

# REGIONAL GUIDANCE

## Police Involvement in Residential Units

**Safeguarding of Children Missing  
from Home and Foster Care  
May 2012**



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## **INTRODUCTION**

This Regional Guidance document is designed to support an effective collaborative safeguarding response by Health and Social Care Trusts (HSC Trust) and the Police Service of Northern Ireland (PSNI).

The document contains two related but distinct Guidance areas.

- Guidance in relation to when the PSNI attend residential units including where a child is missing;
- Guidance in relation to children living within their own families, or who are in the care of a HSC Trust and placed in a family setting, who go missing.

It is intended that the Regional Guidance document should complement existing good practice providing assistance to carers, police officers and social workers in dealing with situations where children go missing or where police officers attend residential units. This document cannot anticipate every situation and therefore it follows that all staff must continue to exercise professional judgement and take any action necessary to protect the safety of any child based on a risk assessment of his/her individual circumstances.

Individual assessment of risk is the key element in deciding on the appropriate response to individual situations.

The information in the guidance document is for police officers and social services staff, carers and contracted services.

PSNI and individual Trusts will nominate a senior officer/manager who will be accountable for ensuring that all processes outlined within this protocol are followed.

## **PRINCIPLES**

- The safety of the child is the paramount consideration. Police officers and social workers will share information in order to work co-operatively to effect the safe recovery of children who are missing, or to safely resolve issues arising within residential units;
- Child Protection Procedures will be followed, where relevant, in respect of all children. This includes where sexual exploitation may be a factor or where a child is associating with individuals, either peers or adults, who give rise to concern;
- The PSNI will act on any report of a child missing from care;
- Every missing child who returns home, or to HSC Trust accommodation,

will be spoken to with a view to establishing the reason for the missing episode.

## **DEFINITIONS**

For the purposes of this Guidance the following definitions apply:

**Child** – Child and young person under 18 years of age (this can include persons under 19 years of age where the child has special needs).

**Care** – In care/looked after – applies to all children and young people who are looked after by a HSC Trust, either under Article 21, or subject of a Care Order under Article 50, or an Interim Care Order under Article 57 of the Children (NI) Order 1995. It also applies to children who are the subject of an Emergency Protection Order, subject to Police Protection under Article 65, wardship or subject of a Care Order to another Authority but being supervised on its behalf by the HSC Trust. A looked after child who is the subject of a Care Order may be placed at home with his/her parent.

**Unauthorised absences** - Children absent themselves from home or care for a short period of time and then return; often their whereabouts are known or thought to be known but unconfirmed. These children may be testing boundaries and are not necessarily considered at risk when absent. Sometimes children stay out longer than agreed either on purpose or unwittingly. This kind of boundary testing behaviour is well within the range of normal teenage behaviour. However, each individual child should be subject to a risk assessment based upon individual circumstances and vulnerability.

For the majority of children living at home it will usually be their parents who make the judgement as to whether and when to inform the police that their child is missing. They base this decision on their long-term knowledge of the child and the circumstances surrounding the event. A similar approach needs to be adopted for children looked after by a HSC Trust.

**Missing** –The Association of Chief Police Officers (ACPO) definition of a missing person is:

*‘anyone whose whereabouts is unknown whatever the circumstances of disappearance. They will be considered missing until located and their wellbeing or otherwise established.’*

**Absconded** – Absconding refers to a child who is missing from care, or who is looked after, and is subject to bail conditions as a result of a Criminal Court

Order or is subject to a Secure Accommodation Order.

**Abduction** – A person shall be guilty of an offence if, knowingly and without lawful authority or reasonable excuse, he takes a child who is in care, the subject of an Emergency Protection Order, or in Police Protection, away from the responsible person, or keeps the child away, or induces, assists, or incites such a child to run away or stay away from the responsible person.

# **Police Involvement in Residential Units**

## PREVENTATIVE MEASURES

In an effort to minimise the need for police involvement in residential units, there are certain support systems that should be considered by HSC Trusts, which include:

- The sharing and collation of all relevant information held by social workers (Fieldwork or Residential) either within or outside the Trust to inform an assessment of risk prior to any child's admission to residential care. This should be updated and reviewed on a regular basis. The social worker will inform parents/carers about the HSC Trust's Guidance in relation to 'Police Involvement in Residential Units';
- Working to pre-empt and prevent potentially difficult and volatile situations by agreeing a 'plan of action' following a consultation process with the respective Team Leader, and if appropriate, Senior Manager of the HSC Trust;
- Developing a 'response' type service that can be activated to respond speedily and effectively to any given incident. This could be around having 'back up' staff available to support a residential team at short notice;
- The need for an environmental risk analysis that looks at the physical fabric of the facility, with remedial action to minimise and identify potential problems;
- The need to detail, monitor and evaluate each occasion where police have responded to an incident. This will enable present practices and procedures to be managed and improved where necessary;
- The HSC Trust having a corporate approach to police involvement in residential units with a nominated senior manager responsible for ensuring Trust internal processes support the effective operation of this Guidance, and the Trust maintains a strategic oversight;
- The need for each residential unit to liaise closely with local police. In particular there should be regular communication between individual residential units and a nominated police officer. This is to allow clear and open lines of communication;
- Where a risk assessment in relation to an individual child or a group of children within a unit indicates that police involvement is likely, this information should be discussed with the nominated police officer. A joint plan to reduce the risk and to respond quickly and effectively to situations likely to arise should be developed;
- In order to adopt a consistent, effective approach in dealing with any issues/potential issues arising from a looked after setting, it is recommended that a framework for interagency working is developed in each district. The framework should consist of a strategic partnership group and an operational partnership group, which in turn should provide:

- Effective communication strategies;
- Shared learning and understanding;
- Improved practice;
- Development of preventative strategies through agreed risk assessments.

An example framework and standards can be found at Appendix B.

## **POLICE INVOLVEMENT AT INCIDENTS IN RESIDENTIAL UNITS**

It is recognised that, in an effort to maintain and provide a safe living environment for all young people, it may be necessary in certain situations to seek assistance from the PSNI. In considering this option staff must always bear the following in mind:

- Police involvement in the management of incidents within the residential units should be kept to the **absolute minimum necessary**;
- The need for the senior member of staff on duty to satisfy him/herself that all reasonable steps have been taken to divert/diffuse or manage the situation before engaging the support of the police. Where necessary advice should be sought from the Unit Manager or other nominated Trust Manager;
- The need for staff to be **clear** about **why** they are requesting a police response and the potential consequences (+ or -) of this action;
- The need for staff, following an assessment, to recognise when a situation is beyond their control and requires the involvement of the PSNI. Timing in this situation is critical;
- Where a child has been reported as missing, this Guidance should be read in conjunction with 'Police Action in Respect of Missing Persons' Service Procedure.

It is important to understand that any police response to an incident will be based on the circumstances presented to them at the time. In assessing the situation, the police officer will take cognisance of all the facts including children's behaviour, concerns of staff, and the evidence available. If there is sufficient evidence available, an investigation may be pursued by the police even when the Trust holds views to the contrary. **It is important for Trust staff to realise that once a formal complaint against a young person is made to the police it may not be possible to withdraw that complaint at a later stage.** It should also be remembered that the grounds for police making an arrest and conveying the child from the residential unit to a police station are specific and defined in legislation. Police will only act in accordance with the powers available to them under legislation.

## **POLICE ATTENDANCE AT RESIDENTIAL UNITS**

**When police attend a residential unit, they will be invited to speak with the senior member, or nominated member of staff, on duty.** This will be carried out privately within the unit, to agree a course of action on how best to resolve the situation. Police and residential staff dealing with the incident **will** exchange details including name, and position within their respective organisations. A female officer will be requested in the event of a female resident being involved in an incident. Circumstances do not always allow for the provision of a female officer, however, this resource should be provided where possible.

It is the responsibility of residential staff within the unit to ensure whenever possible that those young people not involved in the incident are kept in a safe environment away from any potential harm.

Those tasked with carrying out any subsequent investigation must do so on the basis of its **legality, necessity and proportionality**, being ever mindful of the rights and dignity of the child.

The removal of a child from a residential unit is a serious matter. However, as a last resort where this is deemed necessary, it should be handled in a way that causes the minimum amount of distress to the child and to other residents. If these circumstances arise, the matter will be discussed fully with residential staff and will be in proportion to the assessed risk factors prevailing at that time.

Where the circumstances are deemed so serious as to require an immediate response by the police in the interests of 'public safety', for the child and/or others, then police shall have no option but to take action. Such a response will be proportionate to the assessed risk and in a manner appropriate to protect and safeguard all those present. Where possible, staff will accompany any child who requires to be removed to a police station (except those members of staff incapable of acting as 'Appropriate Adult' - please see Appendix E for more information).

The actions that social work staff take in the first few hours after an arrest of a looked after child, for any incident either in the home or in the community and subsequently, greatly influence the outcomes for that child. The interface between Social Services and the Criminal Justice system, whether at the police station or in court is of critical importance to the fair and equitable administration of justice. A looked after child should enjoy the same rights and exercise the same responsibilities as a child who is living at home without any Social Services involvement. Appendix E sets out guidelines to assist Residential and

Field Social Work staff in understanding the importance of their role in such circumstances and provide clarity on the expectations of a corporate parent and its representatives in the criminal justice arena.

It may not always be appropriate for residential staff to act as the 'Appropriate Adult'. A parent/member of residential staff should not act as an Appropriate Adult if they have received admissions or denials from the child before arrival at the police station; or if they are involved in the offence/investigation in question; or if they are a witness in the offence/investigation in question. Appendix E includes information on the Appropriate Adult roles and responsibilities. Trust staff should ensure a child has the opportunity to be legally represented prior to him/her making a statement or being charged by the police.

## **CRIMINAL DAMAGE WITHIN UNITS**

In the event that criminal damage has been caused to, or in, the residential unit, an assessment will be required as to the seriousness of the incident. The appropriate member of staff should carry out this assessment in conjunction with a consultation with Senior Management/Out of Hours Service. This is in an effort to decide the most appropriate course of action, which may not always require a police response.

Recommendation 6 of the SSI Inspection of Secure Care (2002) states 'HSS Trusts should develop an independent process, at Programme Manager level to consider all the facts prior to reaching a decision to criminally charge any child'. This system should always be used prior to reaching a decision to report a child to the PSNI for damaging Trust property. Unless the situation is one where there is a significant risk to the child concerned, other children or staff members, or the damage to the unit is likely to be extensive it would not normally be necessary to request the police to attend the incident at the time. Where it is decided to proceed with an investigation, or prosecution, the police will require the minimum of a written statement of complaint and an estimate as to the value of any damage caused.

In the event that criminal damage has been caused to personal property belonging to a resident, or member of staff, then the decision to contact police rests with the complainant. In all cases the individual concerned should be offered the opportunity to discuss the situation with the unit or other appropriate Trust Manager. Where this is a child resident within the unit, social work staff should assist him/her to make a complaint. Police will respond to any complaint as outlined above.

## **ASSAULTS WITHIN UNITS**

If a member of the residential unit staff is assaulted by a child resident within the unit, it is a personal decision by that member of staff whether or not he/she wishes to make a formal complaint. The Trust is both the employer of the member of staff and corporate parent to the child. The individual staff member concerned must be offered the immediate opportunity to discuss the situation with the unit or other senior Trust Manager.

The Trust will make available a 'staff care' service, and any other support mechanisms thought appropriate at the time. It must always be the case that consideration is also given to the needs of the young person involved in the incident.

Where one child assaults another child and the victim states a wish to make a complaint to the police, this should be facilitated by social work staff. The child concerned should be offered the opportunity to discuss the situation with the Unit or other senior Trust Manager. Each incident of assault requires a risk assessment to be conducted by the residential unit staff to consider how best to manage the situation. In certain circumstances it may be necessary to invoke the Trust's Child Protection Procedures. Parents/carers of the victim and assailant will be informed about the assault of a child as soon as reasonably possible after the event by the residential unit staff. If contacted, police will determine the severity of the assaults as laid down in legislation and will act accordingly.

## **SEXUAL EXPLOITATION**

In some cases children may go absent or missing as a result of grooming by adults who will seek to exploit them sexually. The supply of drugs and alcohol, the offering of gifts, organisation of transport eg taxis, may be used to entice or coerce children into associations with inappropriate adults. Both girls and boys are at risk of sexual exploitation and those living within residential care units are particularly vulnerable to being directly targeted in this way. Encouraging children to run away in order to disrupt their placement is often part of the abuse.

Any information that is disclosed to a member of staff that leads to a concern that the child/young person is being sexually exploited or where they come across information that would raise such concerns (i.e. seeing indecent texts/images on a child/young person's mobile) this matter should be brought to the attention of police as soon as possible. Staff should be aware that evidence can be difficult to obtain and should discuss situations with the police where they have a suspicion.

A number of indicators have been identified as ways of recognising young people who are being exploited:

### **Personal Indicators:**

- Physical symptoms (bruising suggestive of either physical or sexual assault);
- Prevalence of a sexually transmitted infection;
- Reports from reliable sources suggesting the likelihood of sexual exploitation.

