

# Runaway and Missing from Home or Care (RMFHC) Protocol

February 2016

## Version Control

Policy to be read in conjunction with the Derby and Derbyshire Safeguarding Children Procedures (NB : this document replaces all other Derby City or Derbyshire missing children protocols)				
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Please note this protocol is subject to review and will be updated In line with statutory guidance.

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## 1. Introduction

This purpose of this protocol is to ensure the adequate safeguarding of children and families normally resident in Derby and Derbyshire, or those using services in the area. It should be read and implemented by all practitioners and managers working with children or young people who are currently missing or are at risk of going missing.

The protocol has been developed in accordance with:

- *Statutory Guidance Children who Run Away or go Missing from Home or Care (2014)* which sets out the steps local authorities and their partners should take to prevent children from going missing and to protect them when they do go missing;
- *Interim Guidance on the Management, Recording and Investigation of Missing Persons (2013); and*
- *Guidance on the Management Recording and Investigation of Missing Persons 2010 2nd Ed* which sets out the role and actions for the Police and partners.

Every missing episode should attract an appropriate and proportionate response from the professionals involved, who must collaborate to ensure a consistent response is given to find the child and on his / her return.

The aim of the protocol is:

- To reduce the incidence of all children going missing and the risks associated with children who go missing
- To prevent the missing child suffering from harm and to recover the child to safety as soon as possible

This will be achieved by providing effective support and interventions, including good information sharing, multi-agency assessment and planning and performance management. Interventions will include a consideration of risks for each individual child and a focus on reducing repeat missing episodes.

The protocol covers all children:

- Living in the boundaries of Derby and Derbyshire local authority
- Children looked after by Derby or Derbyshire local authorities placed in children's homes, foster homes (either local authority or independent) or living with parents or relatives within the local authority boundaries
- Children looked after by other local authorities and placed in Derby or Derbyshire in residential children's homes, foster homes or with family
- Children who are looked after by Derby or Derbyshire local authorities who are placed in children's homes, foster care or with family outside of the local authority area

It applies in the following situations:

- Children missing from home
- Children missing from care
- Trafficked children
- Children missing with their families, including unborn babies
- Children missing education

## **2. Governance Arrangements**

The Police are the lead agency in relation to missing children, and are accountable to the Chief Constable and the Police and Crime Commissioner (PCC).

Local Authorities also have statutory responsibilities with regard to missing children and are required to co-operate with the Police. Other partner agencies, notably schools and health providers, also have a critical role to play.

Derbyshire Police, Derbyshire County Council and Derby City Council each have named leads who are responsible for children missing from home or care (see Appendix 3).

### **Strategic Missing Persons Meeting**

Missing children arrangements are overseen by the Strategic Missing Persons Group lead by the Police and including partners from both Local Authorities and other relevant agencies. The Group also addresses arrangements for missing adults at risk.

### **Tactical Missing Persons Meeting**

Practical arrangements around the implementation of the missing persons strategy and this protocol are overseen by the Tactical Missing Persons Group. The aim of this is to promote good information sharing and address any issues arising in practice. Individual high risk cases may also be considered.

### **The Derby Missing Persons Monitoring Group (MPMG)**

The Missing Persons Monitoring Group is a multi-agency forum in Derby, chaired by the Local Authority, which monitors agencies' responses to prevent children from going missing and take effective joint action where a child is missing and may be at risk. The aim is to secure the safety or reduce the risks to the young person by:

- Sharing intelligence
- Agreeing joint action
- Hold agencies to account
- Prevention of further missing episodes
- Disrupting Strategies
- Quality Assurance of Return Interviews

See Terms of Reference for the above in Appendix 7.

### **The Safeguarding Children Boards**

Both Derbyshire and Derby City's Safeguarding Children Boards monitor responses to missing children to ensure children are safe. Boards receive regular reports from the Local Authority analysing data on children missing from home or care. They also review this protocol to ensure that it is adequate and up to date.

### **Corporate Parenting Committee**

The Corporate Parenting Committees in both Local Authorities monitor these arrangements and receive reports on children and young people who go missing from care.

### 3. Assessment of Risk where Children are 'Missing'

#### 3.1 Definitions – Missing, Absent or away?

Police guidance has the following definitions:

- *missing*: anyone whose whereabouts cannot be established and where the circumstances are out of character, or the context suggests the person may be subject of crime or at risk of harm to themselves or another; and
- *absent*: a person not at a place where they are expected or required to be and there is no apparent risk.

DfE guidance to Local Authorities has the following definitions:

- *Missing from care*: a looked after child who is not at their placement or the place they are expected to be (e.g. school) and their whereabouts is not known.
- *Away from placement without authorisation*: a looked after child whose whereabouts is known but who is not at their placement or place they are expected to be and the carer has concerns or the incident has been notified to the local authority or the police.

The police classification of a person as 'missing' or 'absent' will be based on an on-going risk assessment. Note that 'absent' within this definition would not include those defined as "away from placement without authorisation." A child whose whereabouts are known would not be treated as either 'missing' or 'absent' under the police definitions. Nevertheless, the Local Authority may still request Police assistance in recovering the child if they, or the carer are considered to be at risk when they attempt to return the child to his or her placement. Police assistance will be available where the police can add additional value to protecting the child. The needs of the individual child will be central to that decision and the most appropriate agency will retain primacy. Please see the 'Requests for Police Checks' briefing to partners agencies (Appendix 8).

To determine if a child is "missing" the Police will take into account:

1. What is the specific concern in this instance?
2. What has been done so far to trace this individual?
3. Is this significantly out of character?
4. Are there any specific medical needs?
5. Are they likely to be subjected to crime?
6. Are they likely to be the victim of abuse?
7. Are they currently at risk of Sexual Exploitation?
8. Are they likely to attempt suicide?
9. Do they pose a danger to other people?
10. Is there any other information relevant to their absence?

NB: This should also be applied to an unborn baby, believed to be at risk, whose mother goes missing.

Specific vulnerabilities exist for some children such as those at risk of sexual exploitation, subject to a S47 investigation or with Child Protection Plans, disabled children, gang-associated children etc. Looked after children have been identified as at greater risk, and includes all of those that are within the care system, including those in children's homes and foster placements.

Where a child is at known risk of going missing, an individual plan should have been developed, and this should be followed at every subsequent occasion. This applies equally to children at home or in care.

### 3.2 Assessment of risk where children are “missing”

The police will prioritise all incidents of children categorised as ‘missing’ from home or care as medium or high risk.

