHILDREN & YOUNG PEOPLE WHO GO MISSING IN DERBYSHIRE

1.1 Children and young people who go missing from their parents or carers

It is important to understand the reasons why children and young people might go missing from home. It may be a response to an argument or other incident at home or to more serious problems either at home, at school or in the community. On the other hand, a child or young person may be running to, rather than from, something. Whatever the reason, children and young people can place themselves at significant risk. Whereas a first absence may never be repeated a second absence may denote the beginning of a pattern of response that requires examination. Similarly, the behaviour of parents to the absence – whether or not they had tried to locate the child, whether the absence was reported to the police in a timely manner, the appropriateness of their response on the child’s return – all are relevant to understanding the child’s behaviour and whether or not any intervention by agencies is indicated.

The joint protocol between the Derbyshire Police, Derbyshire County Council and The Derbyshire Runaways Project (Action for Children/Youthreach) sets out the joint arrangements for investigating and providing effective interventions where children and young people go missing from home.

Children and young people who go missing from care

Children and young people may go missing from their care placements perhaps to be with family or friends or to be away from a placement where they are unhappy, either with their carers or peers. Many young people who enter care as teenagers bring with them an established pattern of going missing from home and school. Not all such absences may be described as “missing” episodes – often they represent non-compliant behaviour a failure to return by an expected time. Sometimes absences trigger safeguarding procedures because of concerns about what a child or young person may be running from or to. Sometimes their likely whereabouts may be known.

It is important to understand the reasons that lead children and young people to go missing from their placement and agencies with responsibility for children and young people in care need to understand their respective roles in these circumstances.

The joint protocol on children & young people in care who go missing from their placement sets out the multi-agency arrangements for managing all aspects of both unauthorised absences and investigations and effective interventions where children and young people go missing from care.

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Other lone children and young people

Homeless & Vulnerable 16/17 year olds

Young people who are aged 16/17, sometimes younger, who have left home or been thrown out are especially vulnerable. Not only might they be “sofa-surfers” or rough sleepers, and vulnerable to all forms of exploitation, they are unlikely to be reported as missing persons and come to the attention of services. They may present as homeless and their needs should be immediately assessed

- Except where that assessment confirms that they are either not homeless or have housing but no other needs they should be offered accommodation under Children Act 1989 Section 20.
- Where they have no other needs or refuse to be accommodated, they should be deemed to have priority need for housing by district councils
 - Bed and Breakfast (B&B) accommodation is not an appropriate place for any child to stay unaccompanied and should never be used for unaccompanied children aged 15 or under.
 - No 16/17 year-old should be placed in B&B accommodation by housing services or children’s services, except in an emergency, where B&B accommodation is the only available alternative to ‘rooflessness’.
 - In these exceptional cases, B&B accommodation should be used for the shortest time possible and support must be offered to the young person during their stay.
- Housing services and children’s services are expected to adopt a shared strategic approach to the provision of emergency accommodation and housing and support pathways for young people in order to eradicate the use of B&B accommodation.

Migrant children and young people

The number of migrant children and young people in the UK has increased for a variety of reasons, including globalisation, war and conflict or because they want to escape poverty. Safeguarding and promoting the welfare of these children and young people must remain paramount with agencies in their dealings with this group. Child victims of trafficking and unaccompanied asylum-seeking children and young people are especially vulnerable.

Unaccompanied asylum-seeking children and young people (UASC)

A UASC is an asylum-seeking child under the age of 18 who is not living with a parent, relative or guardian in the UK. An initial assessment and, where appropriate a care assessment, must be carried out regardless of their immigration status and services provided on the basis of need. This assessment is likely to lead to them being accommodated with a care plan (pathway plan at 16+) based on this comprehensive assessment of their needs.

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Forced marriage

Some young people run away because they are at risk of abuse. Forced marriage in particular can lead to young women running away from home.

Further guidance and information can be found at the [Foreign & Commonwealth Office website](#)

Grooming for potential sexual exploitation

In some cases, young people may run away or go missing following grooming by adults who will seek to exploit them sexually. Evidence suggests that 90 per cent of children subjected to sexual grooming go missing at some point. The supply of drugs and alcohol or the offering of gifts may be used to entice and coerce young people into associations with inappropriate adults. Both girls and boys are at risk of sexual exploitation. Looked-after children may also be targeted by those wishing to abuse and sexually exploit them, and encouraging these children to run in order to disrupt their placement is often part of this abuse. Young people living within residential care units are particularly vulnerable to being directly targeted in this way.

DCSF [Safeguarding children and young people from sexual exploitation](#)

guidance has been produced to help local agencies identify children and young people who are at risk of sexual exploitation and take action to safeguard and promote their welfare.

Child victims of trafficking

Trafficking in people may involve many crimes, across many countries causing considerable suffering for those trafficked. It includes the exploitation of children and young people and human rights abuses through sexual and labour exploitation, including domestic service and benefit fraud. It includes movement across and within national borders. The UK is a destination country for trafficked children and young people who may enter the UK as UASC's, students, visitors or be brought in by adults who state that they are their dependents, or are met at the airport by an adult who claims to be a relative. The Internet is playing an increasing role. HM Government guidance [Working together to safeguard children – safeguarding children who may have been trafficked](#) is available to practitioners.

Child abduction

Where a child has been abducted or forcibly removed from their place of residence, this is a 'crime in action' and should be reported to the police immediately.

Other circumstances

Children and young people need not go missing overnight or longer to put themselves or others at risk. Much shorter absences when a child or young person is not where they should be can be of equal concern - for example truanting from school to offend or to be with persons known to pose a threat to

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children and young people - should lead to a missing person report and perhaps to joint action by several agencies.

Children and young people who commit offences

Any member of Youth Offending Service (YOS) staff, who has knowledge or a suspicion that a child/young person is placing themselves in vulnerable situations, for example by going missing or truanting from school to offend or being with persons known to pose a threat to children and young people, has a duty firstly to refer their concern to their line manager. Such concerns might be identified through assessment of the young person, information received from YOS colleagues or colleagues from other agencies, information received from other service users.

If the agreed action is that the Young Person does not require a referral to Children's Social Care, the YOS case manager should complete a referral to the Derbyshire Vulnerable Young Person's Panel and record the details on the YOS case management system (YOIS).

Children and young people missing from school where there are safeguarding concerns

When a child is absent from education, it is possible that this is due to other behaviour, associations or activity that puts them at risk of harm. This could be of their own choice or by the actions of another person or persons influencing their behaviour and choices. They could be the victims of abuse, neglect or crime, including sexual exploitation, forced marriage, trafficking, domestic servitude or abduction. It is important to recognise when young people are in situations where they are vulnerable and to take appropriate action.

- Where there is genuine concern that young person's safety and/or well-being is at risk, it is essential to take action quickly, as delays can see problems escalate, and also hamper an effective investigation of the circumstances in which the child is living.
- In any case where there is concern for a child's welfare this should be referred children's social care services
- If there is reason to suspect a crime has been committed, the police should also be involved
- Where the criteria are met, a referral to the Vulnerable young persons Panel should also be made ([see Section 2](#))
- If a child with a Child Protection Plan is off school, even for one day, school should notify the Social Worker.

Schools should also inform the Children Missing from Education (CME) team within 1 to 2 days of the child going missing. They *can be contacted on 01629 580000 Ext 6520*

Children missing from school may also require support and intervention under the Missing from Home or Missing from Care protocols.

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1.2 Children and young people who go missing with their parents

Children and young people may go missing with their carers for a variety of reasons – to escape social pressures such as debts or to escape domestic violence. They may also go missing to avoid order to evade the involvement of agencies with safeguarding responsibilities. A series of missed appointments with health or social care agencies or absences from school may indicate that a family has moved out of the area or overseas. Sometimes they indicate their intentions, sometimes not; sometimes they contact agencies on arrival in their new area, sometimes not.

