**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**Offending & Anti-Social Behaviour – when to involve the Police**

**Background**

* Children in care are over-represented in the youth justice system compared to other children who are not looked after. Also, being looked after in the care system appears to be a significant factor in the prison population so it is clear that there are additional vulnerabilities for this group of children.
* Within WSCC children’s homes, there is a commitment to support local and national initiatives involving the reduction of offending and de-criminalisation of Looked After children. Every effort should be made to reduce offending behaviour and the criminalisation of children in care.
* It is well documented that having a criminal record can be a barrier to successful transition into adulthood and life prospects and that children and children in care often have life histories that make them particularly vulnerable to involvement with the criminal justice system.

**South East Regional Protocol**

* This document sets out a number of key ideas that help to reduce the number of children in care from entering into the criminal justice system. It is important that residential staff are familiar with these principles in order to support children in their care.
* Increasing the use of **Restorative Justice (RJ)** approaches to prevent prosecution of children in care who demonstrate offending and anti-social behaviour. RJ involves the victim having an opportunity to share how the behaviour affected them, allowing the offender to take responsibility for their actions. This can involve mediation of different levels where the Police are not necessarily involved.
* Staff must focus on trying to understand the underlying causes of the behaviour and support children to address these.
* Victims have a right to have their views taken into account following offending behaviour.
* Children already involved in the criminal justice system need to be protected from escalation.
* Staff must ensure any additional needs (ie learning disability or mental health diagnosis) are taken into account when deciding any outcomes
* Staff will try to manage challenging behaviour in the home without involvement of the Police where possible. Where this is not appropriate and where police become involved, the police should consider use of discretionary powers to apply an informal resolution response.
* Where staff know about the risks of a child becoming involved in offending or anti-social behaviour, homes will have plans and services in place to reduce the risk or actual harm which are regularly reviewed and updated.

**When to involve the Police**

* The Crown Prosecution Service has developed a useful set of questions and prompts for staff to consider when dealing with offending behaviour in children’s homes. Key points are as follows for consideration are:

1. The disciplinary policy of children’s home
2. Why have the police been involved and is it agreed in the policy?
3. Any informal or disciplinary action already taken?
4. Any apology/reparation?
5. Victim’s views?
6. Social Workers views?
7. Care Plan for Looked After Child?
8. Recent behaviour/incidents involving the Looked After Child?
9. Information about incidents from the child (interview or other)?
10. Aggravating and mitigating circumstances?

* Unless there is a clear emergency situation, staff dealing with the incident should contact the On Call manager for advice prior to contacting the police.
* Each children’s home will have its own threshold for police involvement in managing offending and anti-social behaviour which will be appropriate to the children living in the home. However, there are certain circumstances which will almost always warrant police involvement:
* A child is found in possession of illegal substances with or without intention to supply
* A child is at risk of significant harm or actual harm as a result of their behaviour
* A child has disclosed or been observed in a criminal act and there is reasonable suspicion to corroborate this
* A child is a victim of crime
* A child becomes increasingly threatening with intent to harm others that it is in their best interests to be removed from the situation and where all other less invasive strategies have been ineffective
* A child goes missing and cannot be located within the timescales agreed within their Missing Plan

**Multi-agency working**

* It is important that residential staff maintain regular and effective partnership working and information sharing with other agencies when managing offending and anti-social behaviour.
* The involvement of a range of statutory and voluntary agencies in discussions and planning to reduce or address offending behaviour is key to securing successful outcomes for children.
* Local police teams are often willing to meet with looked after children who may be participating in offending or anti-social behaviour on an informal basis which can have a positive impact.

**Links to related documents:**

South-east protocol to reduce offending and criminalisation of children in care: <http://www2.westsussex.gov.uk/LearningandDevelopment/MPG/L84%20p110%20Protocol_to_reduce_offending_and_criminalisation_of_cic_dfe.pdf>