A missing child incident would be prioritised as ‘*high risk*’ where:

- The risk posed is immediate and there are substantial grounds for believing that the child is in danger through their own vulnerability; or
- The child may have been the victim of a serious crime; or
- The risk posed is immediate and there are substantial grounds for believing that the public is in danger.

A missing child incident would be prioritised as ‘*medium risk*’ where the risk posed is likely to place the subject in danger or they are a threat to themselves or others.

In determining the level of risk, in addition to the above consideration needs to be given to:

- The age of the child and any disabilities
- Previous behaviour and history
- Whether the child has been trafficked
- Any known risks of harm to the child including economic or sexual exploitation
- The emotional needs of the child, e.g., whether there has been any variation in their mood or whether they have expressed any intention to harm themselves or others
- Whether the child is perceived as running to / from someone / something
- The risk of offending

If there is any disagreement about the categorisation of absent or missing, or the level of risk, this should be escalated to the duty police inspector as a matter of urgency.

### 3.3 Away from placement without authorisation (children in care)

**Where a child’s location is not known**, this should be reported to the Police who will determine if they are “absent” or “missing” as above.

Being away from their placement without authorisation, e.g. late returns, staying at a known location with a friend, unauthorised family contact, **where their location is known**, will not normally constitute either an absent or missing episode. The discretion of the residential staff and carers is necessary to decide whether or when to make a report to the police, based on the concerns they have for the child and action taken to contact them. The responsibility for managing this type of absence lies with the staff of the residential home or carer.

If the carer has concerns for the child’s safety, then a report should be made to the police clearly setting out what those concerns are (see also Appendix 8: Requests for Police Checks).

If the assessment of the carer is that there is no apparent risk for the child’s immediate safety it is still important that staff / carers record these incidences as “away from their placement without authorisation” in the child’s record, starting a dated / timed record of their contacts, risk assessment and decisions throughout the episode from the point that they are first aware of the child being away. They should notify the child’s Social Worker or out of hours service within a timeframe consistent with the placement plan or missing plan for that child; no child should be

away from placement without authorisation for more than 6 hours maximum or overnight, without the Social Worker or out of hours service being informed and consulted as to appropriate action.

The local authority staff will decide whether to allow the child to remain at that location, albeit temporarily, or to arrange for their return. If the decision is to arrange their return and there is reason to believe that there may be public order difficulties, the police can be asked to assist. Police assistance in these circumstances does not mean that the child is categorised as missing.

Where a child has been away without authorisation from a registered children's home, the responsible local authority must provide an opportunity for the child to have an independent return home interview (see section 6.8). The home staff should offer this to the child and contact the child's Social Worker if requested by the child or if there are any concerns arising from the period they have been away. The return interview should then be held within 72 hours of the child's return.

## 4. Initial Reporting

### 4.1 Reporting a missing child

**If a child or unborn baby is at immediate risk this should be reported without delay the Derbyshire Police on 999.**

In non-emergencies, the following should be informed of a missing child or pregnant woman:

- Derbyshire Police on 101
- Children's Services
  - In Derbyshire this is via Starting Point on 01629 533190, Mon to Fri., 8am - 8pm and Sat.8.30am - 4pm (out of these hours the number is 01629 532600) or;
  - In Derby this is via the First Contact Team 01332 641178, Mon-Fri., 9am - 5pm (out of these hours the number is via Careline 01332 786968).
- Heath Services
  - In Derby this is via Derbyshire Healthcare Foundation Trust Safeguarding Children Service 01332 623700 ext 31537, who will check their systems
  - In Derbyshire this is via Derbyshire Community Health Services Safeguarding Children Service 01773 599410, who will check their systems.
  - The NHS Safeguarding Children Teams will notify the relevant Designated Nurse for Safeguarding Children of the missing child/family.

When reporting a child missing to the police any relevant information that might help to find or support the child should be shared, including:

- If there are any specific risks;
- If they have gone missing with family members or individuals known to present a risk;
- A description of the child and the clothing they were wearing and a recent photograph.
- Any mobile phone numbers;
- Whether or not the missing child uses social media;
- If in care, details of the placing authority if outside of Derby or Derbyshire;
- Details of where the child was last seen, when and with whom;
- Relevant addresses, known associates and addresses frequented;

- Details of any previous absences – when, where, for how long, with whom, where found/when returned;
- The circumstances and any relevant information such as an argument, being bullied etc.
- Any other information that may be seen as increasing the vulnerability of the child such as learning disability, if the child has previously experienced or considered being at risk of sexual exploitation or trafficking.

#### **4.1.1 Concerns that a child is missing from home**

In any other circumstance, it is expected that all reasonable steps should be taken by parents or care providers to locate the child prior to making a report to the police. This includes:

- Search bedroom / accommodation / outbuildings / vehicles;
- Contact known friends and relatives where a child may be;
- Visit locations that the child is known to frequent, if it is possible;
- Calling or texting any mobile phone held by child and leaving a message asking for contact;
- Contact with school or school friends to gather any available information regarding the child's whereabouts.

***At the point where a parent / person with or without parental responsibility consider the child to be missing, they should inform the police without delay on 101.***

#### **4.1.2 Children who have not been reported missing**

Some missing children, who have not been reported as missing to the police, may come to the attention of agencies. Agencies should check that the parents / carer have taken steps to try and locate the child. They must advise the parent / carer that they have a responsibility to report this matter to the police. If appropriate the agency should check that this has reported to the police.

#### **4.1.3 Concerns that a child is missing from care**

When a child in care goes missing it is the responsibility of the carer (Residential Care Staff or Foster Carer) to undertake the steps outlined above. When the carer contacts the police it is important that they make it clear to the police that they are reporting the child as missing (it is the call takers / supervisors' decision as to whether a child is recorded as missing or absent). The carer should always ask for, and record, the Police Incident Number.

The local authority retains responsibility for children looked after and placed outside the local authority boundaries. In these cases the local authority will require the placement provider to comply with this both protocol and protocols local to their area. Other local authorities placing children within Derby and Derbyshire boundary will be required to comply with this protocol. In addition this protocol applies to all young people placed within the county or local authority boundaries (including those aged 18) for whom Derbyshire County / Derby City Councils have continuing responsibilities under The Children (Leaving Care) Act 2000.

#### **4.1.4 Concerns that a child who may be trafficked has gone missing**

Children who may be trafficked are at very high risk of going missing. There should be a proactive plan agreed in the event they go missing, for each child, and this should be put into effect immediately their whereabouts are unknown. Please refer to Derby and Derby Safeguarding Children Procedures, chapter 1.6.21 Safeguarding Children who may be victims of modern slavery (have been trafficked). As a minimum this should be for immediate contact with Police and Social Care.

