

Updated: 01/07/05

Local Authorities

CHILDREN AND YOUNG PERSON'S MISSING FROM CARE PROCEDURE

Children and Young Person's Missing from Care Procedure

Protocol between

West Yorkshire Police and the Social Services

1. Introduction

- 1.1 This protocol applies to all children and young people who are looked after by the local authority that go absent without permission from residential or foster care.
- 1.2 It defines the roles and responsibilities of the Police, Social Services staff and carers.
- 1.3 This should be read as guidance, which as such cannot anticipate every situation. Police, Social Services staff and carers should use their professional judgement to take any action that is deemed necessary to protect the safety of the child/ young person, based on an assessment of risk for each individual child/ young person.
- 1.4 It is important to be clear about the definition of a missing person and to discourage the habitual reporting of "unauthorised absences" as missing persons.
- 1.5 The term "child/ young person" is used throughout this document in line with the Children Act 1989 and includes anyone under the age of 18 years.
- 1.6 The term "carers" is used throughout this document to describe those adults responsible for delivering care to children in a range of living arrangements. Unless otherwise stated the term includes parents (with or without parental responsibility), foster carers (friends and family foster carers and employed foster carers), and residential social workers or other carers employed in community homes.

2. Principles

- 2.1 The primary consideration is the safety and wellbeing of the child/ young person when dealing with "missing episodes."
- 2.2 The objective is to locate and return the child/ young person to a safe environment.
- 2.3 The Local Authority, as corporate parent, has a duty of care for the safety and wellbeing of the child/ young person and is expected to take such action that reasonable parents would be expected to take to safeguard their children.
- 2.4 The Police have a duty to investigate reports of people going missing.

3. Definitions

3.1 DEFINITION OF A MISSING PERSON

- 3.1.1 "Anyone whose whereabouts is unknown whatever the circumstances of **disappearance**. They will be considered missing until located and their well-being or otherwise established."
- 3.1.2 If the current whereabouts of a child/ young person is known, that child/ young person is NOT a missing person.

3.1.3 Children and young people in care whose whereabouts are unknown will always be recorded and investigated as missing persons if:

- There is an apparent or identified risk of them being exposed to significant harm.
- There is an apparent or identified risk of them posing a risk of significant harm to the well being of the public.

3.1.4 See Appendix A for further details.

3.2 DEFINITION OF UNAUTHORISED ABSENCE

3.2.1 "This is where there are grounds to believe the absence is careless or deliberate with no apparent or identified risk of significant harm."

3.2.2 Children and young people in care whose whereabouts are unknown will be regarded as unauthorised absent if:

- There are objective grounds to believe they have deliberately or carelessly absented themselves.
- There is **NO** apparent or identified risk of them being imminently exposed to significant harm.
- There is **NO** apparent or identified risk of them imminently posing a risk of significant harm to the well being of the public.

3.2.3 See Appendix A for further details.

4. *Planning before the Event*

4.1 Placement plans completed by the social worker, children's home, fostering service staff and parents should include a "**Pre-assessment of Risk.**" This should consider the likelihood that the child/ young person might go missing, or might be abducted, from their established placement and of the risk that they might face as a consequence.

4.2 It is recognised that in emergency or unplanned placements, that the placement plan including the pre-assessment of risk is unlikely to have been completed within the first 72 hours.

4.3 This is to enable appropriate decision making by professionals and carers if the child/ young person goes missing, who can then take into account all of the circumstances relevant to the child/ young person's absence.

4.4 The assessment should consider the following:

- The risk factors mentioned in Appendix B.
- The likelihood of the child/ young person going missing.
- Any previous episodes/ pattern of going missing.
- What may act as a trigger incident.
- The risk of harm to the child/ young person and his/her vulnerability if he/she is absent.
- The risk of harm to individuals, specific groups or the wider public that the child/ young person poses if he/she is absent.
- The child/ young person's view of their placement.