- Children’s social care and the police should be informed as soon as such concerns arise.
 - This may be a referral for a child protection conference where a protection plan for a child may be necessary; and/or to The Vulnerable Young Persons’ Panel where joint action across agencies is indicated
- Particular consideration needs to be given to appropriate legal interventions where it appears that a child for whom there are outstanding concerns about their safety and welfare may be removed from the UK by his/her family in order to evade the involvement of agencies with safeguarding responsibilities.

Children and young people who go missing with their parents or carers

Children not receiving a suitable education are defined as children of compulsory school age who are not on a school roll, and are not receiving a suitable education otherwise than being in school, for example, at home, privately, or in alternative provision. They may have been withdrawn from a school without that school knowing their destination. This may include children:

- Believed to have moved abroad or to an independent school but there is no verification
- On *elective home education* and have moved home without reporting their new address.
- Reported by another local authority as having recently moved into Derbyshire and have not registered at the destination school or not made moves to access education

There are a number of reasons why children and young people go missing from education and who are the subject of procedures that deal with this. Many of those are not missing children and young people/missing families in that their whereabouts are known. The concern here is for those whose whereabouts are *not known* and who may be at risk.

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These can include:

- Families fleeing domestic abuse/living in women's refuges
- Families who are homeless, perhaps living in temporary accommodation
- Children and young people who fail to start appropriate provision, and hence never entering the system
- Children and young people who fail to complete a transition between providers (e.g. being unable to find a suitable school place after moving to a new LA area)
- Children and young people with a gypsy/traveller background or from transient families
- Migrant children and young people, whether in families seeking asylum or economic migrants.

Every practitioner working with a child has a responsibility to inform their CME contact if they know or suspect that a child is not receiving education. Once identified as missing from education, an alert is raised with all education services and the Education Welfare Service carries out searches to locate the child – the situation is monitored until the child is back in education.

[Guidance for local authorities on children not receiving a suitable education](#) is available to practitioners.

Children and young people of families living in temporary accommodation

Placement in temporary accommodation, often at a distance from previous support networks or involving frequent moves, can cause individuals and families to fall through the net and become disengaged from services and support systems. Some families who have experienced homelessness, and are placed in temporary accommodation by district/borough councils can have very transient lifestyles.

It is important that effective systems are in place to ensure that children and young people from homeless families receive services from health and education, as well as any other specific types of services, because these families move regularly and may be at risk of becoming disengaged from services.

Children and young people missing from health

Missing Children and Family Alert System for the East Midlands (MCFAS) is a process that has been established to locate children and young people (including unborn babies) who have disappeared from view and for whom there may be concerns about risk of significant harm in respect of unmet need, vulnerability or abuse.

Concerns that a child/family is missing are made to the Named Nurse for Safeguarding Children in Derbyshire and all reasonable and practical efforts are undertaken to locate the family. These include discussions with other health professionals, other agencies and interrogation of all available IT systems.

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- Where a child protection plan is believed to be needed a referral is made immediately to safeguarding for a case conference to be convened
- In addition to this, where joint action with the police to find the child/family is indicated, a referral to the Vulnerable Young Persons' Panel should be made
- If the child/family has not been located at the end of the 3 month alert period, the designated nurse will review the circumstances and the action taken/required - this will include reporting the matter to the police where this has not already happened.

Families and children fleeing domestic abuse

Families and children fleeing domestic abuse will be accommodated either in a refuge or other safe accommodation provided by, or on behalf of, District Housing Authorities. Each refuge has a liaison worker who ensures that the needs of children are met and that they are linked with an appropriate school.

- Children living in temporary accommodation for reasons of domestic abuse are *prima facie* children in need and are entitled to an initial assessment if this appears to be appropriate.
- Children who have safeguarding needs are referred to Safeguarding & Specialist Services

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2. THE VULNERABLE YOUNG PERSON'S PANEL

The vulnerable young persons' panel is a multi-agency forum that exists to take effective joint action where a child or young person is missing and is at risk of significant harm or of committing serious offences or is otherwise at risk of physical harm, sexual or economic exploitation.

- This action supports but does not replace any need to convene a conference under child protection procedures to agree or review a protection plan
- The Panel's membership and the intelligence it builds up across the county and beyond means that it can effectively support and enhance actions agreed elsewhere
- The Panel also links into the UK Human Trafficking Centre (UKHTC), a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad

The joint protocol on the role of the Vulnerable Young Persons' Panel children sets out the arrangements for considering joint action.

2.1. Purpose

The vulnerable young persons' panel exists to take effective joint action where young person is missing and is at risk of significant harm or of committing serious offences or is otherwise at risk of physical harm, sexual or economic exploitation.

- This action supports but does not replace any plans agreed by a safeguarding strategy meeting;
- It links into the UK human trafficking processes and supports the work of the police sexual exploitation unit.

2.2. Criteria for referral

A strategy meeting or any agency may refer a young person who:

- 2.2.1. Is under the age of 18 years and is missing for a long period or persistently and where there are additional concerns that they be subject to exploitation by adults.
- The young person should be reported as a missing person even though the absence may be during the day, not late at night/overnight;
 - It includes young people who may be homeless or living independently, and:

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- 2.2.2. It is believed that, in order to protect the young person, effective action against adults who are suspected of harbouring or exploiting him or her needs to be taken.
- Such action needs to be co-ordinated across the agencies represented at the panel

2.3. Operational arrangements

- 2.3.1. Two Panels meet each month at the Safeguarding Offices – one south county and one north county.
- 2.3.2. They are administered by Safeguarding Children who will timetable young persons to be discussed, record actions to be taken and circulate brief notes.
- 2.3.3. A referral should be made to Safeguarding at County Hall **no later than 10 days** before the panel is due to be held:
email: gill.windle@derbyshire.gov.uk
telephone: 01629 532178
by post: Gill Windle, Business Services Officer, Safeguarding Children, Room 382 North block, County Hall, Matlock, Derbyshire DE4 3AG.
- 2.3.4. The police collate referrals and send out a timetable with names of persons to be discussed **no later than 8 days** before the panel is due to be held:
- Each agency should nominate a representative of sufficient authority to speak on behalf of the agency and make commitments to any agreed action;
 - Prior to the meeting, each agency should carry out checks on victims and perpetrators and report to meeting.
- 2.3.5. Core membership of the panel is:
- Police Detective Inspector (Chair);
 - Safeguarding Manager;
 - 11 -19 District Managers (North/South);
 - Education Welfare Manager;
 - Youth Offending Service Manager;
 - Action for Children/Derbyshire Runaways Project Manager;
 - Named Nurse for Safeguarding;
- 2.3.6. Additional membership where there is specific agency concern in relation to any young person:
- Probation Service;
 - CAMHS;