#### **4.1.5 Concerns that a child or unborn baby has gone missing with their family**

On occasion children go missing with their families. This may be where families move or are forced to move and do not notify all agencies, or where they are seeking to avoid the attention or intervention of agencies. This may first come to light through non-attendance at school or appointments.

Agencies should aim to maintain contact with families in receipt of their services, and if they move, aim to share information with the parents' consent with equivalent services in the area the family moves to. If a family moves without informing the agency, attempts should be made to locate the family which are proportionate to the level of concern for the children. As a minimum the concern they may be missing should be shared with other agencies involved, to share any available information and agree if the child is missing and if they may be at risk. If so, this should be reported immediately to the Police and Social Care.

Where a child or unborn baby is subject to a child protection plan, or is believed to be at risk of significant harm, any concern they may be missing should be reported immediately to Police and Social Care.

#### **4.1.6 Children missing from education**

Concerns may arise where children go missing from school during the course of a school day, and where children do not attend school because they have been withdrawn (unless parents have elected to home educate) or have not been registered. All groups are potentially at risk.

Where children are absent from school the 'First Day Contact' ensures that schools are immediately in touch with parents/carers to advise on a child missing education and schools are expected to assist parents or carers in reporting the child missing to the Police should this prove necessary. Vulnerable children should be prioritised as part of the process and if there is any cause for concern about their safety, a referral made to Social Care and the Police.

The head teacher should inform the Education Welfare Officer (EWO) of any child who has not attended for 10 school days without reasonable explanation. The EWO should make extensive enquiries, for example home visit, liaison with Children's Social Care, housing and notify the school if it appears that the child has moved out of the area. If no information is forthcoming, the EWO should notify the Children Missing Education Officer, who will carry out further checks with Health, Department for Work and Pensions and S2S to try to ascertain the child's whereabouts.

Full guidance is given in the respective Local Authority 'Children Missing Education' protocols.

There is a statutory requirement on Local Authorities to identify children not in receipt of education which applies to any children of compulsory school age who are not on a school roll, or who have left a school with destination unknown and who are not receiving suitable education otherwise than being at school (for example: at home, independent /private school or in alternative provision). This is critical from a safeguarding as well as educational perspective.

Deletions from the admission and attendance registers must be made in line with the provisions of Regulation 8 of the Education (Pupil Registration) Regulations 2006 (SI 2006/1751). The name of a pupil of compulsory school age may only be deleted from the attendance register on the grounds prescribed in this Regulation. Under regulation 12(3), schools must also inform their local authority of deletions of compulsory school age pupils due to: ceasing to attend the school; being withdrawn

to be educated outside the school system; being certified by the school medical officer as unlikely to return; being in custody; or being permanently excluded.

#### **4.1.7 Responsibility of anyone who has care of a child without parental knowledge or agreement**

Anyone who has care of a child without parental knowledge or agreement should also do what is reasonable to safeguard and promote the child's welfare. In these circumstances, they should inform the police, Children's Services and the parents of their whereabouts and safety.

Children under the age of 16 years old are not legally considered as being able to live independently. For children 16-18 years living semi-independently, their placement providers should report them to the police as missing when it is evident they are missing.

#### **4.2 Police response**

When accepting a missing person report, the police will advise the caller that they will share information about the missing child and seek assistance from partner agencies to find the child.

Where a child is categorised as 'absent' within the police definition, the details will be recorded by the police, who will also agree review times and any on-going actions with child's family, carer or responsible local authority. The case will remain the subject of constant review, particularly in the light of new information and changes in circumstances. No child will be classified as absent for more than 24 hours.

On categorising a child as missing, the details will be entered on the COMPACT database, and checks will be made on the system and internally whether or not there is intelligence or recent history relating to the missing young person; details will be forwarded to the local authority via secure email. Where a situation appears to the police to be concerning, or relating to a child in care, they will also immediately contact Starting Point in Derbyshire or First Contact / Careline in Derby for assistance.

Once a child has been reported as missing, the police are the lead agency in relation to finding and securing their safe return. Partner agencies are required to assist them to carry out this role, as well as meeting any practice requirements internally. The Police will investigate all cases of missing children and respond in accordance with the College of Policing Missing Persons' policy. The police have the ultimate responsibility for determining the action that needs to be taken and when it needs to be escalated.

## **5. Action to Locate a Missing Child**

### **5.1 Role of the Police**

Where a child has been categorised as "missing" from home or care, the police will prioritise these as medium or high risk.

The high risk category requires the immediate deployment of police resources. Police guidance makes clear that a member of the senior management team or similar command level must be involved in the examination of initial enquiry lines and approval of appropriate staffing levels. Such cases should lead to the appointment of an Investigating Officer and possibly a Senior Investigating Officer and a Police Search Advisor (PoISA). There should be a media strategy and close contact with other agencies. Family support should be put in place. The UK Missing Persons

Bureau should be notified of the case immediately. CEOP and relevant Local Authority children's services should also be notified.

The medium risk category requires an active and measured response by police and other agencies in order to trace the missing person and support the person reporting. This will involve a proactive investigation and search in accordance with the circumstances to locate the missing child as soon as possible.

Missing person enquiries will continue until the young person is found / returns and COMPACT will be updated and the local authority notified. Any child protection concern will be dealt with under child protection procedures. Police will keep a record of all aspects of the investigation on the COMPACT computerised missing person case management system.

The Police have an identified Missing Persons Liaison Officer, whose role is to oversee investigations, advise investigating officers, liaise with partner agencies as well as offer a strategic perspective in this area (see Appendix 5).

The investigation will include making enquiries of carers, friends and contacts and checking locations known to be frequented by the young person. For a child in care, contact will usually be made with family.

Where a child is believed missing with family and there is a risk of them leaving the country, consideration will be given to border alerts. For unborn babies, alerts may be issued to maternity units in the region or nationally.

Where a child is believed to be trafficked, a referral to the UK Human Trafficking Centre through the National Referral Mechanism must be made, in line with Trafficking procedures.

Throughout the course of a missing persons investigation the police should update the parents/carers and local authority of any significant developments.

In some cases, particularly where a missing child is felt to be especially vulnerable, it may be necessary to publicise via the media. Each case is to be individually assessed in respect of this. Such an approach is not routine but is usually a response to very serious concerns for the child's safety. Either carers or the police may suggest such an approach.