### **Behavioural Indicators:**

- Young person known to be sexually active;
- Evidence of drug, alcohol or substance misuse;
- Leaving home/care setting in clothing unusual for the individual child (inappropriate for age, borrowing clothing from older young people);
- Significantly older boyfriend;
- Accounts of social activities with no plausible explanation of the source of necessary funding;
- Possession of money with no plausible explanation;
- Acquisition of clothes, mobile phones or other possessions without plausible explanation;
- Having keys to premises other than those known about;
- Low self image, low self esteem, self-harming behaviour - cutting, overdosing, eating disorder;
- Truancy/disengagement with education;
- Possible inappropriate use of the internet and forming relationships, particularly with adults, via the internet;
- Disclosure of assaults.

### **Situational Indicators:**

- Reports that the child has been seen in places known to be used for sexual exploitation;
- Phone calls or letters from adults outside the usual range of social contacts
- Adults loitering outside the child's usual place of residence;
- Persistently missing, staying out overnight or returning late with no plausible explanation;
- Returning after having been missing, looking well cared for in spite of having no known home base;
- Missing for long periods, with no known home base;
- Placement breakdown;
- Pattern of street homelessness;

- Entering or leaving vehicles driven by unknown adults;
- Going missing and being found in areas where the child or young person has no known links.

It is important that staff are alert to any signs of possible exploitation particularly where there is a pattern of a child or children repeatedly going absent or missing. Any concerns should be discussed with the Unit Manager and with the Unit's nominated police officer. Subsequent actions may include the use of Harbourer's Warning Notices, offences under the Sexual Offences (NI) Order 2008, for example, Article 21 (arranging or facilitating commission of a sex offence against a child), Article 22 (grooming), trafficking offences within the UK under Section 58 of the Sexual Offences Act 2003, etc. If necessary a strategy meeting should be held to develop a multi-agency response. On some occasions this may necessitate a case being declared 'organised or complex' which will require a planned and coordinated response as set out in Chapter 6 of the 'Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse by Social Worker and Police Officers - Northern Ireland'. It may also necessitate the use of the reluctant witness process outlined in Appendix F.

## **Abduction**

In some instances individuals may allow children to be in their company e.g. to stay in their home or to associate with them in other places, even arranging for transport and without informing the child's carer of their intentions. They either directly or indirectly encourage them to go missing or to stay away from their carers. This can lead to an increase in the number of children who are reported as missing or whose absence is unauthorised. Some adults actually target children for the purpose of exploiting their vulnerabilities and as a result serious offences may be committed against these children. Where concerns arise that a child is being encouraged or assisted to leave or remain away from their placement the matter should be discussed with the police and, where appropriate, a strategy meeting held. A plan to address the concerns should be developed. Details on the steps required for the use of Harbourer's Warning Notices can be found in PSNI Service Procedure 27/2010 'Police Response to Child Abduction (Harbouring)'.

## **Looked after children trafficked from abroad/in Northern Ireland**

Some looked after children may be unaccompanied asylum-seeking children and some of this group may have been trafficked into the UK and are likely to remain under the influence of their traffickers, even whilst they are looked after. The assessment of need to inform the Care Plan must seek to establish:

- Relevant details about the child's background before they came to the UK;

- An understanding of the reasons that the child came to the UK;
- An analysis of the child's vulnerability to remaining under the influence of traffickers.

The process of assessment of need to inform the Care Plan and related risk assessment will have to be sensitively managed. Provision may have to be made for the child to be in a safe place before an assessment is complete bearing in mind that the child may not be in a position to disclose full information about their circumstances immediately.

**In all cases Trust staff and police officers should follow the DHSSPS and PSNI Guidance for the welfare and safeguarding of child victims / suspected victims of human trafficking (including those trafficked in Northern Ireland), specifically 'Working arrangements for the welfare and safeguarding of child victims of human trafficking' (February 2011). In all suspected cases of trafficking a referral should be made to the UK Human Trafficking Centre.**

## **BAIL CONDITIONS**

Where a child is subject to bail conditions, the reporting of a breach of those conditions is separate to the reporting of a child to the police as a missing child. A child may be unauthorised absent and in breach of their bail conditions. Appendix E provides information for Trust Staff where young people are involved in justice matters.

## **UNAUTHORISED ABSENCE/MISSING CHILDREN**

The aim of the Guidance is to ensure that the reporting of children to the police is responsible and realistic. It should not become an over-reporting of situations where children return to their placement later than agreed; or where they leave a placement without the express permission of the carer, and there is no suggestion that they are at risk when absent and where their likely intention is to return to the placement.

The Guidance provides advice to assist carers, police officers and social workers in dealing with situations where children go missing and should both inform and complement existing good practice, which has been developed to manage these situations. It cannot, however, anticipate every situation. Staff must, therefore, continue to exercise professional judgement and take any action necessary to protect the safety of individual children, based on an assessment of their individual circumstances.

The following process is required in respect of young people who go missing/absent from placement:

- Quantify and grade the likely level of risk on a case-by-case basis;
- Give clear guidance in relation to roles/responsibilities of the respective agencies;
- Ensure a timely and effective response in terms of managing the risk;
- Complement and link in with current systems and processes (e.g. Untoward Events Policy, 'Police Action in Respect of Missing Persons' Service Procedure, etc).

To this end a traffic light system of risk (green, amber and red) outlines:

- How a case can move through this system;
- Key factors and indicators of risk to be considered;
- Clear action steps at each stage of the process.

It is important to concentrate upon individual risk assessment not only in respect of the child but also of the circumstances surrounding his/her absence. This is particularly important in residential care homes, which deal with children who have serious, challenging behaviours. Individual risk assessments of young people living in residential units tend to highlight issues that would generally go to a code amber/red. However, the circumstances surrounding an actual event may still suggest a code green is appropriate. For example, in the case of a child with challenging behaviour who leaves the home without permission, where the pattern of previous such episodes has not resulted in harm to the child concerned.

### **Underpinning Professional Guidance**

- For all planned admissions to a residential unit, a risk assessment, usually completed by the placing social worker will accompany the young person to the placement;
- For emergency admissions, a risk assessment must be completed within **24-72 hours**;
- For all admissions to a looked after placement, a Child Profile, Part A, (Appendix C) **must** be completed within **24-72** hours of placement. This should always include a recent photograph;
- In the event of a child who goes missing, the Child Profile, Part B (Appendix C), **must** be completed **immediately** with a copy of Part A and Part B shared with the PSNI;
- Where a child's risk assessment indicates that they are likely to go missing, consideration should be given to sharing the information on the child with the police in advance of a 'missing' episode. This would allow the development

- of a joint plan to prevent and/or respond to missing episodes;
- Outside of normal working hours, the liaison link for children in residential care will be between the Shift Coordinator in the residential unit, for all other looked after children the Out of Hours Service and PSNI Contact Management;
  - The risk assessment will be informed by a combination of multi-agency liaison, professional judgement and any supporting reports/assessments;
  - Should a child's absence continue, the Residential Manager should make arrangements to talk to the children in the home to ascertain, if possible, the whereabouts of the missing child and to reassure them that efforts are being made to locate the child.

## **CODE 'GREEN'/UNAUTHORISED ABSENCE (TRUST RESPONSIBILITY ONLY):**

**Definition** - There is no apparent threat or danger to either the subject or the public.

Where the child'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. Absences are usually of short duration and often part of a frequent pattern with no noticeable detrimental effects to the child. The child is not usually considered at specific risk when he/she is absent. This covers children late back from an authorised absence, or those who leave the unit without notifying staff but for whom there are no significant concerns about the child's well being when absent. Staff in these situations know the child well and are aware that he/she is likely to return to the placement within a short time.

### **Possible Factors/Indicators (to inform risk assessment):**

- Behaviour;
- Ability to keep safe/awareness of risk;
- Age/competence;
- Limited episodes of previous absence/missing (taking account of pattern and time periods);
- No evidence, or current information, to indicate any self-harm or mental health concerns;
- No current evidence to indicate misuse of alcohol, drugs or solvents;
- Consideration of group living environment/dynamics at time of incident;
- Consideration of recent events within the family and/or school;
- Have established that there are no significant assessed risks associated with current community contacts;
- Time of the incident (day/evening), plus weather conditions (cold/wet etc).

### **Possible examples of situation/behaviours that could constitute a low risk:**

- Child testing boundaries;
- Previous episodes of unauthorised absences have not led to any known risk/harm;
- When child has previously left, likely location is known and assessed as low risk;
- Child maintains contact/communication (e.g. mobile phone);
- Where the child does not return at the agreed time from a planned outing/contact and there is no indication that he/she is planning not to return.

## **Actions:**

- The Residential Manager/Shift Coordinator, based on information available to him/her regarding the child's assessed needs, will make an informed judgement on what steps to take. There should be systems in place to ensure the Residential Manager/Shift Coordinator can consult as appropriate with Trust Management.
- The Trust is expected to act as a responsible parent would in such a situation. This must involve attempting to contact the child or their friends or family by telephone, checking places where the child is known to visit and talking to other children or staff about possible reasons for the absence.
- Residential Manager/Shift Coordinator will continue to monitor the situation and revise his/her assessment of likely risk, taking account of length of absence, time of day and any other relevant information. If the child returns within a reasonable timeframe and there is no information to suggest harm/risk has occurred, given the individual circumstances of the situation, no further action is required in relation to this Guidance. A note of the episode and its outcome should, however, be held on the child's case records and the information made available to police in the event of the child being absent again. The Residential Manager/Shift Coordinator should keep under review the actions being taken to locate the child and where necessary make further attempts as would be expected from a responsible parent. They should also reconsider the need to contact the PSNI to report the child missing.

There are situations where the child's whereabouts are known but there are good reasons to believe the child may be at risk of significant harm at that location. In such circumstances the child is not 'missing' but the police should be contacted. The Trust staff and the police should then work together to ensure the child's safety. Consideration should be given to the use of Harbourer's Warning Notices or Risk of Sexual Harm Orders in appropriate situations. Regular or lengthy unauthorised absences should be of concern and staff should work with the child to resolve the situation. If appropriate, staff should discuss the matter with the unit's nominated police officer to check whether the police would have any intelligence information that may be related to the child's absence.

## **Risk Code decisions**

Where the police are contacted to report a child as missing i.e. code amber or red, it is expected that Social Services and the PSNI will jointly agree on the appropriate coding for a young person. Contact Management are responsible for agreeing the code with the Residential Unit Manager/Shift Coordinator. In the unlikely event that a disagreement occurs the matter should be referred to more senior Trust management/higher ranking police officer.

## **CODE 'AMBER' (MEDIUM RISK):**

**Definition** - The risk posed is likely to put the missing child in danger, or they pose a threat to themselves or to other members of the public.

### **Possible Factors/Indicators for re-grading from 'Green' to 'Amber':**

(These factors should be considered collectively).

- If no communication is successful or the whereabouts of the child/young person is still unknown after 6 hours, serious consideration should be given to upgrading the incident to Amber;
- Where the weather conditions have deteriorated and there are concerns about the child not being appropriately clothed;
- Where the timeframe is moving into the evening/early hours of the morning;
- Updated information is received which requires activation of the 'Amber' factors listed below.

### **Possible factors/indicators for immediate grading as 'Amber':**

(These factors need to be considered collectively).

- The child has a learning difficulty or disability;
- The current assessment indicates the possibility for the child to self-harm;
- There is evidence to indicate, at the time of leaving the home, a significant change in the child's attitude, mood and/or behaviours;
- There is evidence that a child is misusing alcohol, drugs or solvents, to the extent that it could cause immediate harm.
- From the current revised assessment there is clear evidence to indicate a likely risk to the child within the community;
- There are current concerns within the placement or at school (e.g. bullying, sexuality, racial abuse, etc);
- A child on prescribed medication, which if not taken, could be detrimental to his/her health and/or well-being;
- The child is subject of bail conditions, or a Secure Accommodation Order;
- Peer, or adult acquaintances, are of concern to residential staff;
- A pattern of going missing/absconding, which must be considered in the context of the above factors.

### **Possible examples of situations/ behaviours that could constitute a Medium Risk/Code 'Amber':**

- Previous history of the misuse of prescription medication;
- Uncharacteristically threatening and aggressive behaviour prior to going missing;

- Uncharacteristically quiet and withdrawn behaviour prior to going missing;
- Physical signs, such as slurred speech, glazed eyes, unsteady on his/her feet;
- Concerns about potential/known contacts;
- Recent unsettling events within the family or at school;
- Evidence that the child has been the victim of bullying;
- The child's self esteem, or ability to protect him/herself, is considered low.

### **Actions:**

- Residential Manager/Shift Coordinator must notify the PSNI, the child's social worker/manager and where appropriate, the Out of Hours Service, immediately and indicate a missing child, code 'Amber';
- Residential Manager/Shift Coordinator and PSNI Contact Management on receipt of information will agree jointly that code 'Amber' is appropriate and discuss the subsequent response;
- The PSNI will collate and circulate information on the child and commence Form 57 based on information from the profile;
- The PSNI and the Residential Manager/Shift Coordinator will collaborate, to take proactive action to locate the child;
- The residential unit will communicate every 4 hours with PSNI or in line with significant developments/concerns and during the hours from 11pm to 7am at a level of contact agreed as being reasonable by the PSNI and the residential unit. At each update, agreement will be reached in terms of:
  - no further action, matter resolved and child located or returned to placement. (See under 'When the Child is located' for further actions);
  - maintain at code 'Amber' and agree further actions;
  - a move to Code 'Red'.