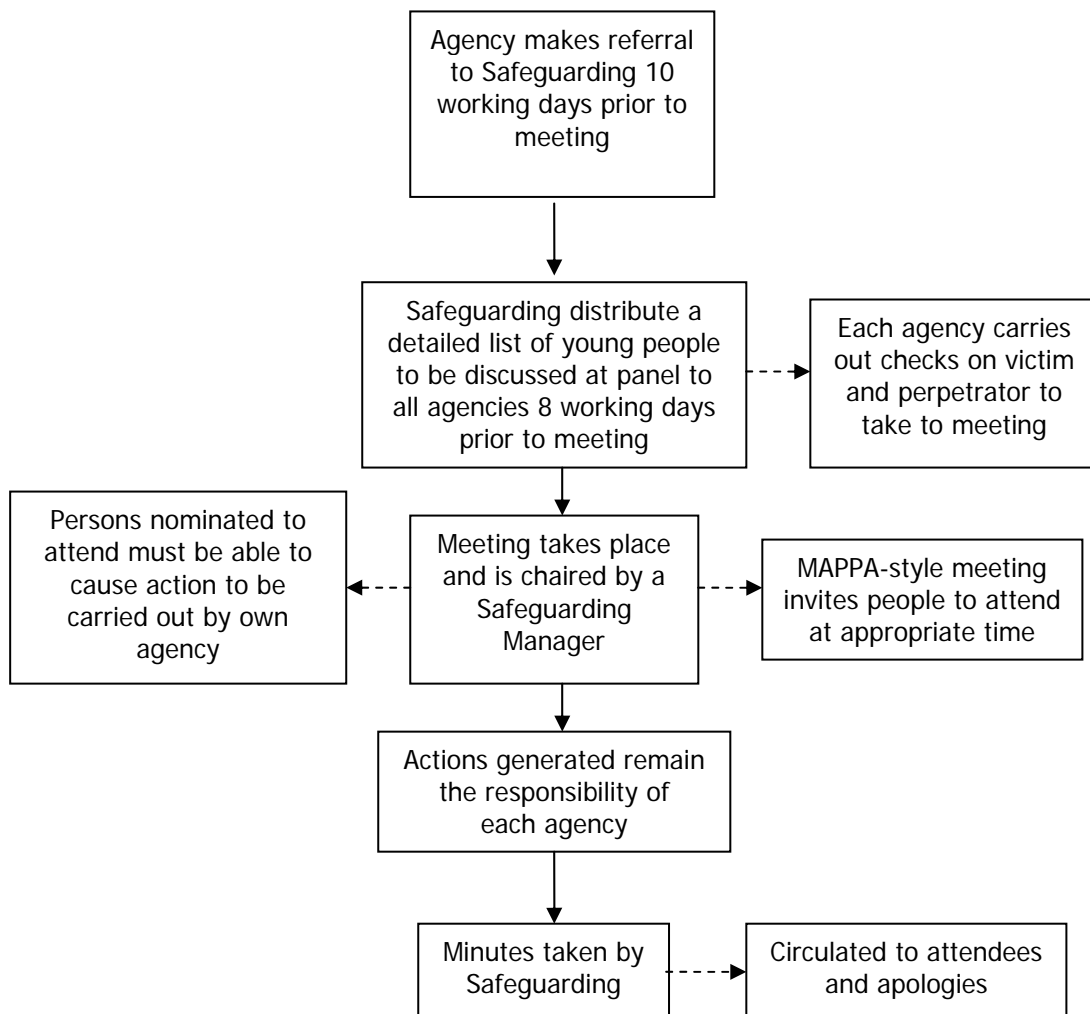
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- Young persons' drug and alcohol services;
- Children in care – residential and contract care fostering.

2.4. Panel outcomes

- 2.4.1. The overriding outcome will be to secure the safety or reduce the risks to the young person by:
- Sharing intelligence;
 - Agreeing joint action;
 - Disrupting the exploitative activities of adults;
 - Pursuing prosecutions as necessary.
- 2.4.2. Safeguarding will:
- Record decisions and actions agreed;
 - Circulate brief notes.
- 2.4.3. Actions generated remain the responsibility of each agency.

Vulnerable Young Persons' Panel Process



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3. CHILDREN & YOUNG PEOPLE WHO GO MISSING FROM HOME - PROTOCOL BETWEEN THE DERBYSHIRE POLICE, DERBYSHIRE COUNTY COUNCIL & THE DERBYSHIRE RUNAWAYS PROJECT

3.1. Introduction

- 3.1.1. The reasons why children go missing are varied and complex and cannot be viewed in isolation from their home circumstances and, for some, what may be happening at school or in the community. Every time they go missing is a cause for concern:
- Those who go missing overnight or for longer periods are placing themselves, and sometimes others, at risk of serious harm.
 - Others who display a pattern of behaviour whereby they go missing for a short period and then return are often testing boundaries and this is usually within the range of normal teenage behaviour and should not come within the definition of 'missing' for the purposes of this joint protocol.
- 3.1.2. This joint protocol refers to children who go missing from home (Young Runaways) and who have been reported missing by their parents or carers or a third party.
- 3.1.3. It does not cover children in care in Derbyshire who are covered by a separate protocol¹

3.2. Aims of the protocol

This protocol aims to:

- 3.2.1. Promote a shared responsibility for action to reduce the incidence of children in Derbyshire going missing from home.
- 3.2.2. Through public awareness campaigns and information encourage parents and carers:
- To better understand the reasons why children run away and the risks they are exposed to when missing
 - To be alert to any likelihood that this may happen
 - To take reasonable steps to keep their children safe and know their whereabouts
 - To take prompt action to locate them if they have any concerns

¹ Children in care who go missing from their placements

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- If they are unable to locate them and remain concerned for them, reporting them missing to the police as soon as possible

3.2.3. Provide information, personal, health and social education within Derbyshire schools to reduce the incidence of children who run away and the harm to them arising from it.

3.2.4. The Derbyshire Runaways Project will deliver, in partnership with other services, a brief intervention service to children to reduce the likelihood of further running away.

3.3. Definitions

3.3.1. The terms **young runaway** and **missing** refer to children up to the age of 18² who have run away from their home or care placement, have been forced to leave, or whose whereabouts are unknown.

- The target group for services from the Runaways Project are aged 8 – 17 years.

3.3.2. A child is **missing** where:

- His or her whereabouts or reason for absence is unknown; and/or
- There is cause for concern for his/her vulnerability;
- Or because there is a potential danger to the public.

A child in this category must be reported to the police.

3.3.3. **Absent without permission** is when a child fails to return home at the time requested or expected. A caring parent will take all reasonable practical steps to find out where the child is, where they are going or who they are with and, if necessary arrange for those people and places to be checked out.

- Any such absence must be carefully monitored as the child may subsequently become a missing person
- Having regard to the age and ability of the child, their usual behaviour and the circumstances of the absence, a caring parent will decide at what point their child should be considered a “missing person”
- The absence of a child under the aged 12 and under should always be considered as a missing person episode
- No absence should ever continue beyond 24 hours – if the child has not returned or his or her whereabouts identified and well-being confirmed, a missing person report should be made.

² Throughout this document the term child or children are used inclusively to describe children under 18 years of age

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It is acknowledged that such decisions are made by parents – this sets out what the agencies party to this protocol consider a caring parent should do and is the basis of any advice or information given to them.

3.4. Risk Assessment

- 3.4.1. The police are the lead agency in relation to finding and securing the safe return of missing persons.
- There is a presumption that **all** missing children are vulnerable unless a risk assessment determines otherwise.
- 3.4.2. In undertaking a risk assessment, the police will have regard to information available to them from partner agencies, especially the Derbyshire Runaways Project. They will be alert to the potential significance of repeated absences running away and will consider:
- The age of the child;
 - Previous behaviour and history;
 - The emotional needs of the child, eg, whether there has been any variation in their mood or whether they have expressed any intention to harm themselves or others;
 - Behaviour of the child as influenced by peer groups or others;
 - Whether the child is perceived as running to/running from someone/something;
 - The risk of offending;
 - The risk that the child may be targeted for economic or sexual exploitation.
- 3.4.3 Often such children are immediately labelled as the problem and insufficient consideration may be given to why they go missing on more than one occasion. Persistent running away needs to be explored, particularly at the time of return interviews.
- 3.4.4. A range of 'push' and 'pull' factors may be reasons for being absent:
- Push factors**
- Problems at home – ranging from arguments with parents to long-term abuse or maltreatment.
 - Family break-up – young people drawn into their parents' conflicts are less likely to do well at school and more likely to truant or to run away from home.
 - Mental health problems – a disproportionate number of young people who run away from home have mental health problem.
 - Bullying – children who are being severely bullied are more likely to run away from school and home or care.

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- Teenage pregnancy – some young women run away or are forced to leave home because they become pregnant (or fear that they may be pregnant).
- They may also be in denial about their pregnancy, meaning that they are not getting the advice they need about pregnancy options. There is also a greater risk of pregnancy when girls run away, and those working with them will need to ensure they have rapid access to confidential contraception and sexual health services to prevent unwanted pregnancies.