Normally, such decisions to publicise will be jointly made, and where appropriate, in consultation with parents and local authority Children's Services. However, for operational reasons primacy over such decisions must lie with the Police. Authorisation should be by Senior Investigating Officer, ratified by Duty Gold Commander.

If the case falls within the criteria for 'Child Rescue Alert' then any decision to publicise the case is likely to be urgent and will rest with the police, in accordance with nationally agreed procedures by the appointed Senior Investigation Officer (SIO) and then ratified by a Chief Officer.

The police may also make use of the website facility of the Missing Persons Bureau (MPB) ([www.missingpersons.police.uk](http://www.missingpersons.police.uk)) to publicise the absence of the child or young person. The police will also make use of 'Text Safe' as this provides a way of proactively texting a missing person's mobile phone with a message from Missing People about services. This lets the missing person know that we care for their safety and want to help and encourages them to get in touch.

If there are concerns a child may be or have been taken abroad, consideration will be given to border alerts and liaison with Interpol or other relevant organisations.

### **Police Powers** (See Appendix 4)

The police have powers to safeguard vulnerable children. These include powers to enter premises, to recover children and to invoke Police Protection Orders. The use of all powers are to be necessary, legal and proportionate in line with the Human Rights Act (1988). Prior to the use of coercive police powers the potential to use less intrusive tactics should be considered with partners against the presented risk and urgency. This can include the option to obtain a Recovery Order from a court.

The police priority is the safety and well-being of the child; where criminal offences are established the police will take positive action against any perpetrators, hold them accountable for their actions and bring charges where appropriate.

It is recognised that children who have been the victim of a serious offence may not always see themselves as victims or be willing to assist in the investigation. Likewise those whom others have used for criminal purposes may not be willing to assist the police.

A complaint from a victim is not required to make an arrest. Police officers are able to arrest for any offence where reasonable grounds for suspicion exist and the arrest is necessary. Such actions must be also be lawful and proportionate. An officer should be prepared to justify a decision not to arrest in these circumstances.

Without prejudice to the welfare of any child, the local authority will support the police in taking appropriate action against those who commit crimes against children and/or involve children in their offending behaviour.

### **5.2 Role of the Local Authority**

All staff should refer to Children's Services/Children's Homes procedures in relation to action they should take. This applies particularly to children in care, for whom the Local Authority is a Corporate Parent and has additional responsibilities.

On receipt of all missing children reports from police COMPACT via secure email, the local authority will check to find out whether or not a case is known to them.

Where a child (or the family) is an open case, including where they are a looked after child to a local authority service, the missing report will be sent to the case responsible worker in Social Care, the Multi Agency team (MAT) or the Youth Offending Service. The lead worker involved with the child, or duty worker in their absence, will:

- Liaise with the police and other agencies
- Contact the family and offer support, if this is appropriate
- Take into account the circumstances relating to the missing episode (and return) in any on-going assessments and interventions

Social Care remain responsible for the children in their care who are missing, and for children subject to child protection plans and children in need about whom there are concerns. This

responsibility is not absolved when the child has been reported missing to the police; however the police will have primacy in respect of the investigation to trace the child.

In the case of children taken overseas it may be appropriate to contact the Consular Directorate at the Foreign and Commonwealth Office which offers assistance to British nationals in distress overseas. They may be able to follow up a case through their consular post(s) in the country concerned. See also DSCB Safeguarding Children procedures, chapter 1.6.15 Forced Marriage.

Particular consideration should also be given to appropriate legal interventions, when a child, who is subject to a Care Order, has been removed from the UK. Children's Social Care, the Police, and the Child Abduction Section at the Foreign and Commonwealth Office should be informed immediately.

Where a child is unknown or a closed case, they will be allocated to a worker in a MAT (in Derby to a Runaways Worker based in the MATs). If there are concerns of significant harm, a Social Worker will be allocated. The worker will:

- Contact the family and offer support. The focus of this support will be on the identified missing issues.
- Determine whether or not there are wider needs to be addressed through an appropriate assessment such as the Early Help Assessment or Social Care single assessment.

Where the child is in the care of another local authority but placed in Derby City or County, a record will be opened / updated and details will be forwarded to that authority. The placing local authority will be responsible for liaison with the police etc, unless they specifically request assistance from Derby or Derbyshire.

Carers and the child's Social Care or MAT Worker will be responsible for liaising with the police, taking an active interest in the investigation and passing on all information which may help to inform the investigation and assist in protecting the child whilst missing. In particular photos are very important and a photo of a child in care should always be held by the social worker or carer for this purpose. Where appropriate an alert may be sent out to other local authorities and Health providers via the Missing Persons links; this should be targeted at areas where the child or family is believed to be or has connections.

If agreed with the Police they may also continue to make appropriate enquiries with other residents or by telephone with others who may be able to assist with the investigation. The police will normally conduct all enquiries and searches away from the premises from which the child is missing. However if agreed, staff, carers or parents may physically check known haunts, relatives' addresses and so on. All information gleaned from these enquiries should be passed to the police. In certain circumstances the police may need to revisit duties initially performed by care staff. When necessary they will do so in liaison with the appropriate children's service's staff and will do so sensitively, causing as little disruption as possible to the establishment and residents.

Throughout this process, residential carers and Social Care /MAT workers must keep a full record of actions taken, messages received and given. A record of this **must** be maintained on the child's file.

### **5.3 Role of other agencies**

Once the relevant checks have been undertaken with either Derbyshire Community Health Services Foundation Trust or Derbyshire Healthcare Foundation Trust Safeguarding Children

Teams, the Designated Nurse for Safeguarding Children will then distribute the Local Authority / Police notification form to the relevant Health Providers. If missing alert is in regard to an unborn baby the local Maternity Units will be notified.

All agencies should co-operate with Police enquiries to locate the missing child or family. All relevant information should be shared with the Police and Local Authority, especially any intelligence on what the child or family were saying or doing before going missing. Where possible records should be checked to identify associated individuals or family members who may have information. They may also be able to assist with photos of the children or parents.

Appropriate front line staff should be notified that the child or family are missing, so in the event of any contact the Police can be alerted. This particularly applies to health drop-in centres, maternity units etc. Where appropriate an alert may be sent out to the respective agency in another area, or nationally.

#### **5.4 Multi-agency response**

Throughout the missing episode, carers, the Local Authority and the Police will continually review the case. If the child is missing for three days, or earlier if deemed appropriate, the local authority will convene an emergency professionals / "missing" strategy meeting. This will involve the police, carers, the child's Social Worker, and any other professional involved in the care of the child. The meeting will:

- Review what action has been taken so far by the police and other professionals
- Consider any relevant information or intelligence
- Review the level of risk
- Consider if safeguarding concerns merit opening a Section 47 investigation
- Decide whether the child should return to their home or placement, or taken elsewhere, when located and plans needed to support this
- Agree what action needs to be taken next by police and other professionals

Further such reviews will take place at least every five days thereafter or earlier, if deemed appropriate.