## Roles and Responsibilities: Code 'Amber' (check list):

| Social Services   | PSNI  |
|---|---|
| Matter reported immediately to PSNI and Senior Manager/ Out of Hours service.                         | Visit the residential unit following notification of outcome of relevant checks.  |
| Undertake preliminary checks to ascertain child's whereabouts, notify PSNI of outcome of such checks. | Update profile of child, with residential staff.  |
| Jointly discuss appropriate coding and implementation of action plan with PSNI Contact Management.    | Contact Management, relevant Investigating Officer, Supervisor and Duty Officer to be informed as well as the MVPO and Youth Diversion Officer (YDO).             |
| Search locality, or visit family home, to ascertain child's whereabouts.                              | Record relevant information on Command and Control system, Niche and circulate to local patrols. Form 57 to be commenced.   |
| Notify family.  | Check hospitals, known localities etc in line with Service Procedure 'Police Action in Respect of Missing Persons'.   |
| Liaise with field social worker.  |   |
| Shift Coordinator/out of hours service to ensure that 4 hourly contact is maintained with the PSNI.   | Maintain regular communication with residential unit <b>every 4 hours</b> . Level of contact between 11 pm – 7 am to be agreed between PSNI and residential unit. |

**Footnote: The responsibilities of PSNI Supervisor/Duty Officer/Missing and Vulnerable Persons Officer (MVPO) should be undertaken in compliance with 'Police Action in Respect of Missing Persons' Service Procedure.**

**Social Services record and report as per Agency Procedure, Regulation and HSCB requirements.**

## **CODE 'RED' (HIGH RISK):**

**Definition:** The risk posed is immediate and there are substantial grounds to believe that the missing child is in danger through his/her own vulnerability or mental state; or that 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 as a result of the missing child's behaviour/mental state.

**Possible factors/indicators for re-grading a case from code 'Amber' to 'Red':**  
(These factors need to be considered collectively).

- **If after 12 hours** there has been no contact with the child, and his/her whereabouts remain unknown;
- Where the weather conditions have deteriorated and there are concerns about the child not being clothed appropriately;
- Where the time frame is moving into late night, early hours of the morning;
- Information emerges which suggests the child is in the company of peers, or adults, who may exploit his/her vulnerabilities which will place them in immediate danger;
- Information emerges that the child is being removed from placement with the assistance of family, where there are concerns about the associated degree of risk to the child. This may be treated by the police as an abduction offence;
- Updated information is received that requires activation of the 'Red' factors listed below.

**Possible factors/indicators for grading immediately as code 'Red':**  
(These factors need to be considered collectively).

- Current assessment indicates that the risk posed is immediate. There are substantial grounds for believing that the child is in real danger, either to self or to others, because of his/her own vulnerability and/or mental state;
- Reference should be made to any current medical, psychiatric or psychological reports and assessments;
- There is a high and significant risk of harm to self or others, e.g. the child's name is included on the Child Protection Register;
- Evidence of a high and significant risk of danger to self, or others, as a result of behaviours such as arson, or taking and driving away cars;
- From current assessment there is clear evidence to indicate **definite risk** to the child within the community e.g. contact with a known sex or violent offender;
- Clear evidence and information to confirm heavy use/addiction by the child

to drugs, alcohol or solvents;

- Suspected, or confirmed, sexual exploitation;
- The child has been removed from placement with the assistance of family or others, where there are concerns about the degree of associated risk to the child. This may be treated by the police as an abduction offence.

### **Actions:**

- Residential Manager/Shift Coordinator must notify the PSNI, the child's social worker/manager and, where appropriate, the Out of Hours Service, immediately and indicate a missing child, code 'Red';
- Team Manager/Shift Coordinator and PSNI Contact Management will discuss and jointly agree action plan and code 'Red' is appropriate;
- The PSNI will collate and circulate information on the child;
- The PSNI and the Residential Manager/Shift Coordinator will collaborate in agreeing proactive actions to locate the child;
- The residential unit will communicate every 2 hours with PSNI or in line with significant developments/concerns and during the hours from 11pm to 7am at a level of contact agreed as being reasonable by the PSNI and the residential unit. At each briefing/update the matter will be reviewed and it will be agreed either:
  - no further action, matter resolved, child located or has returned to placement. (See under 'When the Child is located' for further actions);
  - maintain at code 'Red' and agree further actions (reference roles and responsibilities below).

## Roles and Responsibilities: Code 'Red' (check list):

| Social Services  | PSNI  |
|--|---|
| Immediate reporting to PSNI and Senior Manager/Out of Hours service. | Visit the residential unit to assess the situation.   |
| Share profile of child with PSNI.                                    | Retrieve profiles of child and ensure they are available on Niche.  |
| Contact family.  | Contact Management, relevant Investigating Officer, Supervisor and Duty Officer to be informed as well as MVPO and YDO.                 |
| Search locality.   | Record on Command and Control and Niche.  |
| Notify social worker.  | Investigating Officer to be appointed. Inform SIO. Form 57 to be completed.   |
| Update the family.   | Circulate profile information to patrols.   |
| Ensure 2-hourly contact is maintained with PSNI.                     | Maintain 2-hour contact with Residential Unit. Level of contact between 11 pm – 7am agreed between PSNI and residential unit.           |
| Consider convening an Emergency LAC Review or planning meeting.      | Contact relevant agencies/ organisations regarding time frames, as per 'Police Action in Respect of Missing Persons' Service Procedure. |
| Re-assess individual Risk Assessment                                 | Consideration of search operations.   |
| Record and report as per policy and procedures.                      |   |

**Footnote: The responsibilities of PSNI Supervisor/Duty Officer/MVPO should be undertaken in compliance with 'Police Action in Respect of Missing Persons' Service Procedure.**

**Social Services record and report as per Agency Procedure, Regulation and HSCB requirements.**

## **Longer Absences**

All absences will be the subject of an on-going review process. When a child is missing for a period of 7 days a planning meeting must be held where this has not already taken place, within 2 working days following the 7th day. This meeting will be attended by the appropriate Principal Social Worker/ Programme Manager from the HSC Trust, the MVPO, or nominated officer, from the police district which covers the placement's area, and any other appropriate representatives from each agency e.g. residential staff.

## **Media Involvement**

The police have responsibility for advising the media regarding children missing from care. Decisions to publicise will always be made in consultation with Social Services who will generally consult with parents/carers, however consent may not be required. This will be determined on a number of factors including the best interests of the child.

The media strategy will be devised by the PSNI Corporate Communications in consultation with the investigating officer (in line with 'Police Action in Respect of Missing Persons' Service Procedures). When consideration is being given to informing the media, a planning meeting must be held between the PSNI and the HSC Trust with the investigating officer leading the enquiry and HSC Trust's Programme Manager present.

The police will take the lead role in speaking to the media, supported by the HSC Trust.

**It must** be remembered that prior to media notification the HSC Board and The Department of Health, Social Services and Public Safety (DHSSPS) are to be informed of the plans to use the media in an effort to locate a missing child who is looked after by a HSC Trust.

## **WHEN A CHILD IS LOCATED**

### **Planning for a child's return**

A child going missing is a serious concern as the young person is putting themselves at risk on every occasion. A missing episode also places considerable demands upon both Trust and police resources. It is essential therefore that a child going missing leads to a proactive programme of intervention either with regards to an individual child or on a unit wide basis to reduce the likelihood of repeat events.

If a child who is looked after is 'missing' the police, social worker and residential unit staff should commence contingency planning for when the child is located. Plans should include:

- Who will speak to the child prior to actioning any decision to return him/her to placement;
- Whether the child should return to his/her placement;
- How will he/she be conveyed there;
- Should the PSNI speak to/interview the child before he/she is returned to his/her placement;
- Who will be an appropriate 'independent person' to talk to the child after his/her return to placement.

It is the responsibility of the HSC Trust to make arrangements for transporting a child to his/her placement. The child should, where appropriate, be taken directly to his/her placement and not to a police station, unless any information suggests that a direct return to the placement is not in the child's interests or a crime is suspected.

The police do not automatically have power to detain a child unless the following apply:

- The child is in breach of bail conditions imposed by a court;
- The PSNI has grounds for the use of Police Protection under Article 65 of the Children Order;
- Disclosure of a criminal offence.

Recovery Orders under Article 69 of the Children Order can be applied for in respect of a child who is the subject of an Emergency Protection Order, in Police Protection, or the subject of a Care Order.

Article 68 of the Children (NI) Order 1995 states it is an offence if a person knowingly and without lawful authority or reasonable excuse, takes a child 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.

## **Action after a child is returned**

Without delay, parents, all relevant agencies and others who were informed of the child's absence should be advised of the child's return. A discussion should take place between the PSNI and HSC Trust as to who will take responsibility for this. Where a child is looked after it should usually be the responsibility of the HSC Trust to notify parents. Only in very exceptional circumstances, such as where the child makes an allegation against their parent/guardian, or a member of care staff, should the individual not be informed immediately of their whereabouts. A PSNI Superintendent must authorise such action in writing on the PSNI Form 57.

## **Police Safe and Well Check**

The police have a duty under common law to protect life and investigate crime, and for those reasons they must conduct a check of the missing person as soon as possible after they return. The 'Safe and Well Check' is necessary to:

- Determine why the person went missing, the circumstances of their absence, assess the risks to which they have been exposed whilst missing and whether they have been subject to bullying, abuse or violence;
- Establish whether they have been a victim of crime before or whilst missing;
- Establish if they have committed crime(s) while missing (to be dealt with in accordance with current instructions and procedures) to sustain themselves;
- Discover where and by whom they have been harboured;
- Obtain information which may lead to their early discovery, should they disappear again;
- Put in place any support and preventative measures to avoid a recurrence;
- Establish what, if any, contact had been made with other agencies, groups or charities while missing.

Where possible the child should be offered the opportunity to have this discussion prior to his/her return to the placement to ascertain if there are concerns that the child ran away due to issues arising from his/her placement.

Where there is any suspicion that the child has been subject to sexual abuse or any form of physical abuse by staff within the residential unit or family member, the PSNI Child Abuse Investigation Unit (CAIU) should be informed and matters progressed as per the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse - Northern Ireland'.

The PSNI Form 57 should be updated accordingly, the missing person report cancelled, relevant DNA samples in the missing persons' database will be

destroyed and details of to whom the medical/dental records/photographs/video were returned, etc.

Cancellation of the missing person report should be authorised following this action and in compliance with 'Police Action in Respect of Missing Persons' Service Procedure.

### **The return interview**

Arrangements should also be made by the Trust for the child to have an in-depth interview with a person independent of the placement within 72 hours of their return. The information gathered from such an interview helps professionals understand the reasons why the child went missing, and therefore enable action to be taken that can help prevent future missing episodes.

This would usually be undertaken by the field social worker, but someone independent of the placement, possibly the Advocacy Service, or someone from a voluntary organisation with particular knowledge in this area may be an agreed alternative. The child should always be given the choice of whom he/she wishes to speak to, and advised that this could be someone from outside the Trust's Child Care Service.

Many young people who run away or go missing need to build up trust with somebody before they will discuss the reasons why they decided to run away.

Children who have repeated **unauthorised absences** should also be offered an independent person with whom to talk. This contact will enable an assessment to be made of the absences and reasons for them. The assessment should take account of the child's mental and physical condition. If there are any concerns when a child is located a medical examination should be arranged, in consultation with the local Consultant Community Paediatrician. The consent of the child, or of the person with parental responsibility, according to the child's age, will be required. (Note, where the Trust has a Care Order, E.P.O. or Secure Accommodation Order, it can make a decision without the consent of the child's parent.)

The assessment of the child's absence should consider:

- The child's explanation of the absence;
- Physical symptoms, suggestive of physical or sexual assault, or substance misuse;
- Possession of money or expensive items;
- Associates with whom he/she was in contact;
- Any available police intelligence relating to the episode.

In circumstances where the assessment identifies significant concerns, a planning meeting will be required to review the child's needs and Care Plan. This is particularly important in the case of repeated instances of a child going missing from care. The meeting would generally involve representatives from the police and other relevant agencies/organisations.

The Monitoring Form (Appendix D) should be completed by the Residential Unit Manager/Shift Coordinator with the assistance of the police. The Young Person Profile Appendix C (parts A and B), on return of the child, will be retained by the residential unit. This will be managed and reviewed by Residential Manager/Shift Coordinator.

# Safeguarding of Children Missing from Home and Foster Care

## **This section includes:**

- Children living at home in the community who are not known to Social Services;
- Children living at home in the community who are known to Social Services; and
- Children who are looked after and living in a family placement i.e. foster care, kinship care, placed with parents.

## **POLICE ACTION**

**In all these circumstances, police will comply with ‘Police Action in Respect of Missing Persons’ Service Procedure**, taking into account the following arrangements in respect of joint working with Social Services.

When a child is reported missing to the PSNI by a parent/carer, police officers need to establish whether he or she is already known to a HSC Trust’s Children’s Services.

### **Where a missing child who is not known to Social Services returns:**

- Police officers, with the agreement of those with parental responsibility, should undertake a Safe and Well Check to assist in collating relevant information as to whether or not a referral to Social Services should be considered as a consequence of the behaviour;
- Running away should be seen as an indicator of underlying problems which may need further intervention. This is particularly the case where there is evidence to suggest that the child has developed a repeated pattern of running;
- A police officer, preferably MVPO should contact the HSC Trust’s Children’s Services Gateway Team to assist him/her in making a decision whether to make a child in need or safeguarding referral in line with the ‘Understanding the Needs of Children in Northern Ireland (UNOCINI) arrangements. (Contact details for Trusts are provided at Appendix A).