Pull factors

- Running to be near friends or family – especially when a young person is in care and there are problems in contact arrangements with family and friends.
- Grooming for potential sexual exploitation or child trafficking – young people may run away or go missing following grooming by adults who will seek to exploit them.

3.5. Incidents of Specific Concern

3.5.1. Patterns of running away/going missing from children’s homes should be discussed regularly with local police representatives and other agencies as part of the wider strategy for keeping children safe. If the running away/going missing of a child is causing specific concern, eg, by its frequent repetition or indicators of particular risk such as contact with an offender who poses a specific risk to a child, there should be a multi-agency strategy meeting to discuss the combined response to such incident and concern. This meeting should be attended by:

- A representative of the police;
- A representative of the local authority responsible for the child’s care of sufficient seniority to be able to take authoritative decisions about the steps needed to locate and protect the child;
- The registered manager of the children’s home or the manager of the fostering service/ team
- The child
- Where the child is not placed within the boundary of their responsible authority – a representative from the authority in which the child is currently living – perhaps from the local team responsible for child protection;
- Other relevant agencies - eg, representatives from the Youth Offending Team, Drugs Action Team and CAMHS, Youth Service/Connexions.

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3.6 Response by Derbyshire Police

- 3.6.1. The police will investigate all cases falling within this protocol and will respond in accordance with Police Missing Persons policy.
- Other Children’s Trust partner agencies will work collaboratively to assist them with their duties.
- 3.6.2. Police powers ([see also Appendix A](#)), are limited and difficulties can arise when missing children are found but do not want to return to their placement.
- 3.6.3. Under the Children Act 1989, where there is reasonable cause to believe that the child could suffer significant harm the police can take the child into police protection under the Children Act 1989, and remove to suitable accommodation which could include the home from which the child originally went missing. The police are not given the power to use force to take children into police protection. This is, however, a difficult area, with conflicting advice as to what the police can do in terms of using reasonable force to prevent children suffering significant harm.
- 3.6.4. There will be occasions when a child is found in a location that may be considered unsuitable, but where there would not be legal grounds for taking them into police protection. In such cases, police and the accountable manager from the responsible social services authority will need to liaise to discuss what steps may be necessary in order to safeguard the child’s welfare.
- 3.6.5. A **Safe and Well Check** should be carried out by the police as soon as possible after the child has returned. Its purpose is to check for any indications that the child has suffered harm, where and with whom they have been, and to give them an opportunity to disclose any offending by, or against, them.
- Where a person goes missing frequently, it may not be practicable to see them every time they return. In these cases, a reasonable decision should be taken with regard to the frequency of such checks.
 - Every effort should be made to visit those children missing from home on every occasion.
- 3.6.6. If the child makes an allegation of crime that occurred whilst they were missing or that contributed to him/her running away, the Police will record this allegation and take appropriate action.

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- 3.6.7. If the safe and well check is **not** satisfactory, the police will also report the child's absence to children's social care

3.7. Response by the Derbyshire Runaways Project

- 3.7.1 The Derbyshire Runaways Project will receive notifications from the police of all children reported missing from home in Derbyshire.
- 3.7.2. On receipt of information, the project will check with social care to see if the child is known:
- Where this is found to be the case, the service will liaise with the case responsible worker to ascertain whether or not services are required
- 3.7.3. The Derbyshire Runaways Project will work with children's social care and other services where children are already known and receiving services
- It is primarily an early intervention service responding to needs identified by missing person report
- 3.7.4. The **Return Interview** will be carried out by workers from the project who will make contact with the child and/or his parent(s) within a maximum 48 hours where:
- The child is aged under 12 years
 - The safe and well interview or other information about a child indicates that they are vulnerable
 - Irrespective of the outcome of a safe and well check, where a child has gone missing for a second or subsequent time.
- 3.7.5. It is especially important that the Return Interview takes place when a child:
- Has been missing for over 24 hours;
 - Has been missing on two or more occasions;
 - Has engaged (or is believed to have engaged) in criminal activities during their absence;
 - Has been hurt or harmed whilst they have been missing (or this is believed to have been the case);
 - Has known mental health issues;
 - Is at known risk of sexual exploitation; and/or
 - Has contact with persons posing risk to children.
- 3.7.6. The interview and actions that follow from it should:
- Identify and deal with any harm the child has suffered – including harm that might not have already been disclosed as part of the

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Safe and Well check (his/her medical condition should be discussed and any need for medical attention assessed);

- Understand and try to address the reasons why the child ran away;
- Try to prevent it happening again

3.7.7. Where an allegation of physical or sexual abuse is made or becomes evident, child protection procedures must be implemented and contact made immediately with the police Child Abuse Investigation Team and the child protection service at the authority where the child is living.

3.7.8. If there is any suggestion that the child has been a victim or perpetrator of crime, consideration must be given to securing evidence by police including by forensic examination.

- This should also include securing clothing and delaying washing/bathing in relevant cases. It must be remembered that all necessary permissions are obtained from the child's parents and/or those with parental responsibility.
- The child cannot give consent to these procedures taking place. It is essential to recognise that the welfare of the child is paramount and careful consideration might be given to the potential effects of the procedures on the child.

3.7.9. The interview will lead to a pre-CAF initial assessment subject to agreement with the child and family:

- Unless the pre-CAF indicates otherwise, the child should return home
- Where this is not appropriate or not achievable, the alternative placement will normally be with the extended family or friends (kinship)

3.7.10. The pre-CAF may lead to a full CAF assessment and an offer of services for up to 3 months or signposting to other more appropriate services.

3.7.11. Where services are offered, this will be in order to:

- Increase the child's awareness of the dangers of running away and the issues young runaways face
- Build up a trusting relationship with him or her leading to opportunities to identify the issues that made them run away from home or care
- To help the child to seek safer solutions to deal with their issues other than running away
- Enable him or her to feel safe to ask questions if they don't understand something or want to find answers to their questions.

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3.8. Multi-agency meetings – The Vulnerable Young Persons’ Panel

- 3.8.1 Where children run away persistently and/or engage in other risky behaviour, such as frequently leaving their placement to associate with unfamiliar or inappropriate adults, the care provider – in consultation with the authority responsible for them – should convene a multi-agency risk management meeting. The purpose of this will be to develop a strategy with all relevant agencies for managing the identified risks to children. This strategy should be recorded in detail in the child’s care plan.
- 3.8.2 The Vulnerable Young Persons’ Panel is a multi-agency forum that exists to take effective joint action where a child is missing and is at risk of significant harm or of committing serious offences or is otherwise at risk of physical harm, sexual or economic exploitation.
- This action supports but does not replace any need to convene a conference under child protection procedures to agree or review a protection plan
 - The Panel’s membership and the intelligence it builds up across the county and beyond means that it can effectively support and enhance actions agreed elsewhere
 - The Panel also links into the UK Human Trafficking Centre (UKHTC), a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad

The joint protocol on the role of the Vulnerable Young Persons’ Panel children sets out the arrangements for considering joint action.

3.9. Other referral processes

- 3.9.1 The Derbyshire Runaways Project has three main ways of receiving referrals, all of which follow the Every Child Matters Common Assessment Framework route:
- Referrals directly from frontline Police Officers following their input to the Police Compact System as above.
 - Referrals from the Divisional MISS-PER officers through the MISS-PER forms sent direct to the project and the monthly Joint meeting
 - Referrals from other agencies (Social Care, YOS, Connexions, Youth service, Health, Education etc) through the Vulnerable Young Peoples Panel or direct referral route using the CAF

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process based on the projects criteria for intervention – a separate protocol sets out the role of the Vulnerable Young Persons' Panel

3.10. Other Areas of Intervention

- 3.10.1. *Children in Care* – direct services to children in care are outside of the scope of this protocol. However, support to residential and foster carers through training on strategies to manage running away will be provided and resources to work with children made available.
- 3.10.2 *Training events* will be provided for statutory, voluntary and community sector staff.