Where a child or unborn baby is subject to a child protection plan, the relevant Child Protection Manager should be informed and if they are not found within 20 working days, the next review conference should be brought forward to consider whether any other action should be taken. In the case of British children taken overseas it may be appropriate to contact the Consular Directorate at the Foreign and Commonwealth Office which offers assistance to British nationals in distress overseas. They may be able to follow up a case through their consular post(s) in the country concerned. The Hague Convention also applies in relation to safeguarding; see also DSCB Safeguarding Children procedures, chapter 1.6.15 Forced Marriage.

A child protection plan may only be ceased if all conference members agree that all steps to locate the family have been exhausted and were proportionate to the level of concern, or there is good reason to believe a foreign national family have left the country, in which case safeguarding services and/or the embassy in the relevant country should be informed and an appropriate strategy agreed.

Where a child is in care the Independent Reviewing Officer (IRO) should be informed and consideration may be given to bringing forward the next LAC review. Legal advice should be taken

and senior managers alerted in line internal procedures. When a child who is subject to a Care Order has been removed from the UK the Child Abduction Section at the Foreign and Commonwealth Office should be informed immediately.

**In all cases, any worker with concerns about the response to the missing child or family should escalate these concerns using the DSCB Escalation Procedure.**

## **6. Management of Return**

A supportive approach, actively listening and responding to a child's needs will have a greater chance of preventing the child from going missing again and safeguarding them against any risks. Working in partnership with children and their families is a key part of this process, with all views and concerns being taken seriously.

### **6.1 Return of a missing child**

If the whereabouts are known or suspected, it is the responsibility of the parents or carers to arrange for the child's return. In exceptional circumstances, in the interests of the safe and speedy return of the child, the police **may** agree to requests from parents or carers to assist.

### **6.2 Return of the missing looked after child**

If the whereabouts of a looked after child are known or suspected, it is the responsibility of the local authority to arrange for the child's return. There will be circumstances when, in the interests of the safe return of the child, the police **may** agree to requests from the local authority to assist.

### **6.3 Missing children who are found but do not wish to return**

Difficulties can arise when missing children are found but do not want to return. Where effective communication and persuasion have failed the use of a court order such as a Recovery Order should be considered where an assessment of risk and urgency allow.

Under the Children Act 1989, where there is reasonable cause to believe that the child is at risk of suffer significant harm the police can take the child into Police Protection (see Appendix 4) and remove to suitable accommodation which could include the home from which the child originally went missing. The use of any police powers should be lawful, necessary and proportionate. Where less intrusive options to return a child are available they should be the first consideration. Coercive police powers should be used where risk and urgency make such use necessary.

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 Local Authority and parents will need to liaise to discuss what steps may be necessary in order to safeguard the child's welfare.

### **6.4 Children who are being held or encouraged to stay by others**

If a child is found with adults who are not supporting the child's return, the police should consider advice or warning under the Child Abduction Act (1984), if it is appropriate (see Appendix 4).

Anyone who 'takes or detains' a runaway under 16 years old without lawful authority may be prosecuted under Section 2 of the Child Abduction Act (1984). The Police may formally warn a person under the abduction legislation prior to prosecution and a subsequent marker may be placed against them on their Police National Computer (PNC) record.

## **6.5 Reporting that a missing child is found / returned**

When a child is found or returns home parents / carers must inform the police and, if possible, Children's Services.

When a looked after child returns to their placement it is the responsibility of the carers to notify the police, child's Social Worker and Children's Social Care.

The police will notify the local authority of the return of the child and any relevant information via COMPACT. They should also notify any other agency involved to reassure them of the child's safety.

If it is apparent, on the return of the child, that they have been the victim of a crime whilst missing, or that they may be in danger or at risk from any person arising out of circumstances that has occurred whilst they were missing, then the police will instigate further enquiries. This is vital for the protection of the child and for the speedy recovery of evidence. In such circumstances, the missing child's clothing, mobile phone and trace evidence from their body, fingernails or hair may be crucial. In cases of sexual abuse the child should be discouraged from washing and immediate advice sought from the police.

Any other situation which indicates that the child may have been subject to, or at risk of, significant harm, for example:

- Where the child has been hurt or harmed whilst they have been missing (or this is believed to have been the case);
- Where there is known or suspected risk of sexual exploitation / trafficking or contact with persons posing a risk to children,

a referral must be made to the local authority in accordance with local safeguarding procedures.

## **6.6 Police safe and well checks**

On finding a child, or on their return, a safe and well check will be undertaken by the Police Investigating Officer as soon as possible. It will not be conducted over the telephone.

The 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. This will lead to the police closing the missing person report on COMPACT and the case being cancelled on the PNC. This is not a return interview.

Where a child goes missing frequently, it may not be practicable to see them every time they return. In these cases, a reasonable decision should be taken in agreement between the police and their child's parent or carer, or their Social Worker, with regard to the frequency of such checks. Consideration must be given to the link between frequent missing episodes and serious harm. The reason for the decision not to conduct a safe and well check should be recorded on the case file.

If the safe and well check raises concerns, the police will report this to Starting Point / Derby Police Referral Unit and Children's Social Care. 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. The police Missing Person Liaison Officer (MPLO) will review all missing persons investigations recorded on COMPACT for them to determine whether or not any further action is needed.

## **6.7 Return interviews**

The return interview must be carried out by an independent person within 72 hours (i.e. three calendar days) of the child returning to their home or care setting, unless there are exceptional circumstances. See Appendix 6 for information about return interviews.

With previously unknown cases, the Return Interview will be carried out by a worker from a Multi Agency Team (MAT). It remains the responsibility of the relevant key worker to ensure completion of the return interview for all other missing children, within 72 hours.

The interview should:

- Identify and respond to any harm the child has suffered;
- Understand and try to address the reasons why the child ran away;
- To understand what happened while they were missing;
- To gain an understanding of the child's associates
- Help the child feel safe and understand that they have options to prevent repeat instances of them running away;
- Provide them with information on how to stay safe if they choose to run away again, including helpline numbers.

Any subsequent interventions will be informed by the return interview so it is important it is effective, and should include separate discussions with both the child and their parents / carers. A CSE risk assessment must be considered as part of this process. See DSCB Safeguarding Children procedures, chapter 1.6.11 Children Abused through sexual exploitation.