Where appropriate, arrangements should also be made for the child to have an in-depth interview shortly after their return. The information gathered from such an interview helps professionals understand the reasons why the person went missing, and therefore enable action to be taken that can help prevent future missing episodes. This may be undertaken by a Trust Gateway Social Worker or where a service is available, the return interview might be best provided by a professional from a voluntary agency who is trained to carry out these interviews. Many young people who run away or go missing need to build up trust with somebody before they will discuss the reasons why they decided to run away. The interview and actions that follow from it should identify and deal with any harm they have suffered, including harm that might not have already been disclosed as part of the Safe and Well Check, understand and try to address the reasons why they ran away and try to prevent it happening again.

It is good practice that this interview takes place within 72 hours of the person being located or returning from absence. 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;
- has been 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 known to be at risk of sexual exploitation;
- in contact with persons posing risk to children.

Information from this interview will assist in decisions regarding professional involvement with the child and family.

**Where a missing child is known to Social Services, but not looked after:**

- Where a child's name is on the Child Protection Register, police officers should alert the HSC Trust in the first instance via the MVPO/YDO;
- When a missing child returns the process set out above should be followed with the Trust social worker arranging or undertaking the return interview within 72 hours.

**Where the missing child is looked after by a Trust in a community setting:**

A child may be looked after by HSC Trust and placed with Trust foster carers, with extended family members or friends (kinship care), or with their own parents (placed at home).

**Where a carer notifies the PSNI of a missing child:**

- The PSNI will attend the child's home. The police officer in attendance may be provided with a profile by the carer as per Appendix C;
- There will be regular updates as to progress between the carer, the Trust and the PSNI. The level of contact will be that agreed as being reasonable having regard to the circumstances.

## **Where a child who is looked after and placed in a community setting regularly goes missing:**

The colour code system outlined in the 'Police Involvement in Residential Units' section of this Guidance is not generally used where a child is placed within a community setting. However where a child is regularly going missing from their placement it may be appropriate to implement the colour code system for the individual child. It may also be appropriate to introduce the colour code system where a specialist or fee paid fostering service is in operation. This can be implemented with the agreement of the MVPO and the HSC Trust Assistant Director, Child and Family Care.

## **When the child is located**

Refer to page 36.

## **Longer absences and media involvement**

Refer to page 35.

## **TRUST ACTION**

### **Where the police refer a missing child who is not known to Social Services:**

- Trusts should undertake a UNOCINI assessment to ascertain whether the child is in need. A Return Interview with the child is likely to be a part of this assessment. It is important that the child is afforded the opportunity to discuss openly any concerns without the presence of a parent/carer;
- Indications that a child has suffered, or is at risk of suffering, significant harm will require the implementation of the Child Protection Procedures. A parent's failure to report a child as missing gives rise to concern about his/her parenting capability and the possibility of an investigation under Article 66 of The Children (NI) Order 1995 should always be considered in such cases;
- Repeated reports of a child running away should trigger proactive approaches by the Trust aimed at addressing the root causes of such behaviours. Patterns may emerge in respect of places or names associated with a child going missing that could indicate organised abuse or exploitation of the child.

## **Children living within the community who are known to Trusts' Children's Services but who are not looked after:**

The child's name may be on the Child Protection Register or he/she may have been identified as a child in need of services and support:

- Where a child's name is on the Child Protection Register, Section 7.41 of the Regional ACPC Child Protection Policy and Procedures should be followed;
- In all circumstances where a child goes missing consideration should be given by Trusts to the convening of a case planning meeting. The assessed level of risk to the child will determine the need for and timing of such a meeting.

## **Children who are in care and who are living in a family placement:**

The aim of the guidance is to ensure that the reporting of children to the police is responsible and realistic. It should not become an over-reporting of situations where children return later to their placement than agreed, or where they leave a placement without the expressed permission of the carer and where there is no suggestion that they are at risk when absent and where their intention is to return to the placement.

The guidance provides advice to assist carers, police officers and social workers in dealing with situations where children go missing. It is intended that this guidance should both inform and complement existing good practice, which has been developed to manage these situations.

## **Underpinning Professional Guidance:**

- For all planned admissions to a foster home, a risk assessment, usually completed by the placing social worker will accompany the young person to the placement;
- For emergency admissions a risk assessment must be completed within **24-72 hours**;
- For all admissions to a looked after placement, a Child Profile, Part A, (Appendix C) **must** be completed within **24-72 hours** of placement;
- In the event of a child who goes missing the Child Profile, Part B (Appendix C), **must** be completed **immediately** with a copy of Part A and Part B shared with the PSNI, depending on the circumstances;
- Outside of normal working hours, the liaison link is the Out of Hours Service and PSNI Contact Management;
- The risk assessment will be informed by a combination of multi-agency liaison, professional judgement and any supporting reports/assessments.

## **Unauthorised Absence**

Where the child'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. Absences are usually of short duration and often part of a frequent pattern with no noticeable detrimental effects to the child. The child is not usually considered at specific risk when he/she is absent. This covers children late back from an authorised absence, or those who leave the home without notifying the carer but for whom there are no significant concerns about the child's likely wellbeing when absent. Carers in these situations know the child well and are aware that he/she is likely to return to the placement within a short time. Possible examples of situation/behaviours that could constitute a low risk include:

- A child testing boundaries;
- Previous episodes of unauthorised absences have not led to any known risk/harm;
- When a child has previously left, likely location is known and generally assessed as low risk;
- The child maintains contact/communication (e.g. mobile phone);
- Where the child does not return at the agreed time, from planned outing/contact, and there is no indication that he/she is planning not to return.

## **Actions**

- The carer, based on information available to him/her regarding the child's assessed needs, will make an informed judgement on what steps to take as would be expected of a responsible parent. The carer will discuss, as appropriate, what steps he/she intends to take with the child's social worker, link worker, or Out of Hours Service;
- The carer will continue to monitor the situation and revise his/her assessment of likely risk, taking account of the length of the absence, time of day, and any other relevant instruction.

If the child returns within a reasonable time frame and there is no information to suggest harm/risk has occurred, no further action is required. A note of the episode and its outcome should, however, be held on the child's case records. Any concerns about a pattern or the nature of such absences should be discussed with the child's social worker.

## **Should the child not return within a reasonable time frame:**

The carer should review the actions being taken to locate the child and where necessary make further attempts such as would be expected from a responsible

parent, e.g. contact known friends, family, or visit known locations.

**Should the child remain absent, or should concerns become heightened for other reasons, the child should be considered to be missing.**

## **Missing**

Where a child's location, or reason for absence, is unknown, or where he/she leaves placement without an intention to return, and/or there is cause for concern for the child because of his/her vulnerability when missing, or there is potential danger to the public, the child should be considered missing and the police contacted. In other words, where a responsible parent would be sufficiently concerned about his/her child's welfare to contact the police.

## **Actions**

- The carer must notify the PSNI, the child's social worker/manager and where appropriate, Out of Hours Service, immediately and indicate that a child is missing;
- PSNI will attend the child's home to obtain the Child's Profile to assist in the completion of Form 57. The carer will be supported by the child's social worker, link worker or Out of Hours Service;
- The PSNI will collate and circulate information on the child;
- The PSNI, the Trust, and the carer will collaborate in agreeing proactive actions to locate the child;
- There will be regular updates as to progress between the carer, the Trust and PSNI. The level of contact will be that agreed as being reasonable given all the circumstances of the case.

## **Longer Absences**

All absences will be the subject of an on-going review process. When a child is missing for a period of 7 days, a planning meeting must be held, if this has not already taken place, within 2 working days following the 7th day. This meeting will be attended by the appropriate Principal Social Worker/Programme Manager from the Trust, the MVPO or nominated officer from the police district which covers the placement's area, and any other appropriate representatives from each agency e.g. the foster carer.

## **Media Involvement**

The PSNI have the responsibility for advising the media regarding children missing from care. Decisions to publicise will always be made in consultation with Social Services who will generally consult with parents/carers, however

consent may not be required. This will be determined on a number of factors including the best interests of the child.

The media strategy will be devised by the PSNI Corporate Communications in consultation with the investigating officer (in conjunction with 'Police Action in Respect of Missing Persons' Service Procedure). When consideration is being given to informing the media, a planning meeting must be held between the PSNI and HSC Trust with the investigating officer leading the enquiry and Trust's Programme Manager present.

The police will take the lead role in speaking to the media, supported by the Trust.

It must be remembered that prior to media notification the HSC Board and The Department of Health, Social Services and Public Safety (DHSSPS) are to be informed of the plans to use the media in an effort to locate a missing child who is looked after by a HSC Trust.

## **When the child is located**

### **Planning for a child's return**

A child going missing is a serious matter with the young person putting themselves at risk on every occasion. A missing episode also places considerable demands upon both Trust and PSNI resources. It is essential therefore that a child going missing leads to a proactive programme of intervention either with regards to an individual child or on a unit wide basis to reduce the likelihood of repeat events.

If a child who is looked after is 'missing' the police, social worker and carer should commence contingency planning for when the child is located. Plans should include:

- Who will speak to the child prior to actioning any decision to return him/her to placement;
- Whether the child should return to his/her placement;
- How will he/she be conveyed there;
- Whether the PSNI should speak to / interview with the child before he/she is returned to his/her placement;
- Who will be an appropriate 'independent person' to talk to the child after his/her return to placement.

It is the responsibility of the HSC Trust to make arrangements for transporting a child to his/her placement. The child should, where appropriate, be taken directly to his/her placement and not to a police station, unless any information suggests that a direct return to the placement is not in the child's interests or a crime is suspected.

The police do not automatically have power to detain a child unless the following apply:

- The child is in breach of bail conditions imposed by a court;
- The PSNI has grounds for the use of Police Protection under Article 65 of the Children Order;
- Disclosure of a criminal offence.

Recovery Orders under Article 69 of the Children Order can be applied for in respect of a child who is the subject of an Emergency Protection Order, in Police Protection, or the subject of a Care Order.

Article 68 of the Children (NI) Order 1995 states it is an offence if a person knowingly and without lawful authority or reasonable excuse, takes a child 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.

### **Action after a child is returned**

Without delay parents, all relevant agencies and others who were informed of the child's absence should be advised of the child's return. A discussion should take place between the police and HSC Trust as to who will take responsibility for this. Where a child is looked after it should usually be the responsibility of the HSC Trust to notify parents. Only in very exceptional circumstances, such as where the child makes an allegation against their parent/guardian, or carer, should the individual not be informed immediately of their whereabouts. A PSNI Superintendent must authorise such action in writing on the PSNI Form 57.

### **Police Safe and Well Check**

The police have a duty under common law to protect life and investigate crime, and for those reasons they must conduct a check of the missing person as soon as possible after they return. The 'Safe and Well Check' is necessary to:

- Determine why the person went missing, the circumstances of their absence, assess the risks to which they have been exposed whilst missing and whether they have been subject to bullying, abuse or violence;

- Establish whether they have been a victim of crime before or whilst missing;
- Establish if they have committed crime(s) while missing (to be dealt with in accordance with current instructions and procedures) to sustain themselves;
- Discover where and by whom they have been harboured;
- Obtain information which may lead to their early discovery, should they disappear again;
- Put in place any support and preventative measures to avoid a recurrence;
- Establish what, if any, contact had been made with other agencies, groups or charities while missing.

Where possible the child should be offered the opportunity to have this discussion prior to his/her return to the placement to ascertain if there are concerns that the child ran away due to issues arising from his/her placement.

### **The return interview**

Arrangements should also be made by the Trust for the child to have an in-depth interview with a person independent of the placement within 72 hours of their return. The information gathered from such an interview helps professionals understand the reasons why the child went missing, and therefore enable action to be taken that can help prevent future missing episodes.

This would usually be undertaken by the field social worker, but someone independent of the placement, possibly the Advocacy Service, or someone from a voluntary organisation with particular knowledge in this area may be an agreed alternative. The child should **always** be given the choice of whom he/she wishes to speak to, and advised that this could be someone from outside the Care Trust's Child Care Service.

Many young people who run away or go missing need to build up trust with somebody before they will discuss the reasons why they decided to run away.

Children who have repeated **unauthorised absences** should also be offered an independent person with whom to talk. This contact will enable an assessment to be made of the absences and reasons for them. The assessment should take account of the child's mental and physical condition. If there are any concerns when a child is located, a medical examination should be arranged in consultation with the local Consultant Community Paediatrician. The consent of the child, or of the person with parental responsibility, according to the child's age, will be required. (Note, where the Trust has a Care Order, E.P.O. or Secure Accommodation Order, it can make a decision without the consent of the child's parent.)

The assessment of the absence should consider:

- The child's explanation of the absence;
- Physical symptoms, suggestive of physical or sexual assault, or substance misuse;
- Possession of money or expensive items;
- Associates with whom he/she was in contact;
- Any available police intelligence relating to the episode.

In circumstances where the assessment identifies significant concerns a planning meeting will be required to review the child's needs and Care Plan. This is particularly important in the case of repeated instances of a child going missing from care. The meeting would generally involve representatives from the police and other relevant agencies/organisations.

Where there is any suspicion that the child has been subject to sexual abuse or any form of physical abuse by a carer or family member, the PSNI Child Abuse Investigation Unit (CAIU) should be informed and matters progressed as per the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse - Northern Ireland'.