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4. CHILDREN IN CARE WHO GO MISSING FROM THEIR PLACEMENTS – PROTOCOL BETWEEN THE DERBYSHIRE POLICE & DERBYSHIRE COUNTY COUNCIL

4.1 Introduction

- 4.1.1 This joint protocol refers to situations when children who are looked after by the local authority go missing from wherever they are placed and;
- Defines the roles of police, children’s social care staff and carers;
 - Provides guidance to these staff and carers
- 4.1.2. This should be read as guidance, which cannot anticipate every situation. Police, children’s social care staff and foster carers should use their professional judgement to take any action they feel that is necessary to protect the safety of the child, based on an assessment of risk for each individual child.
- 4.1.3. All parties involved in the protocol should be clear about the definition of a missing person, and discourage the routine reporting of ‘unauthorised absences’ as missing persons.
- 4.1.4. Children who go missing from care may place themselves and others at risk. The reasons for their absence are often varied and complex and cannot be viewed in isolation from their home circumstances and their experiences of care. Every ‘missing’ episode should attract proper attention from the professionals involved with the missing person and they must collaborate to ensure a consistent and coherent response is given to the missing person on his/her return.
- 4.1.5. Channels of communication between the local authority and the relevant Police Area must be established and maintained in order to facilitate the partnership approach.
- 4.1.6. This protocol applies to all children missing from residential or foster care.
- 4.1.7. This protocol covers all children’s homes and foster homes in Derbyshire, both local authority and independent sector.
- It also has relevance for both local authority and independent sector boarding schools
 - It also covers children on care orders placed with parents

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4.2 Definitions

- 4.2.1 The terms **young runaway** and **missing** refer to children up to the age of 18³ who have run away from their home or care placement, have been forced to leave, or whose whereabouts are unknown.
- 4.2.2 A child is **missing** where his or her whereabouts or reason for absence is unknown and/or there is cause for concern for the vulnerability of the child or because there is a potential danger to the public. A child in this category must be reported to the police.
- 4.2.3 Where a child in care's whereabouts are known, or thought to be known but unconfirmed, they are not missing and may instead be considered as **absent without authorisation** from their placement.
- 4.2.4. Clearly some children absent themselves for a short period and then return and their whereabouts are known. Sometimes children stay out longer than agreed, either on purpose or accidentally, and may be testing boundaries. This kind of boundary testing is within the range of normal teenage behaviour and not necessarily considered a risk. However:
- The absence of a child under the aged 12 and under should always be considered as a missing person episode;
 - No unauthorised absence should continue beyond 24 hours – if the child has not returned or his or her whereabouts identified and well-being confirmed, a missing person report should be made;
 - When a child fails to return at the time requested or absents themselves without permission, the carer should decide, with reference to the risk assessment if there is one, which category the absence falls into, e.g. unauthorised absence, missing person, or unlawfully at large (ie in breach of a court order – [see Point 13](#)).
- 4.2.5 The carer should take all reasonable practical steps, as a caring parent would, to find out where the child is, where they are going or who they are with and, if necessary, arrange for those people and places to be checked out. They should do everything they can reasonably do to get the child home safely, including going out to look for them and bringing them back if it is necessary and practical to do so.
- 'Reasonable' will need to have regard to the time of night/day when the need arises and other circumstances – for example, a single foster carer with other children to care for will not be able

³ Throughout this document the terms child or children are used inclusively to describe children and young people under 18 years of age

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to undertake a local search; similarly, a residential carer may not be able to leave the building late in the evening

- 4.2.6. The responsible care provider and, where appropriate, the police should work together to ensure the child's safety. Any unauthorised absence must be carefully monitored as the child may subsequently become a missing child.

4.3. Risk Assessment

- 4.3.1. In assessing the significance of a child's absence, all staff and carers must apply the above definitions and take into consideration guidance already agreed and incorporated into the child's care plan including:
- The age of the child;
 - The legal status of the child;
 - Previous behaviour and history;
 - The emotional needs of the child, eg, whether there has been any variation in their mood or whether they have expressed any intention to harm themselves or others;
 - Behaviour of the child as influenced by peer groups or others;
 - Whether the child is perceived as running to/running from someone/something;
 - The risk of offending;
 - The risk that the child may be targeted for economic or sexual exploitation.
- 4.3.2. Staff in all organisations concerned should avoid dismissing the potential significance of repeated running away. Often such children are immediately labelled as the problem and insufficient consideration is given to why they persistently abscond. Persistent running needs to be explored, particularly at the time of post return interviews.
- 4.3.3 A range of 'push' and 'pull' factors may be reasons for being absent including:

Push factors

- Problems at home – ranging from arguments with parents to long-term abuse or maltreatment.
- Family break-up – young people drawn into their parents' conflicts are less likely to do well at school and more likely to truant or to run away from home.
- Mental health problems – a disproportionate number of young people who run away from home have mental health problem.
- Bullying – children who are being severely bullied are more likely to run away from school and home or care.

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- Teenage pregnancy – some young women run away or are forced to leave home because they become pregnant (or fear that they may be pregnant).
- They may also be in denial about their pregnancy, meaning that they are not getting the advice they need about pregnancy options. There is also a greater risk of pregnancy when girls run away, and those working with them will need to ensure they have rapid access to confidential contraception and sexual health services to prevent unwanted pregnancies.

Pull factors

- Running to be near friends or family – especially when a young person is in care and there are problems in contact arrangements with family and friends.
- Grooming for potential sexual exploitation or child trafficking – young people may run away or go missing following grooming by adults who will seek to exploit them.

4.4. Planning before the event

- 4.4.1 Where there is a likelihood that a child in care may go missing from their established placement:
- There should be an assessment of the likelihood that the child might go missing and the risk they may face as a consequence – *all children placed in Children's Homes should have such an assessment*;
 - This should be completed by the social worker with contributions from the carers as part of the placement plan;
 - This information should be included in both the placement plan and in the care plan.
- 4.4.2 This assessment should include information on the following:
- The likelihood of the child going missing;
 - The child's view;
 - The level of supervision /support that care staff propose to provide for the child;
 - The views of parents/carers on their child needs and the action that needs to be taken if the child is absent;
 - The risk of harm to the child and his/her vulnerability if he/she is absent;
 - Consideration of any external influences which may result in a child's removal without consent;
 - The likelihood of the child being harboured.

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- 4.4.3. The child should have this protocol explained to him/her and the potential dangers that they may encounter so that he/she understands the implications of running.

4.5. Incidents of specific concern

- 4.5.1 Patterns of running away/going missing from children's homes should be discussed regularly with local police representatives and other agencies as part of the wider strategy for keeping children safe. If the running away/going missing of a child is causing specific concern, eg, by its frequent repetition or indicators of particular risk such as contact with a Schedule One offender, there should be a multi-agency meeting to discuss the combined response to such incident and concern. This meeting should be attended by:
- A representative of the police;
 - A representative of the local authority responsible for the child's care of sufficient seniority to be able to take authoritative decisions about the steps needed to locate and protect the child;
 - The registered manager of the children's home or the manager of the fostering service/ team
 - The child;
 - Where the child is not placed within the boundary of their responsible authority – a representative from the authority in which the child is currently living – perhaps from the local team responsible for child protection;
 - Other relevant agencies - eg, representatives from the Youth Offending Team, Drugs Action Team and CAMHS, Youth Service/Connexions.

4.6. Notification of absence

- 4.6.1 When a member of children's home staff or a foster carer realise that a child is missing from their care they should consider which definition the absence falls within.
- 4.6.2 Support and advice in making this decision will be available from the children's social care department responsible for the child and from the responsible out-of-hours service.
- 4.6.3 If the absence is considered to fall with the definition of missing, residential staff must without delay inform:
- The police;
 - The parents and those who have parental responsibility;
 - The social worker or the accountable manager;

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- The Children’s Rapid Response Team if out of hours and the social worker and accountable manager the next working day.