It is the responsibility of each locality Children's Services Team Manager to ensure that the return interview is carried out to a suitable standard and signed off by the line manager. All Return Interviews should be recorded on the appropriate form, retained on the child's file and passed to the Police MPLO and locality Runaways Worker (Derby City). In Derbyshire, the completed form should be sent to line manager for sign off and returned to appropriate Police Division.

## **6.8 Children in care return interviews**

It is the responsibility of the relevant Social Worker to undertake the return interview for children missing from care within 72 hours of their return. This should include a CSE risk assessment. For those young people placed with Foster Carers, the return interview must be completed by the child's Social Worker, and the foster carers must also complete the action sheet and return to their supervising Social Worker. The IRO should be notified whenever a child in care goes missing and returns, and periods of absence of any sort should be fully considered in a child's review.

Where a child is placed at a distance, the Social Worker should have explored arrangements for return interviews at the time of placing and this should be clear in the Placement Plan or Missing strategy for the child. If this has not been done, the Social Worker or a team member should make every effort to undertake the return interview; where this is problematic they should approach the local authority where the child is placed to seek assistance.

If a child / young person is a looked after child from a different local authority but placed in Derbyshire or Derby in an independent children's home or foster placement, the return interviews will take place as below.

In Derbyshire, if the child is known to Derbyshire Youth Offending Service (YOS) a worker from this team should be approached to undertake the return interview on behalf of the local authority (LA) with responsibility. If however the child / young person is not known to the YOS agreement may be made between the placing LA and Derbyshire MAT, to undertake the return interview on behalf of the placing LA. The placement provider may need to facilitate this arrangement.

In Derbyshire all looked after children should be informed that if they are entitled to an Independent Advocate to help them address any issues related to their running away. This is a secondary service to be offered in addition to the return interview conducted by Children's Services. The interviewer should provide the young person with the relevant information and facilitate a referral if this is their wish.

Derbyshire Advocacy Service:

- Phone: 01629 532029 or
- Email [rosie.key@derbyshire.gov.uk](mailto:rosie.key@derbyshire.gov.uk)

In Derby, the placing authority and the provider must make appropriate arrangements for the return interview to be carried out.

## 6.9 Specific situations

**Child protection** – where a family or pregnant woman have been missing, return interviews are not necessary. However there should be immediate consideration of the child protection plan and if necessary legal action taken to secure the safety of the children. The Child Protection Manager must be informed and a core group meeting should be held within 5 working days and consideration given to bringing forward the review conference.

**Trafficked children** – immediate steps must be taken to secure their safety as necessary and their Missing Plan up-dated and shared. The UK Human Trafficking Centre must be notified of their return.

**Child Sexual Exploitation** - an Operation Liberty form should be completed in line with DSCB Safeguarding Children procedures, chapter 1.6.11 Children abused through sexual exploitation and the Return Interview attached; the CSE risk assessment should be up-dated, the Child Protection Manager (CSE) informed and consideration given to bringing forward the next CSE meeting.

**Children missing education** – return interviews will not normally be necessary. Refer to CME procedure for steps to be taken to secure the child's needs are assessed and an appropriate education provided.

## 7. Prevention and Intervention

### 7.1 Actions following a return interview

The minimum required in the event of a single missing episode, is that the incident is risk assessed by the responsible Social Care or MAT worker and the police. Where needs and vulnerabilities are identified, an appropriate assessment should be completed or up-dated and services identified or provided as required. Where a child is known to MAT or Social Care, including children in care,

their plan should be reviewed and action taken as necessary. In particular any missing plan should be up-dated.

Support and interventions may be focused on the individual child, the child's home/placement or by targeting 'push or pull' factors in the community. Support can include interventions 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;
- Help the child to seek safer solutions to deal with their issues other than running away;
- Address relationship difficulties in the home;
- Use disruption strategies to address inappropriate relationships or activities.

Consideration must always be given to risk that the child is being abused at home / in their placement; this must be assessed and urgent action taken if appropriate.

## **7.2 Preventing missing episodes – children in care**

### **On admission to the placement**

Each looked after child has a care plan and a placement plan based on a full assessment of the child's current and future needs, including potential risk to self and others. The plans should take account of any risk that the child may go missing in future and of factors which may increase the risk to the child should they go missing.

A recent photograph bearing a good likeness to the child will be kept on record by the Local Authority. When a child is admitted to care the consent of a person with parental responsibility will be sought for a photograph to be used in any subsequent missing person investigation. If possible the agreement of the child should also be gained.

The residential unit manager/foster carer should consider the most appropriate ways to increase the child's awareness of the dangers young runaways face, and help them to seek safer solutions to deal with issues.

### **Following a missing incident**

The child's placement plan and missing plan should be reviewed and up-dated and their care plan reviewed if necessary.

There are particular push and pull factors likely to affect children in care, including a wish for more contact or to return home, or due to unhappiness in placement caused by carers or other children in placement. Care must be taken to understand this and to review the child's care plan as necessary.

## **7.3 Persistent missing behaviour**

Where a child has had two or more reported missing episodes a multi-agency meeting should be convened to review the child's Care Plan (if LAC) or other plan and develop an individual missing strategy. This meeting may be contained within other meetings, e.g. LAC review, CSE meeting, etc, or may be standalone as appropriate, and should be attended by involved professionals including the Police Liaison Officer and carers, and the child and their parents.

The strategy should include:

- Guidance on when to report the young person as away from placement without authorisation and when to report them as missing with time frames;
- Recommendations on the minimum enquiries to be conducted by the Local Authority;
- Recommendations on the minimum enquiries to be conducted by the Police;
- On-going arrangements for safe and well checks and return interviews;
- An intervention strategy to address the long term issues.

**In Derby City:** the Missing Persons Monitoring Group reviews all persistent missing situations and the lead worker is invited to report on the persistent missing behaviour and the strategies to be introduced to address this.

**In Derbyshire:** the Tactical Missing Person Group brings together partner agencies from across the districts to consider the individuals who persistently go missing and their circumstances. These details, along with information from CSE tasking group, assist us to understand where particular threats to the safety of this vulnerable group may lie and inform our responses.

#### **7.4 Strategic response**

**In Derby City:** the Missing Persons Monitoring Group monitor all instances of children going missing including repeat examples, and identify any trends in terms of care arrangements, location, ages, links with CSE, etc. These are analysed and recommendations to address these at a strategic level, reporting in to the Governance bodies described in Section 2.