The PSNI Form 57 should be updated accordingly, the missing person report cancelled, relevant DNA samples in the missing persons' database will be destroyed and details of to whom the medical/dental records/photographs/video were returned, etc.

Cancellation of the missing person report should be authorised following this action and in compliance with 'Police Action in Respect of Missing Persons' Service Procedure.

The Monitoring Form (Appendix D) should be completed by the Carer with the assistance of the police. The Young Person Profile Appendix C (parts A and B), on return of the child, will be retained by field social worker.

## APPENDIX A Northern Ireland Health and Social Care (HSC) Trusts Gateway Services for Children's Social Work

| <b>Belfast HSC Trust</b>  |  |
|---|--|
| <b>Telephone (for referral)</b>   | <b>028 9050 7000</b>   |
| <b>Areas</b>  | Greater Belfast area   |
| <b>Further Contact Details</b><br>(for ongoing professional liaison)                                    | Greater Belfast Gateway Team<br>110 Saintfield Road<br>Belfast BT8 6HD<br>Fax: 028 9063 8566 |
| <b>Website</b>  | <a href="http://www.belfasttrust.hscni.net/">http://www.belfasttrust.hscni.net/</a>          |
| <b>Out of Hours Emergency Service</b><br>(after 5pm each evening at weekends, and public/bank holidays) | 028 9056 5444  |

| <b>South Eastern HSC Trust</b>  |  |   |  |   |
|---|--|---|--|---|
| <b>Telephone (for referral)</b>   | <b>03001000300</b>   |   |  |   |
| <b>Areas</b>  | Lisburn, Dunmurry, Moira, Hillsborough, Bangor, Newtownards, Ards Peninsula, Comber, Downpatrick, Newcastle and Ballynahinch   |   |  |   |
| <b>Further Contact Details</b><br>(for ongoing professional liaison)  | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">           Greater Lisburn Gateway Team<br/>Stewartstown Road Health Centre<br/>212 Stewartstown Road<br/>Dunmurry<br/>Belfast, BT17 0FG<br/>Tel: 028 9060 2705<br/>Fax: 028 9062 9827         </td> <td style="width: 33%; vertical-align: top;">           North Down Gateway Team<br/>James Street<br/>Newtownards, BT23 4EP<br/>Tel: 028 9181 8518<br/>Fax: 028 9056 4830         </td> <td style="width: 33%; vertical-align: top;">           Down Gateway Team<br/>Children's Services<br/>81 Market Street<br/>Downpatrick, BT30 6LZ<br/>Tel: 028 4461 3511<br/>Fax: 028 4461 5734         </td> </tr> </table> | Greater Lisburn Gateway Team<br>Stewartstown Road Health Centre<br>212 Stewartstown Road<br>Dunmurry<br>Belfast, BT17 0FG<br>Tel: 028 9060 2705<br>Fax: 028 9062 9827 | North Down Gateway Team<br>James Street<br>Newtownards, BT23 4EP<br>Tel: 028 9181 8518<br>Fax: 028 9056 4830 | Down Gateway Team<br>Children's Services<br>81 Market Street<br>Downpatrick, BT30 6LZ<br>Tel: 028 4461 3511<br>Fax: 028 4461 5734 |
| Greater Lisburn Gateway Team<br>Stewartstown Road Health Centre<br>212 Stewartstown Road<br>Dunmurry<br>Belfast, BT17 0FG<br>Tel: 028 9060 2705<br>Fax: 028 9062 9827 | North Down Gateway Team<br>James Street<br>Newtownards, BT23 4EP<br>Tel: 028 9181 8518<br>Fax: 028 9056 4830   | Down Gateway Team<br>Children's Services<br>81 Market Street<br>Downpatrick, BT30 6LZ<br>Tel: 028 4461 3511<br>Fax: 028 4461 5734                                     |  |   |
| <b>Website</b>  | <a href="http://www.setrust.hscni.net/">http://www.setrust.hscni.net/</a>  |   |  |   |
| <b>Out of Hours Emergency Service</b><br>(after 5pm each evening at weekends, and public/bank holidays)   | 028 9056 5444  |   |  |   |

| <b>Northern HSC Trust</b>  |   |   |  |   |
|--|---|---|--|---|
| <b>Telephone (for referral)</b>  | <b>03001234333</b>  |   |  |   |
| <b>Areas</b>   | Antrim, Carrickfergus, Newtownabbey, Larne, Ballymena, Cookstown, Magherafelt, Ballycastle, Ballymoney, Portrush and Coleraine  |   |  |   |
| <b>Further Contact Details</b><br>(for ongoing professional liaison)   | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;">           Central Gateway Team<br/>Unit 5A, Toome Business Park<br/>Hillhead Road<br/>Toomebridge, BT41 3SF<br/>Tel: 028 7965 1020<br/>Fax: 028 7965 1036         </td> <td style="width: 33%; vertical-align: top;">           South Eastern Gateway Team<br/>The Beeches<br/>76 Avondale Drive<br/>Ballyclare, BT39 9DB<br/>Tel: 028 9334 0165<br/>Fax: 028 9334 2531         </td> <td style="width: 33%; vertical-align: top;">           Northern Gateway Team<br/>Coleraine Child Care Team<br/>7A Castlerock Road<br/>Coleraine, BT51 3HP<br/>Tel: 028 7032 5462<br/>Fax: 028 7035 7614         </td> </tr> </table> | Central Gateway Team<br>Unit 5A, Toome Business Park<br>Hillhead Road<br>Toomebridge, BT41 3SF<br>Tel: 028 7965 1020<br>Fax: 028 7965 1036  | South Eastern Gateway Team<br>The Beeches<br>76 Avondale Drive<br>Ballyclare, BT39 9DB<br>Tel: 028 9334 0165<br>Fax: 028 9334 2531 | Northern Gateway Team<br>Coleraine Child Care Team<br>7A Castlerock Road<br>Coleraine, BT51 3HP<br>Tel: 028 7032 5462<br>Fax: 028 7035 7614 |
| Central Gateway Team<br>Unit 5A, Toome Business Park<br>Hillhead Road<br>Toomebridge, BT41 3SF<br>Tel: 028 7965 1020<br>Fax: 028 7965 1036 | South Eastern Gateway Team<br>The Beeches<br>76 Avondale Drive<br>Ballyclare, BT39 9DB<br>Tel: 028 9334 0165<br>Fax: 028 9334 2531  | Northern Gateway Team<br>Coleraine Child Care Team<br>7A Castlerock Road<br>Coleraine, BT51 3HP<br>Tel: 028 7032 5462<br>Fax: 028 7035 7614 |  |   |
| <b>Website</b>   | <a href="http://www.northernrust.hscni.net/">http://www.northernrust.hscni.net/</a>   |   |  |   |
| <b>Out of Hours Emergency Service</b><br>(after 5pm each evening at weekends, and public/bank holidays)                                    | 028 9446 8833   |   |  |   |

| <b>Southern HSC Trust</b>   |  |   |  |   |
|---|--|---|--|---|
| <b>Telephone (for referral)</b>   | <b>08007837745</b>   |   |  |   |
| <b>Areas</b>  | Craigavon, Banbridge, Dromore, Lurgan, Portadown, Gilford, Armagh, Coalisland, Dungannon, Fivemiletown, Markethill, Moy, Tandragee, Ballygawley, Newry City, Bessbrook, Annalong, Rathfriland, Warrenpoint, Crossmaglen, Kilkeel, Newtownhamilton  |   |  |   |
| <b>Further Contact Details</b><br>(for ongoing professional liaison)<br> | <table border="0"> <tr> <td>Craigavon/Banbridge Gateway Team<br/>Brownlow H&amp;SS Centre<br/>1 Legahory Centre<br/>Craigavon BT65 5BE<br/>Tel: 028 3834 3011<br/>Fax: 028 3832 4366</td> <td>Newry/Mourne Gateway Team<br/>Dromalane House<br/>Dromalane Road<br/>Newry, BT34 8AP<br/>Tel: 028 3082 5000 Option 1<br/>Fax: 028 3082 5016</td> <td>Armagh/Dungannon Gateway Team<br/>E Floor<br/>South Tyrone Hospital<br/>Carland Road<br/>Dungannon BT71 4AU<br/>Tel: 028 8771 3506<br/>Fax: 028 8771 3671</td> </tr> </table> | Craigavon/Banbridge Gateway Team<br>Brownlow H&SS Centre<br>1 Legahory Centre<br>Craigavon BT65 5BE<br>Tel: 028 3834 3011<br>Fax: 028 3832 4366     | Newry/Mourne Gateway Team<br>Dromalane House<br>Dromalane Road<br>Newry, BT34 8AP<br>Tel: 028 3082 5000 Option 1<br>Fax: 028 3082 5016 | Armagh/Dungannon Gateway Team<br>E Floor<br>South Tyrone Hospital<br>Carland Road<br>Dungannon BT71 4AU<br>Tel: 028 8771 3506<br>Fax: 028 8771 3671 |
| Craigavon/Banbridge Gateway Team<br>Brownlow H&SS Centre<br>1 Legahory Centre<br>Craigavon BT65 5BE<br>Tel: 028 3834 3011<br>Fax: 028 3832 4366           | Newry/Mourne Gateway Team<br>Dromalane House<br>Dromalane Road<br>Newry, BT34 8AP<br>Tel: 028 3082 5000 Option 1<br>Fax: 028 3082 5016   | Armagh/Dungannon Gateway Team<br>E Floor<br>South Tyrone Hospital<br>Carland Road<br>Dungannon BT71 4AU<br>Tel: 028 8771 3506<br>Fax: 028 8771 3671 |  |   |
| <b>Website</b>  | <a href="http://www.southerntrust.hscni.net/">http://www.southerntrust.hscni.net/</a>  |   |  |   |
| <b>Out of Hours Emergency Service</b><br>(after 5pm each evening at weekends, and public/bank holidays)   | 028 3833 4444  |   |  |   |

| <b>Western HSC Trust</b>   |   |  |   |  |
|--|---|--|---|--|
| <b>Telephone (for referral)</b>  | <b>028 7131 4090</b>  |  |   |  |
| <b>Areas</b>   | Derry, Limavady, Strabane, Omagh and Enniskillen  |  |   |  |
| <b>Further Contact Details</b><br>(for ongoing professional liaison)<br> | <table border="0"> <tr> <td>Derry Gateway Team<br/>Whitehill, 106 Irish Street<br/>Derry BT47 2ND<br/>Tel: 028 7131 4090<br/>Fax: 028 7131 4091</td> <td>Omagh Gateway Team<br/>Tyrone and Fermanagh Hospital<br/>1 Donaghane Road<br/>Omagh BT79 0NS<br/>Tel: 028 8283 5156<br/>Fax: 028 8283 5286</td> <td>Enniskillen Gateway Team<br/>2 Coleshill Road<br/>Enniskillen BT74 7HG<br/>Tel: 028 6634 4103<br/>Fax: 028 6634 4162</td> </tr> </table> | Derry Gateway Team<br>Whitehill, 106 Irish Street<br>Derry BT47 2ND<br>Tel: 028 7131 4090<br>Fax: 028 7131 4091  | Omagh Gateway Team<br>Tyrone and Fermanagh Hospital<br>1 Donaghane Road<br>Omagh BT79 0NS<br>Tel: 028 8283 5156<br>Fax: 028 8283 5286 | Enniskillen Gateway Team<br>2 Coleshill Road<br>Enniskillen BT74 7HG<br>Tel: 028 6634 4103<br>Fax: 028 6634 4162 |
| Derry Gateway Team<br>Whitehill, 106 Irish Street<br>Derry BT47 2ND<br>Tel: 028 7131 4090<br>Fax: 028 7131 4091  | Omagh Gateway Team<br>Tyrone and Fermanagh Hospital<br>1 Donaghane Road<br>Omagh BT79 0NS<br>Tel: 028 8283 5156<br>Fax: 028 8283 5286   | Enniskillen Gateway Team<br>2 Coleshill Road<br>Enniskillen BT74 7HG<br>Tel: 028 6634 4103<br>Fax: 028 6634 4162 |   |  |
| <b>Website</b>   | <a href="http://www.westerntrust.hscni.net/">http://www.westerntrust.hscni.net/</a>   |  |   |  |
| <b>Out of Hours Emergency Service</b><br>(after 5pm each evening at weekends, and public/bank holidays)  | 028 7134 5171   |  |   |  |

This document is available, on request, in accessible formats, including Braille, disk, audio cassette and minority languages

## **APPENDIX B**

### **Framework for Interagency Working between a Trust and PSNI for looked after children**

The aim of this approach is to facilitate:

- Pro-active interagency partnership;
- Effective communication;
- Improved outcomes for looked after children.

### **Trust/PSNI Strategic Liaison Meeting**

Membership:

- Assistant Director Cared for Children (Chair)
  - Area Commander PSNI
  - Sector Inspector PSNI
  - Chief Inspector Crime Manager PSNI
  - Missing and Vulnerable Persons Officer and/or Youth Diversion Officer
  - D/Inspector PPU PSNI
  - Youth Justice Agency
  - Senior Manager Specialist Residential Services
  - Senior Manager Residential and Aftercare
  - Senior Manager Fostering and Adoption Services
  - Assistant Director Safeguarding Children
- 
- Link Person between Strategic Group and Operational Group

### **Terms of Reference**

The Strategic Liaison Group will meet on a quarterly basis. The overall purpose of the Group is to develop and monitor strategies for interagency working with a view to achieving the following outcomes:

- Improved communication;
- Shared learning and understanding;
- Consistency of practice across Trust area;
- Improved practice operationally;
- Monitoring of incidents, trends and the development of action plans in response;
- To inform regional developments.