4.6.4 If the absence is not considered to fall within the definition of missing, staff and carers should review the consideration regularly and in any case, if the period of absence continues for six hours, further consideration should be given as to whether the absence should fall within this protocol.

- Six hours should be regarded as the maximum period before reconsideration and in many cases, a shorter period would be more appropriate.

4.6.5. Any case of an absent child which causes significant concern, or where circumstances give rise to suspicion of harm, should be brought to the attention of the accountable manager from the authority responsible for the child’s carer and the duty inspector for the police area from which the child is missing as soon as possible.

4.7. Information to be made available

4.7.1. When reporting to the police, the person taking the report will need the following information:

- Child’s details – age, gender, ethnicity, first language;
- Legal status and any court orders that apply;
- A description of the child and their clothing;
- Any money that may have been taken;
- Details of when the child was last seen and with whom;
- A recent photograph (if available);
- Family addresses;
- School attended;
- Known associates and addresses frequented;
- Personal details of the child;
- Any previous history of absconding / absenteeism and circumstances of where found;
- The names and addresses of the child’s GP and dentist;
- The circumstances under which the child is absent;
- Any factors which increase the risk to the child;
- Name of staff member who has completed search of home for the child (NB: police reserve the right to conduct further searches).

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4.8. Response by Derbyshire Police

- 4.8.1 The Police will investigate all cases falling within this protocol and will respond in accordance with Police Missing Persons policy.
- Children's social care staff will be expected to help the police in finding the child and to work cooperatively during any enquiry
- 4.8.2 Even after reporting a child missing, staff and carers should recognise that the local authority is responsible for children in their care at all times and this responsibility is not relinquished when they have reported a child missing to the police.
- 4.8.3 The police have responsibility for advising the media regarding children missing from local authority care, however decisions to publicise will always be made in consultation with children's social care who will consult the parents and/or carers.

4.9. Recording

- 4.9.1. Throughout the process in this protocol, carers and social workers must keep a full record of all actions taken and messages received and given. Police will likewise keep a record on the appropriate missing person report.
- 4.9.2 Alongside the care plan, a Placement Information Record (PIR) should be completed between the responsible local authority and the provider of the child's placement. The expectations as to how they will meet the child's needs should be set out in the PIR, which must describe how the provider will maintain the child's positive routines as part of their commitment to enable the child to experience a constructive placement, supporting them to achieve their potential. It should include details about:
- Any specific behaviour-management strategies that the provider is expected to follow;
 - The provider's role in meeting the child's health needs;
 - The provider's role in supporting the child's education; and
 - The provider's role in supporting contact with the child's family, including information about any restrictions of contact.

4.10. Multi-agency meetings – The Vulnerable Young Persons' Panel

- 4.10.1. Where children run away persistently and/or engage in other risky behaviour, such as frequently leaving their placement to associate with unfamiliar or inappropriate adults, the care provider – in consultation with the authority responsible for them – should convene a multi-agency

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risk management meeting. The purpose of this will be to develop a strategy with all relevant agencies for managing the identified risks to children. This strategy should be recorded in detail in the child's care plan.

4.10.2. The Vulnerable Young Persons' Panel is a multi-agency forum that exists to take effective joint action where a child is missing and is at risk of significant harm or of committing serious offences or is otherwise at risk of physical harm, sexual or economic exploitation.

- This action supports but does not replace any need to convene a conference under child protection procedures to agree or review a protection plan
- The Panel's membership and the intelligence it builds up across the county and beyond means that it can effectively support and enhance actions agreed elsewhere
- The Panel also links into the UK Human Trafficking Centre (UKHTC), a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad

The joint protocol on the role of the Vulnerable Young Persons' Panel children sets out the arrangements for considering joint action.

4.11. Planning for return

4.11.1.1 If a child's absence is defined as 'missing', the appropriate children's social care manager in consultation with social workers, parents and police as appropriate, should start contingency planning for when the child is found. The manager must consider:

- Arranging for an 'independent person' to talk to the child about the reasons that they went missing to inform the decision as to whether the child will return to the previous placement;
- Arrangements to escort the child and support them to return;
- Whether the police wish to interview the child before he/she is returned to their placement.

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4.12. Police powers – [see also Appendix A](#)

- 4.12.1. Police powers are limited and difficulties can arise when missing children are found but do not want to return to their placement.
- 4.12.2 Under the Children Act 1989, where there is reasonable cause to believe that the child could suffer significant harm the police can take the child into police protection under the Children Act 1989, and remove to suitable accommodation which could include the home from which the child originally went missing. The police are not given the power to use force to take children into police protection. This is, however, a difficult area, with conflicting advice as to what the police can do in terms of using reasonable force to prevent children suffering significant harm.
- 4.12.3. There will be occasions when a child is found in a location that may be considered unsuitable, but where there would not be legal grounds for taking them into police protection. In such cases, police and the accountable manager from the responsible social services authority will need to liaise to discuss what steps may be necessary in order to safeguard the child's welfare.
- 4.12.4. Any child unlawfully at large from a secure unit or penal establishment may be liable to arrest and returned by police.

4.13. Young people on remand

If the remand is without conditions the young person should be returned to the designated placement. If there are conditions attached, eg, curfew they can be detained and brought before a court.

4.14. Communication

Following a reported absence, residential staff may need to inform all other staff and children within the home. This stops distressing rumours and additional information regarding the child's whereabouts may be obtained. Staff should also notify the child's school in case they have any relevant information. Any information should be reported to the police without delay.

4.15. The Return

Interviewing a child on their return from a missing episode is necessary to understand why the person went missing or ran away in the first place. There are two stages to the process, the *Safe and Well Check* and the *Return Interview*.

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4.16. The Safe and Well Check

- 4.16.1 **Safe and Well Check** will be carried out by the police as soon as possible after the child has returned. Its purpose is to check for any indications that the child has suffered harm, where and with whom they have been, and to give them an opportunity to disclose any offending by, or against, them.
- Where a person goes missing frequently, it may not be practicable to see them every time they return. In these cases, a reasonable decision should be taken with regard to the frequency of such checks.
 - This will mainly apply to children missing from care who are likely to have other people responsible for their welfare to check this. Every effort should be made to visit those children missing from home on every occasion.
- 4.16.2. If the child makes an allegation of crime that occurred whilst they were missing or that contributed to him/her running away, the Police will record is allegation and take appropriate action.
- 4.16.3 Where the child is a frequent missing person, it may not be desirable to interview them after every incident. In these cases, the police should satisfy themselves as to the well-being of the child on a regular basis.

4.17. The Return Interview

- 4.17.1 A more in-depth **Return Interview** should be carried out ideally by an independent person who is trained to carry out these interviews and is able to follow-up any actions that emerge.
- Many children who run away or go missing need to build up trust with somebody before they will discuss in depth the reasons why they decided to run away.
- 4.17.2. The child should be encouraged to talk about their absence to someone of their choice who is independent of their placement such as the Advocacy Service. This may include any worker who is part of the “team around the child” approach such as the social worker, CAMHS worker, youth/Connexions worker, police officer, teacher etc.
- This person should have no line management with the home.
- 4.17.3 It is especially important that a Return Interview takes place when a child:
- Has been missing for over 24 hours;
 - Has been missing on two or more occasions;

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- Has engaged (or is believed to have engaged) in criminal activities during their absence;
- Has been hurt or harmed whilst they have been missing (or this is believed to have been the case);
- Has known mental health issues;
- Is at known risk of sexual exploitation; and/or
- Has contact with persons posing risk to children.