**In Derbyshire:** The strategic missing persons group meet quarterly and report annually to the respective children's and adult's safeguarding boards in both city and county. They provide strategic direction to the Tactical Missing Persons Group, produce an annual strategic problem profile which enhances existing service provision to focus on emerging needs.

## **8. Quality Assurance**

Missing arrangements will be quality assured through Team Manager oversight of return interviews and periodic auditing of return interviews.

Missing arrangements are subject to an improvement plan which will be monitored by the Derby and Derbyshire SCBs and the strategic Missing Persons' group. The latter will review performance of the partnership relative to operational delivery against current policy, guidance and best practice, and will share and disseminate best practice.

## Appendix 1: Glossary

**Child:** anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout this guidance.

**Young runaway:** a child who has run away from their home or care placement, or feels they have been forced or lured to leave.

**Missing child:** a child reported as missing to the police by their family or carers.

**Looked after child:** a child who is looked after by a local authority by reason of a care order, or being accommodated under section 20 of the Children Act 1989.

**Responsible local authority:** the local authority that is responsible for a looked after child's care and care planning.

**Host local authority:** the local authority in which a looked after child is placed when placed out of the responsible local authority's area.

**Care leaver:** an eligible, relevant or former relevant child as defined by the Children Act 1989.

**Missing from care:** a looked after child who is not at their placement or the place they are expected to be (e.g., school) and their whereabouts is not known.

**Away from placement without authorisation:** a looked after child whose whereabouts is known but who is not at their placement or place they are expected to be and the carer has concerns or the incident has been notified to the local authority or the police.

### Police definitions

The National Police Chiefs Council, January 2012 definitions of 'missing' and 'absent' in relation to children and adults were introduced. These are:

**Missing:** Anyone whose whereabouts cannot be established and where the circumstances are out of character, or the context suggests the person may be subject of crime or at risk of harm to themselves or another.

**Absent:** a person not at a place where they are expected or required to be and there is no apparent risk. It is expected that cases classified as 'absent' will be monitored by the Police and escalated to the missing person category if the risk increase.

**Absconder:** an absconder is a child who is absent from the placement without permission and who is subject to an order or requirement resulting from the criminal justice process (e.g. remands, curfews, tagging, conditions of residence, other bail conditions or ASBO's), or a Secure Order made in either civil or criminal proceedings.

## Appendix 2: Why Children go Missing

The Children's Society through its research has identified the following risk factors that can precede a missing incident.

- Arguments and conflicts;
- Conflict within a placement;
- Poor family relationships;
- Physical and emotional abuse;
- Boundaries and control;
- Step parent issues.

The immediate risks are associated with going missing include:

- No means of support or legitimate income - leading to high risk activities;
- Involvement in criminal activities;
- Victim of abuse;
- Victim of crime, for example through sexual assault and exploitation;
- Alcohol/substance misuse;
- Deterioration of physical and mental health;
- Missing out on schooling and education;
- Increased vulnerability;

Longer-term risks include:

- Long-term drug dependency/alcohol dependency;
- Crime;
- Homelessness;
- Disengagement from education;
- Child sexual exploitation;
- Poor physical and/or mental health.

## **Appendix 3: Details of Local Authority and Police Lead Person for Children Missing from Home or Care**

### **Derbyshire Children's Services**

Head of Child Protection  
County Hall  
Matlock  
DE4 3AG  
Telephone 01629 532169

### **Derby Children's Services:**

Head of Service (Locality 3 and 4)  
Ashtree House  
218 Osmaston Road  
Derby  
DE23 8XJ  
Telephone 01332 641317

### **Derbyshire Police:**

Detective Superintendent  
Public Protection Unit  
Derbyshire Constabulary  
Butterley Hall  
Ripley  
DE5 3RS  
Telephone 0300 1225514

## Appendix 4: Relevant Legislation and Summary of Police Powers

### 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, 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 a 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**

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.

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 PLACE OF SAFETY POWER TO REMOVE TO PLACE OF SAFETY OR PREVENT REMOVAL FROM**

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 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***

### ***POWER OF ARREST***

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

## **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 5: Role of the Police Missing Persons Liaison Officer**

1. To ensure effective and correct management of missing persons enquiries on Compact with particular emphasis on missing children under 18.
2. To assist divisional operational staff in the investigation of missing person enquiries.
3. This will include enquiries with other police forces and agencies such as DWP, bank enquiries, and Adult Services, Children's Social Care and Multi Agency Teams (MAT's) , media and missing people charities, hospitals and other office based enquiries that would otherwise tie reactive officers down.
4. To have an overview of the missing persons issues across the division.
5. To assist in strategic management of any issues through liaison with Child Exploitation Investigation Unit and Central Referral Unit and partner agencies such as care home management, and Adult Services, Children's Social Care and MAT's and Mental Health Units.
6. To identify those individual cases where multi-agency intervention is required to tackle the problem.
7. This will include facilitating pro-active interventions at a local level, particularly in relation to persistent missing persons whose behaviour can be tackled and reversed.
8. To participate in multi-agency working with partners to manage missing persons' issues on a case by case basis.
9. This will be through liaison with Local Safeguarding Children Boards, Vulnerable Young Persons' Panels, High Risk Management Group, Children's Social Care and MAT's.
10. To refer via Central Referral Unit on a case by case basis those children under 18 who are identified as at risk of economic or sexual exploitation or who are suspected victims of sexual offences.
11. Furthermore, to work with other services to ensure such highly vulnerable people do not slip through the care net.
12. To work with all agencies to try to reduce the number of unnecessary calls for service to the Police and endeavour to ensure that only those persons who are genuinely missing are recorded as such.
13. To work with partner agencies to ensure that all parties understand the duties and responsibilities of the other to ensure good communication and co-operation between agencies.
14. To assist in the development of protocols and best practice for all parties.
15. To be a single point of contact for partner agencies seeking advice, information or guidance.

## Appendix 6: Return Interviews

The interview should be held in a neutral place where the child feels safe. The interview provides an opportunity hear from the child about why they went missing and to understand the risks and issues faced by the child while missing. This could include exploring issues where a child:

- has been reported missing on two or more occasions;
- is frequently away from placement (or their home) without authorisation;
- has been hurt or harmed while they have been missing;
- is at known or suspected risk of sexual exploitation or trafficking;
- is at known or suspected risk of involvement in criminal activity or drugs;
- has contact with people posing risk to children; and/or
- has been engaged (or is believed to have engaged) in criminal activities while missing.