The Strategic Liaison Group will focus on:

- Young people missing from Care and home;
- PSNI involvement in Children's homes.

The Strategic Liaison Group will ensure:

- Strategic links with Regional Safeguarding Board/Trust Child Protection Panel/Other Relevant Forums.

## **Residential Units/PSNI Operational Liaison Group**

### **Membership**

- Unit Manager / Deputy from each Residential Home
- Missing and Vulnerable Persons Officer
- Inspector PSNI
- Representative Youth Justice Agency
- Other representatives as appropriate
- Link Person between Operational and Strategic Group

### **Terms of Reference**

The Operational Liaison Group will meet on a monthly basis. The overall purpose is to ensure effective partnership working at operational level.

The Operational Liaison Group will achieve this by:

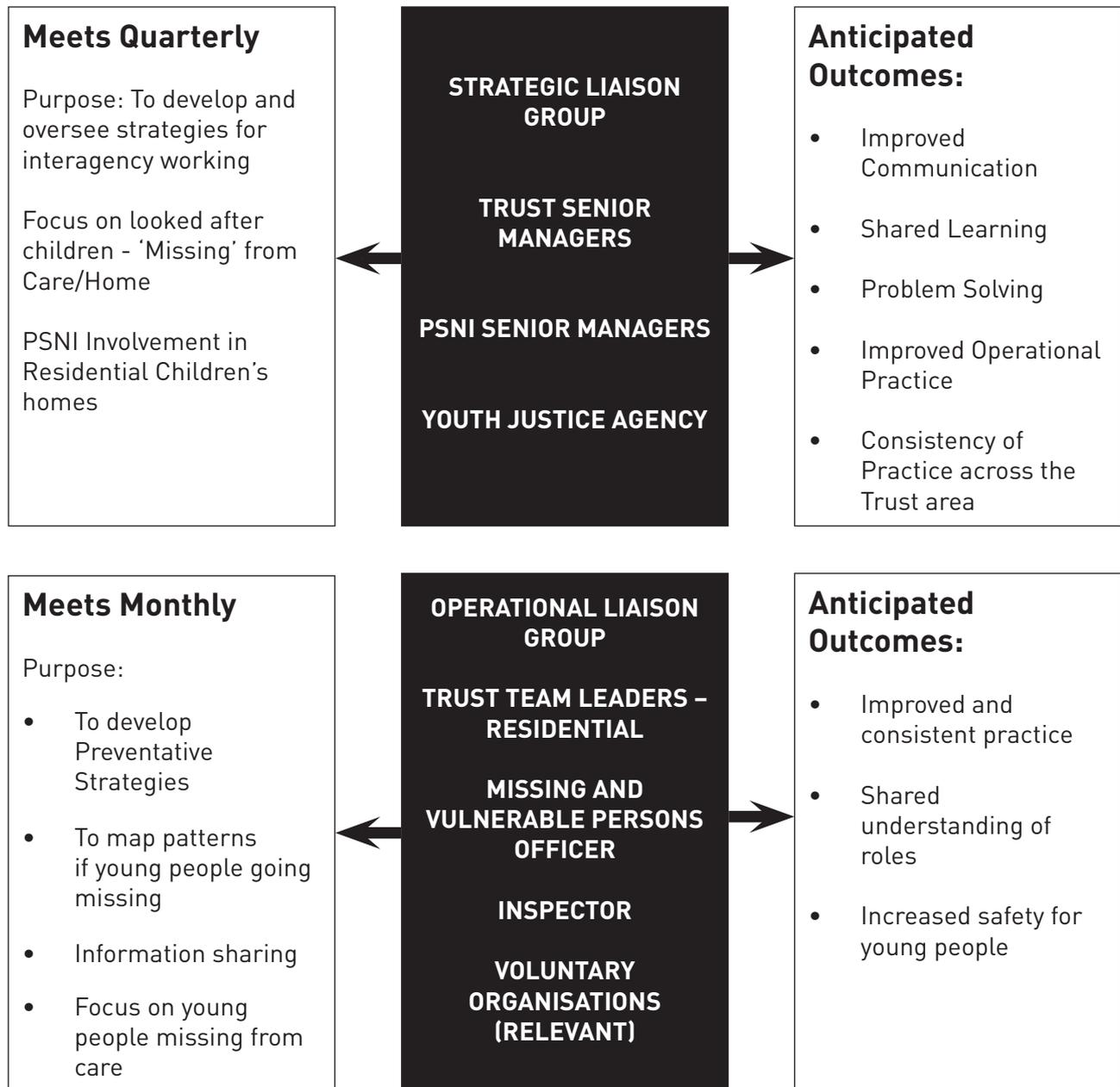
- Focusing on young people going missing from Care and PSNI involvement in Children's homes;
- Sharing information on relevant young people;
- Mapping patterns of absconding and other relevant information;
- Implementing action plans in response to assessed risks;
- Developing preventative strategies.

Relevant Trust Manager will act as the link person between the Operational and Strategic Group.

Membership and Terms of Reference of both groups will be regularly reviewed.

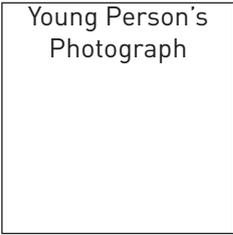
The attached diagram sets out the Framework for Interagency working between PSNI and a Trust in respect of looked after children at both strategic and operational level.

# Framework for Interagency Working Between a Trust and PSNI for Looked After Children



# APPENDIX C

## Young Person Profile Part A



(Completed at admission and kept under review)

Date of Photograph \_\_\_\_\_

### Young Person's Details

Last name: \_\_\_\_\_ First Name: \_\_\_\_\_

D.O.B.: \_\_/\_\_/\_\_

Gender: M  F

Current Address: \_\_\_\_\_

\_\_\_\_\_

Postcode:

Tel No: \_\_\_\_\_

Family Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postcode:

Tel No: \_\_\_\_\_

Other Relevant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postcode:

Tel No: \_\_\_\_\_

### Other Names (maiden name, alias, nickname - nickname in First name field)

Last name: \_\_\_\_\_ First Name: \_\_\_\_\_

Last name: \_\_\_\_\_ First name: \_\_\_\_\_

## Employment Details - include work full and part-time and school

Occupation/Education: \_\_\_\_\_

Employer/School: \_\_\_\_\_ Tel No: \_\_\_\_\_

Occupation \_\_\_\_\_

Employer/School: \_\_\_\_\_ Tel No: \_\_\_\_\_

## Descriptive Details

If no photograph, can one be obtained? Yes/No      Date of photograph obtained: \_\_\_/\_\_\_/\_\_\_

Ethnic Appearance: \_\_\_\_\_ Accent: \_\_\_\_\_ Religion: \_\_\_\_\_

Weight: \_\_\_\_\_ Build: \_\_\_\_\_ Weight: \_\_\_\_\_

Hair Colour: \_\_\_\_\_ Complexion: \_\_\_\_\_

Hair Length: \_\_\_\_\_ Hair Style: \_\_\_\_\_ Parting: \_\_\_\_\_

### Facial hair

Moustache:       Full Beard:       Goatee:       Stubble:       Other: \_\_\_\_\_

### Eyes

Colour: \_\_\_\_\_ Glasses/Lens: \_\_\_\_\_

Description of Glasses:

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### Teeth

Description of Teeth:

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## Health

### Medical Condition:

Allergy       HIV       Hepatitis       Epilepsy

Cardiac       Mental       Diabetes       Asthma

Medication:

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Addiction (eg alcohol/drugs/solvent misuse):

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Risk to person or others (detail):

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**Distinctive Features (tattoos, scars, marks, speech impediments, if piercing state how many eg 3 right ear and type)**

Type: \_\_\_\_\_

Description (to include locality on persons body):

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**Identifiable Jewellery** (other than pierced ears which are dealt with under distinctive features. Ring fingers are 1-4 with wedding finger no. 3. Bracelet is wrist or ankle, and watch strap should state what type, leather, metal etc)

Clip-on Earring  Necklace  Ring  Where Worn: L  R  Finger

Bracelets:  Where: \_\_\_\_\_ Watch: \_\_\_\_\_ Make: \_\_\_\_\_

Colour: \_\_\_\_\_ Other Description: \_\_\_\_\_

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## Permission and Orders

Does Trust/Parent give permission for press release/appeal? Yes/No

Has UE/SAI notification been completed? Yes/No

UE/SAI reference number: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

EPO  Interim Care Order  Care Order

Probation  Service Care Order  Other

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dates of Order:

\_\_\_\_\_

**The Trust will furnish PSNI with all relevant details/information of actions taken including phone calls, text messages, and physical checks made, copy of court order, etc.**

## Young Person Profile Part B

(To be completed following each incident of disappearance as per procedure)

### Details of disappearance

Risk Factors (amber, red) with details:

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### Contact Details of People Contacted (eg primary carers and others)

Relationship: \_\_\_\_\_ Name: \_\_\_\_\_ DOB/Age: \_\_\_\_\_

Address: \_\_\_\_\_

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Tel No: \_\_\_\_\_

Informed of disappearance    Yes     No     Primary Contact re investigation

Relationship: \_\_\_\_\_ Name: \_\_\_\_\_ DOB/Age: \_\_\_\_\_

Address: \_\_\_\_\_

---

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Tel No: \_\_\_\_\_

Informed of disappearance    Yes     No     Primary Contact re investigation

Relationship: \_\_\_\_\_ Name: \_\_\_\_\_ DOB/Age: \_\_\_\_\_

Address: \_\_\_\_\_

---

---

Tel No: \_\_\_\_\_

Informed of disappearance    Yes     No     Primary Contact re investigation

**Placement Circumstances prior to disappearance** (Detailed description of circumstances, reason for disappearance, drugs use both legal and illegal. Association with persons of perceived high risk etc)

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Place last seen:

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Date: \_\_\_ / \_\_\_ / \_\_\_                      Time \_\_\_\_\_ am/pm

By Whom: Last name: \_\_\_\_\_ First name: \_\_\_\_\_

Position: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: 

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|

                      Tel No: \_\_\_\_\_

**Clothing Worn when last seen** (example: coat, tie, skirt, jeans, denim, silk, woollen, floral, paisley, nike, adidas, 36inch, medium, size 14)

Type: \_\_\_\_\_ Colour: \_\_\_\_\_ Material: \_\_\_\_\_

Pattern: \_\_\_\_\_ Brand Name: \_\_\_\_\_

Type: \_\_\_\_\_ Colour: \_\_\_\_\_ Material: \_\_\_\_\_

Pattern: \_\_\_\_\_ Brand Name: \_\_\_\_\_

Type: \_\_\_\_\_ Colour: \_\_\_\_\_ Material: \_\_\_\_\_

Pattern: \_\_\_\_\_ Brand Name: \_\_\_\_\_

Internet/chat room user? Yes  No

Involved in crime prior to disappearance: Yes  No

Suspicion of abduction: Yes  No  Details (type/describe): \_\_\_\_\_

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Sports Bag  Rucksack  Other

Previous Missing:  Previous Absconder:  Reported to PSNI:

ISIC URN:  (police to provide)

Mobile Phone No: \_\_\_\_\_

Offensive Weapon (knife/other): \_\_\_\_\_

Destination/Route:

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Mode of Transport Foot  Car  Bus  Train  Taxi

Other

Vehicle Description VRN: \_\_\_\_\_ Make: \_\_\_\_\_

Colour: \_\_\_\_\_

Details of person accompanying absconder/missing person (if applicable):

Last name: \_\_\_\_\_ First name: \_\_\_\_\_

DOB: \_\_\_/\_\_\_/\_\_\_

Address: \_\_\_\_\_

Postcode:

Tel No: \_\_\_\_\_

**Primary Contact for Investigation is the Team Manager (9am - 5pm),**  
or the Shift Co-ordinator in the Unit, the foster carer, social worker or out  
of hours service as appropriate.

# APPENDIX D

## Missing Child/Police Involvement in Residential Care Monitoring Form

Placement type: Residential  Foster Care

Details of Incident:

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Length of absence: 0-12 hours  12-24   
24-48 hours  48+

Actions taken to Manage/Resolve the situation:

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Did the child need to be interviewed by the police as:

(a) Being involved in a crime?  (b) A victim of a crime?

Outcome of Intervention: (Please include examples of good practice/issues identified and areas of concern.)

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Signatures:

Foster Carer/Shift Co-ordinator: \_\_\_\_\_ Date: \_\_\_\_\_

PSNI Officer: \_\_\_\_\_ Date: \_\_\_\_\_

To be completed by the carer/shift co-ordinator

# **Regional Guidance for Residential Care and Field Social Work Staff on Supporting looked after Children who are Arrested/ Questioned by Police or Appear in Court on Criminal Matters**

February 2011

## **Acknowledgements**

This document was written and compiled by members of a working group chaired by **Michael Burns**, Social Services Officer, DHSSPS/DOJ on behalf of the Reform Implementation Team. Contributions were gratefully received from HSC Trusts, NI Courts and Tribunal Service, District Judges, PSNI, Youth Justice Agency and VOYPIC.