4.17.4 The interview and actions that follow from it should:

- Identify and deal with any harm the child has suffered – including harm that might not have already been disclosed as part of the Safe and Well check (his/her medical condition should be discussed and any need for medical attention assessed).
- Understand and try to address the reasons why the child ran away
- Try to prevent it happening again.

4.17.5 If there are concerns that the child may have run away as a result of circumstances relating to their placement – for example because of bullying or abuse by a peer or carer - then this conversation or meeting would need to take place prior to the child's return. Otherwise this should normally take place within 72 hours of his/her return from absence.

- Where an allegation of physical or sexual abuse is made or becomes evident, child protection procedures must be implemented and contact made immediately with the police Child Abuse Investigation Team and the child protection service at the authority where the child is living.

4.17.6 If there is any suggestion that the child has been a victim or perpetrator of crime, consideration must be given to securing evidence by police including by forensic examination.

- This should also include securing clothing and delaying washing/bathing in relevant cases. It must be remembered that all necessary permissions are obtained from the child's parents and/or those with parental responsibility.
- The child cannot give consent to these procedures taking place. It is essential to recognise that the welfare of the child is paramount and careful consideration might be given to the potential effects of the procedures on the child.

4.17.7. Parents, police, social workers and any other persons informed of the child's absence, should be advised of the child's return without delay.

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- 4.17.8. The social worker and line manager should decide in consultation with the carers and the child whether they should convene a statutory review of the care plan.

4.18. Missing during external activity of a residential home

If a child becomes absent outside their area, the person in charge of the external activity or holiday will:

- Take reasonable steps to arrange a search in the area where he or she became absent;
- Notify the local police for that area;
- Notify the child's parents or guardian;
- Notify his/her social worker or the accountable manager;
- Notify a manager at the home/fostering service if relevant;
- Notify the Youth Offending Team if he or she is on remand;
- Notify the Children's Rapid Response Team if out of hours.

4.19. Longer absences

4.19.1 A meeting must be called to develop a strategy whenever a child is missing for a longer period, and within a maximum of 7 working days. This will be based on the assessment and will depend upon the individual circumstances.

4.19.2 This meeting will involve:

- The accountable manager from the local authority responsible for the child;
- The local police superintendent (or nominee);
- Relevant staff/carers from the authority where he or she is living;
- The registered manager of the children's home or fostering service;
- Parents/carers.

4.19.3 The meeting will review the action taken up to this point, and satisfy itself that all possible steps are being taken to locate and return the child.

4.19.4 It may be necessary to refer a child into the Vulnerable Young Persons' Panel⁴ process where he or she is missing from care and is at risk of significant harm or of committing serious offences or is otherwise at risk of physical harm, sexual or economic exploitation.

⁴ See separate protocol

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4.20. Monitoring the protocol

National Indicator NI 71 sets out the requirements for effective action to prevent or manage children who go missing from care or from home.

- 4.20.1 This protocol will be monitored by the Vulnerable Children's Group which will produce reports for the Safeguarding Board
- 4.20.2 The Operations Manager (Child Protection) and the superintendent of police for the relevant area must be responsible for ensuring that the general principles of this protocol are followed.
- 4.20.3 The primary police involvement with residential homes is through the Safer Neighbourhood Teams and the allocated Police Liaison Officer.
 - Regular liaison meetings provide an appropriate local forum for monitoring patterns of absence and taking effective action.

Appendix A

RELEVANT LEGISLATION & SUMMARY OF POLICE POWERS IN RELATION TO CHILDREN & YOUNG PEOPLE WHO GO MISSING

CHILDREN ACT 1989 SECTION 49

Abduction of Children in Care

This offence applies to **any child/young person subject to a care order, emergency protection order or in police protection** even if the child/young person is 16 or over providing the care order has not elapsed.

Offence

A person is guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he:

- Takes a child to whom this section applies away from the responsible person;
- Keeps such a child away from the responsible person; or
- Induces, assists, or incites such a child to run away or stay away from the responsible person.

Points to prove

1 That the offender knew:

- That the child is subject to a care order, emergency protection order or in police protection;
- That the offender knew that the responsible person had not given their permission for the child to stay with the offender;

2 That the offender has either:

- Taken the child;
- Kept such a child away from the responsible person; or
- Induced/assisted/incited such a child to run/stay away from the responsible person.

CHILD ABDUCTION ACT 1984, SECTION 2

Abduction of Child

This offence applies to **any child under 16 even** if the child is not subject to a care order, emergency protection order or in police protection.

Offence

A person not connected with the child is guilty of an offence if, without lawful authority or reasonable excuse, he takes or detains a child under the age of 16:

- So as to remove him from the lawful control of any person having lawful control of the child; or
- So as to keep him out of the lawful control of any person entitled to lawful control of the child.

Guidance notes

- 1 A person is connected with a child if:
 - He is a parent of the child; or
 - In the case of a child whose parents were not married to each other at the time of his birth, there are reasonable grounds for believing that he is the father of the child; or
 - He is the guardian of the child; or
 - He is a person in whose favour a residence order is in force with respect to the child; or
 - He has custody of the child.

- 2 Therefore, if the child is in the care of the Local Authority and is being kept away from the foster carer or residential home by a natural parent, the S49 Children Act offence should be used, not the S2 Child Abduction Act 1984.

Points to prove

- That the child was under 16.
- That the offender acted without lawful authority or reasonable excuse.
- That the offender was not connected with the child.
- The offender took or detained the child.
- So as to remove/keep him/her from lawful control.

CHILDREN ACT 1989, SECTION 46

Power to Remove to Place of Safety or Prevent Removal from Place of Safety

Where a Constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may:

- Remove the child to suitable accommodation and keep him there; or
- Take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.

This is the primary power for the police in emergency situations.

CHILDREN ACT 1989, SECTION 44

Where a person applies to the court for an order to be made under this section concerning a child, the court may make the order if, but only if, it is satisfied that:

There is reasonable cause to believe that the child is likely to suffer significant harm if;

- He is not removed to accommodation provided by or on behalf of the applicant; or
- He does not remain in the place where he is then being accommodated.

CHILDREN ACT 1989, SECTION 48

Where it appears to a court making an emergency protection order that adequate information as to the child's whereabouts:

- a) Is not available to the applicant for the order; but
- b) Is available to another person;

It may include in the order a provision requiring that other person to disclose, if asked to do so by the applicant, any information that he may have as to the child's whereabouts (S48(1)).

An emergency protection order may authorise the applicant to enter premises specified by the order and search for the child with respect to whom the order is made (S48(3)).

A person shall be guilty of an offence if he intentionally obstructs any person exercising the power of entry and search under subsection (3) or (4) (S48(7)).

Where, on an application made by any person for a warrant under this section, it appears to the court:

- a) That a person attempting to exercise powers under an emergency protection order has been prevented from doing so by being refused entry to the premises concerned; or
- b) That any such person is likely to be so prevented from exercising any such powers;

It may issue a warrant authorising any constable to assist the person mentioned in paragraph (a) or (b) in the exercise of those powers, using reasonable force if necessary.

CHILDREN ACT 1989, SECTION 50 RECOVERY ORDER

Order to Produce Child on Request and Remove Child

A Recovery Order allows a court to order the recovery of a child who has been prevented from returning to his/her lawful guardian or has run away. A Recovery Order can be made in respect of **any child/young person subject to a care order, emergency protection order or in police protection.**

Application

A court can make a Recovery Order where it appears to the court that there is a reason to believe that a child to whom this section applies:

- Has been lawfully taken away or is being unlawfully kept away from the responsible person;
- Has run away or is staying away from the responsible person; or
- Is missing.

Effect of an order

A Recovery Order:

- Operates as a direction to a person able to do so to produce the child on request to an authorised person;
- Authorises the removal of the child by an authorised person;
- Requires a person who has information as to the child's whereabouts to disclose it, if so requested, to a constable or an officer of the court;
- Authorises a constable to enter any premises specified in the order and search for the child, using reasonable force if necessary.