The assessment of whether a child might run away again should be based on information about:

- their individual circumstances, including family circumstances;
- their motivation for running away;
- their potential destinations and associates;
- their recent pattern of absences;
- the circumstances in which the child was found or returned; and
- their individual characteristics and risk factors such as whether a child has learning difficulties, mental health issues, depression and other vulnerabilities.

Taken from Statutory Guidance on Children who Run Away or go Missing from Home or Care (2014) Department for Education

## **Appendix 7: Governance Arrangements – Terms of Reference**

### **Strategic Missing Persons Group**

Protecting vulnerable people is a key policing purpose for Derbyshire Constabulary. Safeguarding children and adults are themes identified in the strategic threat and risk assessment and as such are a current priority. When individuals are missing or absent they are vulnerable. The effective management of this theme is key to achieving our stated aims.

The Strategic Missing Persons Group will,

- Consist of a range of partners including police, children's social care, adult's social care, education and health.
- Work in partnership.
- Meet quarterly at Derbyshire Constabulary Head Quarters.
- Be chaired by a Detective Chief Inspector from the Public Protection Unit of Derbyshire Constabulary.
- Include attendees of a similar position in terms of levels of responsibility and the ability to direct activity.
- Report annually to the respective children's and adult's safeguarding boards in both city and county via Detective Superintendent, Public Protection.
- Produce an annual strategic problem profile as a basis to improve service delivery around the theme.
- Give strategic direction to the Tactical Missing Persons Group through the use of an action plan to ensure on-going development of the theme.
- Review performance of the partnership relative to operational delivery against current policy, guidance and best practice.
- Share and disseminate best practice.

### **Tactical Missing Persons Group**

Protecting vulnerable people is a key policing purpose for Derbyshire Constabulary. Safeguarding children and adults are themes identified in the strategic threat and risk assessment and as such are a current priority. When individuals are missing or absent they are vulnerable. The effective management of this theme is key to achieving our stated aims.

The Tactical Missing Persons Group will:

- Consist of a range of partners including police, children's social care, adult's social care, education and health.
- Work in partnership.
- Meet quarterly at Derbyshire Constabulary Head Quarters.
- Be chaired by a Detective Inspector from the Public Protection Unit of Derbyshire Constabulary.
- Include practitioners within this area whom understand current practices and activity.
- Assess the annual strategic problem profile and seek to progress recommendations to improve service delivery around the theme.
- Progress actions arising from the Strategic Missing Persons Group action plan to ensure on-going development of the theme.
- Discuss and disseminate best practice identified across the partnership as well as key issues affecting operational delivery.
- Report back to the Strategic Missing Persons Group.

## **Missing Persons Monitoring Group**

### Purpose / role of the Group:

- The Group was established in 2011 by the Locality Head of Service with responsibility for overseeing Children's Services response to children who are missing from home and care.
- The Group monitors agencies responses to locate and prevent children from going missing, and takes joint action, as appropriate, where a child is missing and at risk of significant harm or of committing serious offences.
- The Group aims to secure the safety of vulnerable children and young people and /or reduce the risk(s) to that young person.

### Membership:

- The Group is a multi-agency forum. Current membership includes representation from and by: Missing Persons Liaison Officer from the Police, Health (Looked After Children's Nurse), Connexions, Locality Runaways Workers, Multi Agency Team Managers, Youth Offending Service, Independent Homes, Derby City Council Residential Homes, and Safe and Sound. The group is chaired by Locality 3 & 4 Head of Service.
- Membership is open to agencies and partners who have responsibilities and are actively engaged in safeguarding vulnerable young people.

### Accountability:

- The Group receives monthly reports from Locality Runaways Workers in respect of their caseloads, feedback from partner agencies, and reports from key workers in relation to individual children.
- The Group reports quarterly on its activities to the Vulnerable Young Persons Sub Group (VYPSG), who in turn report to Derby Children's Safeguarding Board (DCSB).

### Review:

- The Group will annually review its activities and terms of reference.

### Working methods / ways of working:

- The Group uses a shared learning approach -learning through on-going dialogue within the group, focusing and reflecting on our practise and how we work to improve outcomes, and our understanding that learning takes place in an open and supportive environment.
- Meetings are held monthly at Ashtree House
- Meetings are chaired and organised by the Locality 3 & 4 Head of Early Intervention
- The Missing Children report to be discussed at each meeting is produced by the Locality Runaways Workers after the Police COMPACT report is received at the end of each month, and is circulated to the Group as soon as possible after receipt of the COMPACT report, where a secure email box exists. Topics for the remainder of the agenda are determined by issues identified by the Group, VYPSG, DCSB, or the Corporate Parenting Sub Board.
- Where a young person has repeated missing episodes (3 or more), the key worker is asked to submit a report to the Group detailing how the young person's care plan and risk assessment has been reviewed in accordance with the Missing Protocol. The key worker may attend the meeting to deliver this.

Please note the terms of reference for this group are currently under review.

## **Appendix 8: Derbyshire Constabulary Partners Briefing Note: Requests for Police Checks**

It remains a policing priority for Derbyshire Constabulary to work with you protect vulnerable people.

We have reviewed our approach to responding to your request to locate and check on the wellbeing of service users you may be concerned about.

We will put the needs of the vulnerable person at the centre of what we do. This means we will seek to ensure that the most appropriate professional deals with the concern.

Where a hospital has medical concerns about a patient who has left then the best person to check on the individual's wellbeing is a health care professional. Where a social worker has concerns about the environment of a child or elderly person this is best done by that agency.

Police officers undertaking such checks and assessments can often give 'false confidence' having neither the training nor experience to make an informed decision. Such a position may serve to put vulnerable people at greater risk.

We will continue to support you to protect your vulnerable clients.

- Where partnership staff are or feel threatened – we will attend with you to prevent a breach of the peace.
- If it is necessary in an emergency to force entry to premises where life is at risk – we will attend and facilitate your access.
- Where it is necessary prevent a child suffering SIGNIFICANT harm and it is impractical to get an Emergency Protection Order in time – we will support you and consider taking the child into police protection under the Children's Act 1989.
- Where it is necessary to remove mentally disordered people in need of IMMEDIATE need of care or control from PUBLIC places – we can help.

As of Monday 06th July 2015 any local agreements or protocols which have developed will cease to have effect.

Where you have made enquiries and are unable to ascertain the whereabouts of an individual. Where there is also identified risk to themselves or others then a missing person report should be made. We will explore what efforts have been made to locate the individual and what the actual risk is in order to commence a police missing person enquiry.

Where you have professional concerns on a case by case basis you are able to appeal this approach to the duty Force Incident Manager who will have the authority to apply professional judgement.