## **Foreword**

The Guidance has been developed to ensure that HSC staff have a clearer understanding of the Criminal Justice system as it relates to looked after children. It presents pertinent information regarding bail, Youth Court procedures and the role of an appropriate adult in a police station. It also describes the influential role Social Services staff have in helping a looked after child receive the support that he/she needs at key points in the criminal process.

It is hoped that the widespread use of the Guidance by Trust staff will impact favourably on professional social work practice and the outcomes for looked after children in NI.

## **Introduction**

A child's journey through the Criminal Justice system commences when they are first suspected of having committed a criminal offence. They may, as a result, be arrested by the police and brought to a PSNI station. This can happen at any time day or night, on any day of the week. For a Looked After Child the actions social workers take in the first few hours after an arrest, and subsequently, greatly influence the outcomes for that child. While it can be daunting, the interface between Social Services and the Criminal Justice system, whether at the police station or in Court is of critical importance to the fair and equitable administration of justice.

A Looked After Child should enjoy the same rights and be equally held to account as a child who is living at home with his/her parents. The purpose of this Guidance is to assist Residential and Field Social Work staff in understanding the importance of their role in these circumstances, dispel some of the myths that can emerge and provide clarity on the expectations of a corporate parent and its representatives in the criminal justice arena.

## **Corporate Parent**

Under Article 18 of the Children (NI) Order 1995, each Trust has a general duty to safeguard and promote the welfare of children in need within its area. There

are particular responsibilities for children who are looked after, including:

- ensuring such children are properly protected;
- providing adequate accommodation where necessary; and
- maintaining the child in many other respects, for example educationally or socially.

In doing so, Trusts and their staff have a legal and ethical duty to provide looked after children with the kind of support that any good parent would give to their child.

### **The Children (NI) Order 1995**

The Children (NI) Order 1995 makes specific reference to the duties a Trust has in relation to young people in their care and any involvement they may have in offending behaviour. Schedule 2, paragraph 8 states that every authority (Trust) shall take reasonable steps designed:

- (a) to reduce the need to bring criminal proceedings against such children;
- (b) to encourage children not to commit criminal offences; and
- (c) to avoid the need for children to be placed in secure accommodation.

### **The Youth Justice System**

The most recent piece of legislation to describe the aim of the youth justice system and the responsibilities of the various agencies and organisations which contribute to it is the Justice (NI) Act 2002 which states:

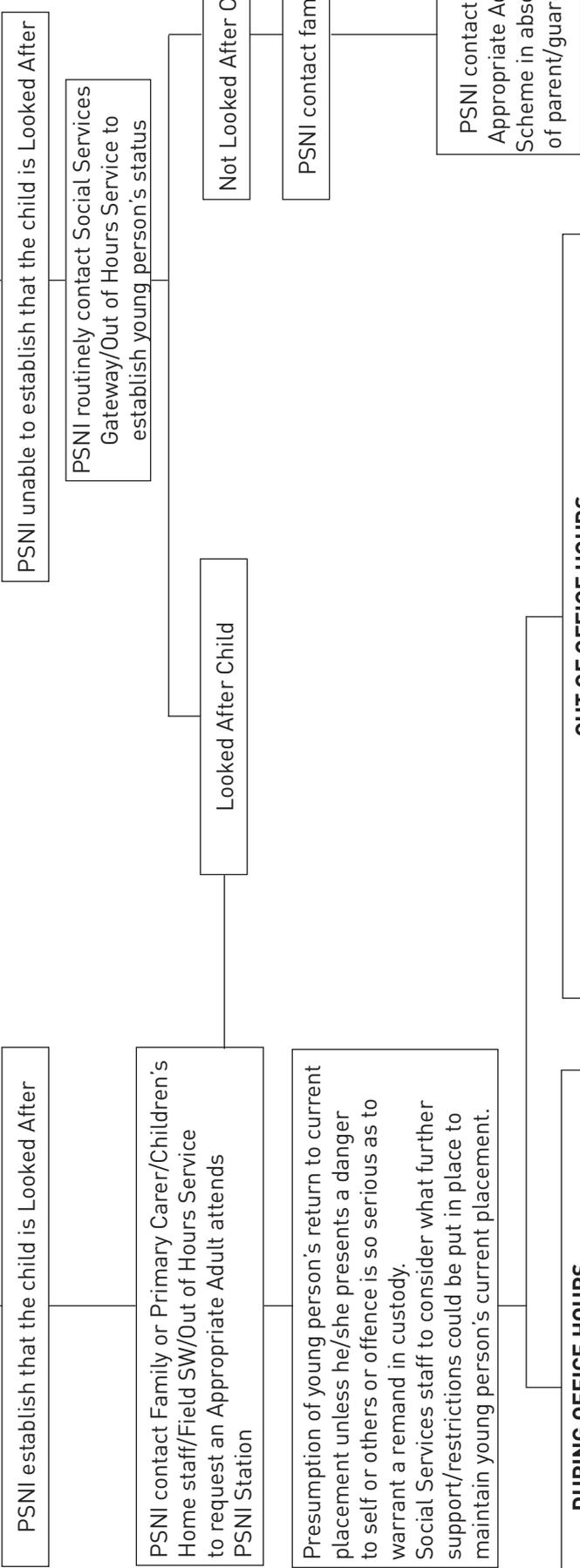
- The principal aim of the youth justice system is to protect the public by preventing offending by children;
- All persons and bodies exercising functions in relation to the youth justice system must have regard to that principal aim in exercising their functions with a view to encouraging children to recognise the effects of crime and to take responsibility for their actions;
- All such persons and bodies must also have regard to the welfare of children affected by the exercise of their functions (and to the general principle that any delay in dealing with a child is likely to prejudice his/her welfare), with a view to furthering their personal, social and educational development.

As one of those bodies referred to in the legislation, Social Services must consider the welfare, or best interests of the child in the exercise of its functions in the Criminal Justice arena. As will emerge in these guidelines, admitting a young person to custody is intended as a last resort and should be considered only for young people involved in the most serious and/or persistent offending behaviour.

**Social Services, with the assistance of other statutory and voluntary organisations therefore has a significant role to play in diverting young people from an admission to custody (JJC or YOC) if at all possible.**

# PSNI ARREST YOUNG PERSON ON SUSPICION OF COMMITTING AN OFFENCE

Investigating Officer makes contact with child's parent or guardian



**DURING OFFICE HOURS**

Children's Home Staff/Primary Carer informs:

- Field Social Worker/Field Team Leader;
- Family/Parent/Next of Kin; and
- Head of Residential Services.

Discussion to take place to determine the child's future whereabouts on release from PSNI custody. Return to current placement unless exceptional circumstances.

Field Social Worker/Team Leader or SW colleague attends PSNI station with information on young person and an update on future placement for the child. Social Services staff or Primary Carer acts as Appropriate Adult.

What further supports could be put in place to maintain young person in current placement?

**OUT OF OFFICE HOURS**

Children's Home staff/Primary Carer/Out of Hours Service discuss the case and liaise with all relevant parties to determine the child's future whereabouts on release from PSNI custody. Children's Home staff/Primary Carer/Out of Hours Service attend PSNI Station with information on young person and an update or future placement for the child. Social Services staff or Primary Carer acts as an Appropriate Adult.

Return to current placement unless exceptional circumstances.

What further supports could be put in place to maintain young person in current placement?

## SOCIAL WORK ROLE WITH A LOOKED AFTER CHILD IN A POLICE STATION

When a Looked After Child is being interviewed by police, a Social Worker who is responsible for the child's welfare is obliged to act as an appropriate adult if an adult family member is unable or unwilling to do so.

The Role of a Social Worker acting as an Appropriate Adult:

- To support, advise and assist the detained young person, particularly while they are being questioned.
- To ensure the police are acting properly, fairly and with respect for the rights of the detained person.
- To assist with communication between the detained young person and the police.
- To ensure that the detained young person understands their rights and that you have a role in protecting their rights.
- To ensure that the young person has the opportunity to consult with Solicitor if you feel that would be in their best interest.
- To represent Trust's viewpoint in key decisions.
- To liaise with all relevant professionals with a view to achieving the best outcome for the young person.

See Guidance for Appropriate Adults provided by PSNI (page 68).

Following questioning (and charge if appropriate), PSNI must release a child on bail unless:

- his/her name or address cannot be confirmed
- detention is necessary to protect the child/others from injury or to prevent damage to property
- there are grounds to believe that he/she will fail to appear in Court or interfere with the police investigation.

### Non custodial options for Looked After Child after PSNI questioning

Return to Children's Home of origin

Alternative placement in;

- Children's Home
- Intensive Support
- Secure Care

Return to Foster Care

Emergency Foster Care

Home/kinship setting if already assessed as suitable

Held in PSNI Station overnight in exceptional circumstances

Brought by PSNI to Juvenile Justice Centre under PACE

Child to appear in next available Youth Court. See Social Work role in Court.

### Custodial options for Looked After Child after PSNI questioning

## Bail and Bail Conditions

Both the PSNI and the Courts can grant bail to someone at various stages in the criminal process. The police may release on bail a young person who is arrested either at a police station or elsewhere, before or after a charge has been put to them. The Courts may also grant bail at various stages of the case once proceedings have begun. Only the High Court has the authority to grant compassionate bail if an application is made and the grounds are established to do so.

A range of important and often competing interests must be considered when addressing the issue of bail or remand in custody of a child. Since the incorporation of the European Convention on Human Rights into domestic law through the Human Rights Act 1998, there is, by law, **a presumption in favour of granting bail** for a person awaiting trial **unless** there are 'relevant and sufficient' grounds to justify his/her continuing detention.

The grounds (or risks) which a judge must take account of are:

- the risk that the accused will fail to appear for trial;
- the risk that the accused will interfere with the course of justice (for example, make contact with witnesses);
- the risk that the accused is likely to re-offend;
- the preservation of public order; and
- the potential risk of harm to the accused him/herself.

In assessing whether any of these risks are present, and the extent of the risk, the judge has to consider factors such as the accused's criminal record and the strength of the evidence against him/her. Having identified the risks, the judge must undertake a balancing exercise weighing the risks against the rights of the untried accused. Any decision to deny bail must be a proportionate response to the established risks. The prosecuting authorities must establish that there is a specific risk arising from the individual circumstances of the particular case.

Where a risk is established the judge must then consider whether any conditions can be attached to bail including electronic monitoring, a curfew, or not entering a particular area, which would address the risk. The police cannot impose curfew and electronic monitoring requirements – these can only be imposed upon children by a Court. For a Looked After Child, such conditions may only be considered if consented to by a representative of the Trust.

Any condition added to bail which is decided upon by the police or a Court must be reasonable and achievable. A Looked After Child should not be made

subject to multiple or excessively stringent bail conditions that would not have been imposed upon a child who is not looked after. It is not appropriate for Social Services staff to request or influence bail conditions set by the police or a Court, even if invited to do so.

The law in relation to bail, bail conditions, bail supervision and support is currently under review and is likely to be reformed and streamlined in the next few years.

### **Bail in a Police Station**

The law relating to police bail is mainly contained in the **Police and Criminal Evidence (NI) Order 1989** often referred to as PACE.

When a young person is arrested and subsequently charged with a criminal offence the police must release him/her on bail unless:

- his/her name or address cannot be confirmed;
- detention is necessary to prevent the young person from committing an offence or from causing physical injury or damage to property;
- there are grounds for believing that he/she will fail to appear in Court, or interfere with the police investigation;
- detention is necessary for his/her own protection or that he/she ought to be detained in his/her own interests.

Where a Custody Officer decides that an arrested juvenile is to be kept in police detention until the next available Court, he must make arrangements for him/her to be taken to a place of safety, and detained therein, meaning:

- any home provided by a welfare authority;
- a hospital or surgery;
- a remand home (JJC);
- some other suitable place which is willing temporarily to receive the child or young person.

**Before any decision is reached regarding the possible remand in custody of a looked after child under PACE, a Trust Senior Manager must be consulted and every other option explored. Any remand into custody of a looked after child should be viewed as a last resort and only when no alternative is available (see Non-custodial options).**

## Bail in Court

The Criminal Justice (Children) (NI) Order 1998 states that a Court **shall** release a child (anyone under 18 years of age) on bail **unless** the court considers that it is necessary to remand him/her in custody to protect the public and;

- (i) it is a violent or sexual offence; or
- (ii) if it was an adult, he/she would be liable to more than 14 years in custody if convicted;

or

it is an indictable offence (ie one triable only in the Crown Court) and;

- (i) the child was on bail when he/she is alleged to have committed the offence; or
- (ii) the child has been found guilty of an indictable offence within the last 2 years.

If a Court decides **not** to release a child on bail, the Judge must give reasons in open court and commit him/her to:

- (a) a Juvenile Justice Centre if he/she is under the age of 17 years and 6 months; or
- (b) a Young Offenders Centre.

If the child is aged 15 years or more and the judge considers that he/she is likely to harm him/herself or another person, the Court must make an order committing him/her to a Young Offenders Centre.

## Breach of Bail Conditions

PSNI have the power to arrest someone if they have reasonable grounds for believing that he/she:

- is likely to breach any of the conditions of their bail; or
- has already broken any of those conditions.