Offence

It is an offence to intentionally obstruct a person from removing a child under a Recovery Order.

SEXUAL OFFENCES ACT 2003, S123 RISK OF SEXUAL HARM ORDERS

Order to Protect Child by Prohibiting Defendant doing certain specified acts

This is a civil preventative order for which the police can apply to a Magistrates' Court. It can be granted on the balance of probabilities rather than beyond reasonable doubt.

- The child or children to be protected must be under 16.
- The offender must be over 18.

Application

An application can be made if:

- There is evidence that the person has on at least two occasions engaged in sexually explicit conduct or communication with a child or children.
- There is reasonable cause to believe that the order is necessary to protect a child or children from harm arising out of future such acts by him

Guidance notes

The order does not rely on convictions for the sexually explicit conduct or communication in question. Sexually explicit conduct or communication includes:

- Engaging in sexual activity involving a child or in the presence of a child;
- Causing or inciting a child to watch a person engaging in sexual activity or to look a moving or still image that is sexual;
- Giving a child anything that relates to sexual activity or contains a reference to such activity;
- Communicating with a child, where any part of the communication is sexual.

Effect of the order

The order:

- Prohibits the defendant from doing anything described in the order;
- Has effect for a fixed period (not less than two years) specified in the order or until a further order.

Evidence requirements

Before a court will make a “Risk of Sexual Harm Order”, there must be some objective indication of a sexual element to the relationship, for example:

- Child’s admission.
- The child seen to be watching porn in the presence of the defendant.
- Hearsay evidence.

Procedure

Suitable cases should be referred to the Child and Public Protection Unit. Application is by way of Complaint to the Magistrates Court and is made by the Force Solicitor on behalf of the Chief Constable.

There will always be a preference to pursue a criminal prosecution with the emphasis on taking the child to a place of safety, conducting a medical and arranging a video interview. However a Risk of Sexual Harm Order is an option where there is insufficient evidence to secure a criminal conviction beyond reasonable doubt, but there is a good chance of obtaining an order on the balance of probabilities.

Offence

A person commits an offence if they do something, without reasonable excuse, that they are prohibited from doing by a “Risk of Sexual Harm Order”.

SEXUAL OFFENCES ACT 2003, S104 SEXUAL OFFENCES PREVENTION ORDER
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Order to Protect Public from Serious Sexual Harm by Prohibiting Convicted Defendant from doing certain specified acts

Sexual Offences Prevention Orders are civil preventative orders.

Application

An application can be made if:

- The defendant has been convicted of an offence listed in Schedule 3 or Schedule 5 of the Sexual Offences Act 2003; and
- His subsequent behaviour gives rise to reasonable cause to believe that it is necessary for such an order to be made to protect the public from serious sexual harm.

Effect of an order

An order:

- may prohibit the offender from doing anything specified in it;
- must last for a minimum period of five years. The period must be specified in the order but it may be an indefinite period.

Procedure

Suitable cases should be referred to the Child and Public Protection Unit. Application is by way of Complaint to the Magistrates Court and is made by the Force Solicitor on behalf of the Chief Constable.

Offence

A person commits an offence if they do something, without reasonable excuse, that they are prohibited from doing by a "Sexual Offences Prevention Order".

POWER OF ARREST

Police and Criminal Evidence Act 1984, S24

A constable must have reasonable grounds for believing that the person's arrest is necessary to:

- Obtain/verify the name of the person;
- Obtain/verify the address of the person;
- Prevent physical injury to the suspect or any other person;
- Prevent loss or damage to property;
- Prevent an offence against public decency;
- Prevent unlawful obstruction of a highway;
- Protect child/vulnerable person;
- Allow prompt and effective investigation of the offence/conduct of the suspect;
- Prevent any prosecution being hindered by the disappearance of the suspect.

Appendix B

THE ROLE OF POLICE LIAISON IN CHILDREN'S RESIDENTIAL HOMES

Introduction

The primary police involvement in the home should be through the Safer Neighbourhood Team and allocated as the Police Liaison Officer for the home, who will visit the home and meet with the staff on a regular basis. Whilst some officers already perform this duty it must be emphasised that a good working relationship is the most effective way to respond to child with difficulties. It is the manager's responsibility to establish/initiate a good working relationship.

Objectives

The overall aim of the role is to promote joint working between the police and the staff to safeguard the welfare of children living there. The main objectives are to promote an understanding and appreciation of the separate roles, responsibilities and functions of the police and residential children's workers, and to build up confidence, trust and friendship of staff and children.

The successful operation of the role requires the commitment of both agencies and individual staff and value the importance of positive relationships that are built up over time and through working together. Wherever possible, the police will endeavour to maintain continuity of Liaison Officer to assist this.

Liaison meetings

A regular liaison meeting, ideally on a four weekly basis, between the Liaison Officer and Registered Manager would provide for discussion of incidents not requiring an immediate police response within the home to identify the appropriate method of resolution including:

- Internal action by residential children's workers with no police involvement
- Formal police investigation primarily by the Liaison Officer and any resulting action.
- Involving the Police Liaison Officers in restorative practice work
- Suggested items for the agenda, which should be agreed, properly minuted and recorded include:
 - Missing person's – patterns and outcomes
 - Admissions and discharges
 - Court orders, including bail conditions
 - Safeguarding concerns
 - Criminal activities
 - Care and control difficulties
 - Community relations/community safety
 - Restorative practice issues for children and staff
 - Policy and procedure information

This liaison meeting will also provide an opportunity to share more general views and information and to develop a better understanding of each agency's responsibilities and practices.

When a situation involving a child is to be discussed at the liaison meeting, his/her social worker (case manager) should be informed; they may wish to join in the discussion.

It is not the intention of this protocol to restrict the options available to residential children's workers and the liaison officer, but to emphasise the importance of flexibility in determining the most suitable option for managing incidents involving child.

In addition to the monthly liaison meeting, the Registered Manager should attempt to arrange a quarterly meeting with the liaison officer and the section inspector in order to monitor progress and address any trends that are occurring and information can then be shared between the residential managers. This meeting not only evidences the value of the role but also safeguards against any perceptions that the role is exclusively problem-focused.

The Liaison Officer should be informed of children admitted and discharged and any essential information. This is intended to promote safety of vulnerable children and occasionally, where appropriate, to protect the community and should not disregard the general responsibility to safeguard confidential information.

Role and responsibility of the police

Liaison officers will:

- Be invited to attend any meeting, or part of a meeting about a child where s/he can make a significant contribution, such as a safeguarding strategy meeting, team around the home meeting, a monthly meeting with the children's homes manager
- Be a single point of contact for non urgent enquiries from the home
- Deal effectively and speedily with any general issues of concern
- seek informal resolution to problems that can arise and work to avoid the need for recourse to formal procedures wherever this is achievable and appropriate.
- Develop flexible and innovative working practices and support residential children's workers in their duties of caring for children
- Help to promote a good relationships between the home and the local community
- Discourage children from going absent with permission and assist with their safe and speedy return.
- Give advice and information
- Help staff to resolve internal problems that can arise without the need for formal complaints to be reported to them.

- Act informally to assist with issues of internal discipline, where appropriate, to avoid the need for prosecution.
- Represent the interests and views of the staff and children to other officers
- Promote informed and consistent responses in dealing with any matters that are reported to them
- Recognise that any matters requiring a formal or immediate response will be dealt with by officers on duty rather than the liaison officer.

Considerations for success

Ultimately the success of the partnership will be determined by the extent to which children come to trust and have confidence in the working partnership between staff and the two agencies and can see that it exists for their benefit and not for the benefit of others. This means that a child centred approach is crucial and needs to be adopted. It also means that residential children's workers should not disclose personal information about a child to the police except with his/her agreement, unless the police need to have that information to carry out their statutory duties or to assist with a plan to safeguard the child's welfare.