Once brought before a court and the Judge is satisfied that a breach of bail has occurred, the Court may:

- remand him/her in custody; or alternatively

- grant bail, subject to the same or different conditions.

The decision to report a young person to the police in relation to a suspected breach of bail can be a difficult one to make. In the case of a Looked After Child, Trust staff **must consult with senior colleagues** to assist in the decision making process, and ultimately to share responsibility for the decision taken.

Such decisions often take account of the extent to which the bail condition has been breached and the perceived risk that the young person presents.

### **Untoward Event Reporting**

Guidance issued by the Health and Social Care Board in 2010 requires Trusts to inform the Board, RQIA and the Office of Social Services within 72 hours by way of an Untoward Event notification of the following **relevant** events:

- children from a looked after background who are admitted to the Juvenile Justice Centre/ Young Offender Centre or who have been detained in any custodial setting for a period exceeding 4 hours;
- serious incidents necessitating the attendance of police at a Children's Home, including those operated by private sector providers.

### **The areas to be outlined in the report include:**

- the nature of the incident and reason for reporting;
- details of agencies/services involved;
- details of contact with service user/carer in completion of report and if such has been shared/not shared;
- details of all actions taken or to be taken and by whom with timeframe outlined;
- identification of any local/regional learning;
- other reporting mechanisms considered and agencies contacted eg RQIA, RCPC, Juvenile Justice.

Following receipt of the initial notification, the HSCB may request a follow up report indicating progress on action taken or to be taken by the Trust. Where the HSCB has sought further information in relation to clarification of any matters within the initial report, that clarification will be provided to the HSCB within 3 weeks of date of request.

If a final report is required this will be provided within 12 weeks of the initial notification.

## **The Role of Social Services when a Looked After Child Appears in a Criminal Court.**

When a looked after child makes a first appearance in Court on a criminal matter, the most appropriate Social Worker (fieldwork or residential), or a Social Work colleague **must attend the Court.**

Prior to the Court hearing, the young person's Social Worker (fieldwork or residential), should contact and discuss the case with:

- Head of Service/Programme Manager;
- the Residential Unit Manager;
- the young person's family/foster parents;
- the young person's defence Solicitor;
- the PSNI Investigating Officer;
- Youth Justice Agency Bail Support Service (see Useful Contacts)

with a view to involving all concerned in deciding the **best outcome for the child.**

The purpose of the Social Worker's attendance at the Court is both to support the young person appearing in Court and to give information to the District Judge by way of **written** and/or oral evidence in relation to:

- the young person's home/family circumstances and a brief outline of Social Services involvement to date;
- the Trust's current Care Plan for the young person;
- options that have been explored to keep the young person in the community; and
- the Trust's attitude to bail, including any additional supports that can be put in place to improve the chances of a bail package being accepted by the Court and complied with by the young person.

Where a written report from the Social Worker is prepared for a first Court appearance, this should be brief, copied (x4) and **focus only on the above.**

On arrival at the Youth Court, the Social Worker **must** make him/herself known to:

- the Court Clerk - to determine when the case will be heard and to provide the Court Report for the District Judge;
- Public Prosecution Service representative - to discuss the Trust's Care Plan and provide a copy of the Court Report;

- the young person's Solicitor/Barrister - to discuss the Trust's Care Plan and provide a copy of the Court Report;
- the PSNI Investigating Officer;
- the Youth Justice Agency's Court Duty Officer.

Prior to the Court sitting the Social Worker should meet with the young person (who may be in police custody) to share the content of the Trust's care planning arrangements in light of the alleged incident.

If a Looked After Child is remanded or sentenced to a period of custody, the Social Worker should make contact with the Juvenile Justice Centre, Duty Manager (see Useful Contacts) to advise of his/her circumstances and to make necessary arrangements.

**CONFIDENTIAL**

**COURT REPORT FOR A LOOKED AFTER CHILD APPEARING  
IN A CRIMINAL COURT**

COURT: \_\_\_\_\_ DATE: \_\_\_\_\_

**DETAILS OF CHILD/YOUNG PERSON**

| NAME | DATE OF BIRTH | LEGAL STATUS | PLACEMENT ADDRESS |
|------|---------------|--------------|-------------------|
|      |               |              |                   |

**Brief Overview of Social Services Involvement with Child/Young Person  
to include current Care Plan and progress towards Actions and Outcomes**

Empty text area for the Brief Overview of Social Services Involvement with Child/Young Person.

**If Bail is granted or a community disposal is made, what additional supports can be put in place to ensure young person adheres to Court Order/Bail conditions and does not re-offend?**

**If a return to the child's current placement is not deemed appropriate, outline the decisions taken by whom and for what reason.**

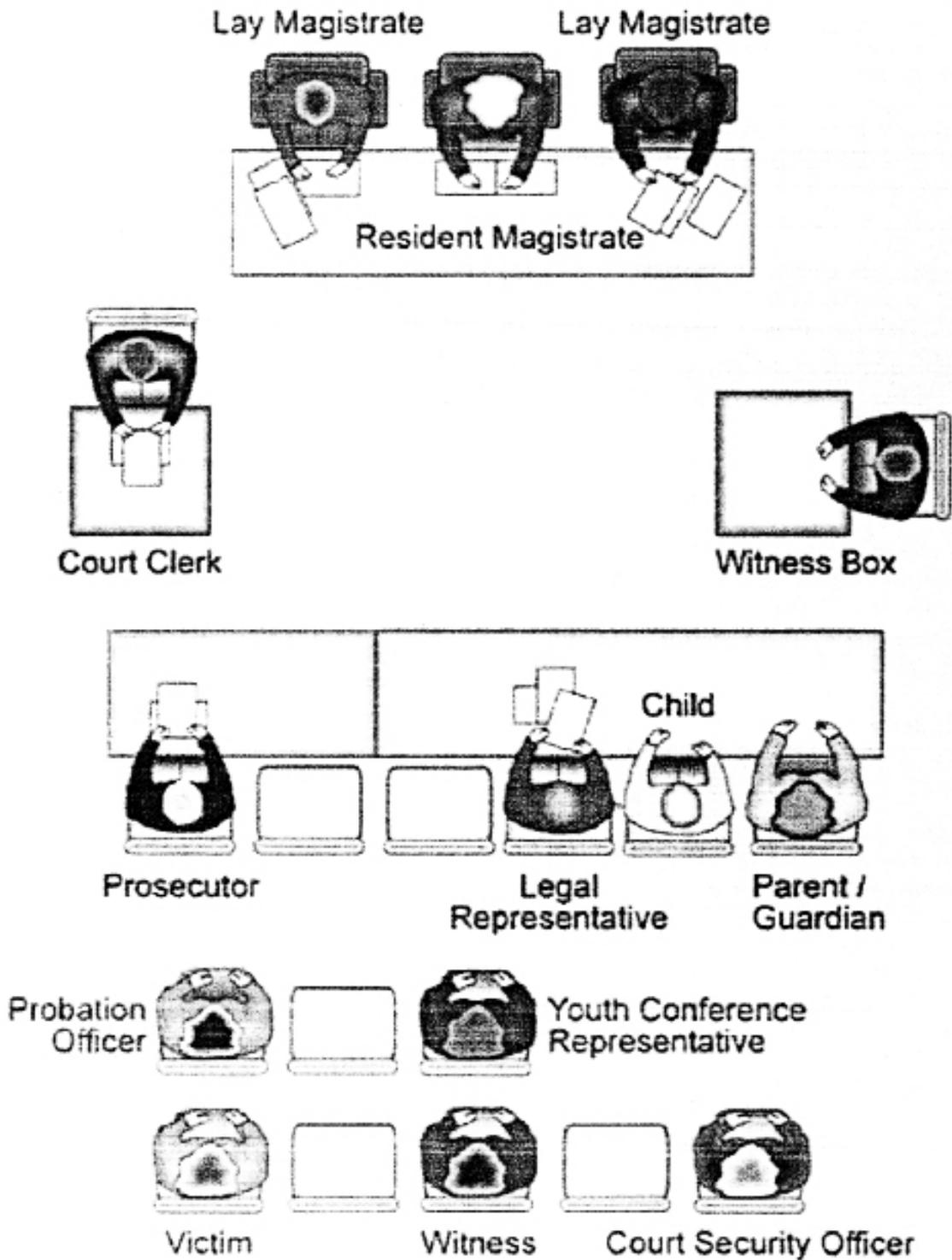
**What options have been explored to enable the child/young person to remain in the community?**

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME OF AUTHOR: \_\_\_\_\_

JOB TITLE/LOCATION: \_\_\_\_\_

# Typical Youth Court Layout



Please note: Resident Magistrates are now referred to as District Judges and are addressed as "Your Worship". The Social Services representative should present their Report to the Court Clerk and sit beside the young person appearing in the Youth Court.



**NOT PROTECTIVELY MARKED**

## **NOTICE TO THE APPROPRIATE ADULT**

### **1. Why Are You Here?**

- (1) You have been requested to attend this police station to act as an appropriate adult in support of either a juvenile or a detainee who may be mentally disordered or otherwise mentally vulnerable.
- (2) You should **not** act as the appropriate adult if:
  - (a) you received admissions or denials from the detained person before you came to the police station; or
  - (b) you are involved in the offence/investigation in question; or
  - (c) you are a witness in the offence/investigation in question.

### **2. Your Role**

- (1) You have a positive and important role. You should **not** expect to be simply an observer of what happens at the police station.
- (2) You are there to ensure that the detained person for whom you are acting as appropriate adult understands what is happening to them and why. Your key roles and responsibilities are as follows:
  - (a) To support, advise and assist the detained person, particularly while they are being questioned.
  - (b) To observe whether the police are acting properly, fairly and with respect for the rights of the detained person and to tell them if you think they are not.
  - (c) To assist with communication between the detained person and the police.
  - (d) To ensure that the detained person understands their rights and that you have a role in protecting their rights.
- (3) It is **not** your role to provide the detained person with legal advice.
- (4) Your conversations with the detained person are **not** covered by legal privilege.
- (5) Further guidance on your role is available from the custody officer.

**NOT PROTECTIVELY MARKED**

| <b>USEFUL CONTACT DETAILS</b>   |  |   |
|---------------------------------|--|---|
| Police Service of NI            | Headquarters who will forward your call to the relevant station  | 0845 600 8000   |
| Youth Justice Agency            | Headquarters<br><br>Woodlands, Juvenile Justice Centre<br><br>Bail Support and Supervision   | 028 90 316400<br><br>028 91 854600<br><br>028 90 316446/7 |
| Probation Board for NI          | Headquarters<br><br>Young Offenders Centre, Hydebank   | 028 90 262400<br><br>028 90 494100                        |
| NI Appropriate Adult Scheme     | Mindwise   | 028 90 402323   |
| NI Courts and Tribunal Services | <p>Webside address: <a href="http://www.courtsni.gov.uk">www.courtsni.gov.uk</a> click on Contact Us for details of all Court Offices across NI</p> <p>Telephone enquiries should be made to the Clerk of the Youth Court.</p> |   |

## **APPENDIX F**

### **Reluctant Witnesses (Children)**

#### **Introduction**

There may be circumstances whereby a child who has absconded / gone missing may have been the victim of sexual abuse or engaged in sexual activity. There will be instances whereby this child may not wish to formally complain about the matter for differing reasons, this would be deemed to be a reluctant witness. Regardless of whether or not a child makes a complaint, under Section 32 of the Police (Northern Ireland) Act 2000, police have a duty 'where an offence has been committed, to take measures to bring the offender to justice'.

In any suspected incident of sexual abuse involving a reluctant witness, the Investigating officer **MUST** bring the matter to the attention of a supervisory officer.

The supervisory officer may consider some of the following when determining what course of action to take. This list is not exhaustive:

- What judgement can be made as to the reliability of the reluctant victim's account?
- If interviewed, might the offender simply admit the offence readily?
- Has every effort been made to obtain a statement regarding the allegation?
- Has every effort been made to secure the reasons why the victim is reluctant to pursue the matter?
- Has consideration been given to any other method of gathering the necessary evidence, including covert policing techniques? Some examples will include mobile telephones and text messaging.
- Are there other victims directly referred to or named by the reluctant witness?
- Have these victims been seen? If not, why not?
- What intelligence can be gathered regarding the suspect? This should include details of occupation, associates, family structure, affiliation with children/youth groups/organisations, previous criminal history, Social Service records, vehicles owned and driven etc.
- Has a person with parental responsibility, including a Trust acting as the corporate parent made a statement in the absence of the child making a complaint?
- Is the child the subject of Child Protection proceedings, or is his/her name on the Child Protection Register?

- Has a strategy been agreed with Social Services, or Education, in relation to the return of a child home, to a place of care or school where there were concerns the abuse was occurring?
- Is there a need for an Emergency Protection Order or Police Protection Order?

A written record should be retained as to the outcome of any action, for example, was the suspect:

- Arrested and interviewed (for example abduction, other offences outlined in the Sexual Offences (NI) Order 2008, etc)?
- Invited to a voluntary interview?
- Subject to a visit and 'factual only' confrontation and information report?
- Subject of information report and proactive operation?
- Subject of information report?
- Subject of disclosure to third parties, (as per guidelines relating to sex offenders)?
- Subject to a 'Risk of Sexual Harm Order'?
- Subject to 'Sexual Offences Preventative Order'?
- Subject of other action as proposed – for example an intelligence collection plan to assess evidential requirements.

## NOTES