- The child/ young person's view about going missing and the potential risk.
 - The views of parents/ relatives/ carers of the child/ young person's needs and the action that needs to be taken if the child/ young person goes absent.
 - The level of supervision/ support from staff or foster carers that the young person needs.
 - Any external influences which may result in a child/ young person's removal without consent.
 - The risks inherent at addresses/ places the child/ young person frequents or has previously been located at.
 - The likelihood of the child/ young person being harboured.
- 4.5 The carer should retain two recent photographs of the child/ young person (face and full body length). Digital photographs are preferable. These should be regularly updated. Careful thought should be given to how these photographs are taken, so as not to stigmatise the child.
- 4.6 Efforts should be made to minimise the risk of the child/ young person going missing, as follows:
- 4.6.1 The child/ young person should be given clear information at the time of placement about:
- Times of going out and returning.
 - Who to inform about where they are going.
 - Appropriate telephone numbers to enable them to inform carers about their whereabouts.
 - An assurance that they can ring at any time and that staff will treat them positively and sensitively.
 - Their contact arrangements with families and friends.
 - How to seek help if they are unable to get back for the agreed time, whether this has happened accidentally or on purpose.
- 4.6.2 Carers should help children/ young people to understand that they are vulnerable and potentially at risk when missing.
- 4.6.3 The child/ young person should be informed of the action that will be taken by the carer and police if they are missing.
- 4.6.4 These risk assessments should be reviewed as part of child-care reviewing processes.

5. Initial Action to be taken by Carers

- 5.1 When a child/ young person goes absent, carers should take all reasonable and practical steps that a good parent would take, before contacting the police, in order to:
- Determine the nature and reasons for disappearance.
 - Ascertain the likely intentions of the child/ young person.
 - Establish the whereabouts and well being of the child/ young person.

- 5.2 Reasonable and practical steps that the carer should consider taking include:
- Searching own premises, grounds and immediate locality.
 - Making enquiries with other children and young people in the home to establish if they have seen or heard anything. This can also stop distressing rumours from circulating.
 - Making enquiries with and obtaining further information from other carers, professionals, and friends.
 - Informing and making enquiries with relatives unless it is deemed to be in the best interests of the child/ young person not to inform certain relatives.
 - Consider recent events or precipitating factors.
 - Making enquiries with the child/ young person's school/ college/ providers of education/ or work placement.
 - Telephoning or sending a SMS (text) message to the young person's mobile phone.
- 5.3 Where there is evidence to suggest that the child/ young person is at risk of being abused through prostitution or is at risk of physical or sexual harm then the appropriate protocols under the Area Child Protection Committee procedures must be followed.
- 5.4 All issues, circumstances, decisions, actions and messages should be fully recorded by carers and social workers.

6. Risk Assessment and Categorisation of Absence

- 6.1 If the child/ young person is not located as a result of those initial enquiries, the carer should as soon as possible inform and if appropriate obtain advice from:
- The child/ young person's social worker or accountable team manager.
 - If out of hours, the Emergency Duty Team and either the social worker or accountable team manager the next working day.
- 6.2 The carer should then:
- Complete the risk assessment form to assist with identifying whether there is any apparent risk of the child/ young person being exposed to significant harm or whether the child/ young person poses any apparent risk of significant harm to the well being of the public (Appendix B).
 - Categorise the child/ young person as either unauthorised absent or missing.
- 6.3 Staff in all organisations concerned should avoid dismissing the potential risk to children/ young people simply because they persistently run away.

7. Action to be taken in Unauthorised Absence Cases

7.1 INFORMING TO THE POLICE

- 7.1.1 If the child/ young person has not been located or has not returned within a reasonable time, the police can be informed but it should be made clear to the police that this is a case of unauthorised absence.

7.1.2 A reasonable time depends on the particular circumstances of the case. Factors that should be taken into account include whether the individual:

- Usually returns of their own accord within a certain period of time.
- Is usually located wandering the streets.
- Is regularly arrested by the police.

7.1.3 If notified about an unauthorised absence, the police will:

- Create an Information Based Incident System (IBIS) log.
- Check to see if the child/ young person is in police custody.
- Check the police intelligence system to see if there is any recent intelligence on the child/ young person that may affect the risk assessment.
- Broadcast details of the child/ young person over the police radio in case they are sighted **but** the police will not conduct any other active enquiries to trace the individual.
- Delay the Information Based Incident System (IBIS) log until 1200 hours the following day.

7.2 REVIEW OF RISK AND CATEGORY OF ABSENCE

7.2.1 Carers must keep the child/ young person's absence under continuous review. A formal review should be conducted and recorded at least every six hours except during the night, when a formal review should be conducted and recorded at 2300 hours and then again at 0800 hours the following morning.

7.2.2 If the risk increases due to a change of circumstances or due to the length of absence, carers may request the police to consider changing the category of absence from unauthorised absence to missing.

7.2.3 Where there is a difference of opinion between carers and the police over the appropriate category of absence, the police are the final arbiters over whether they record and investigate a child/ young person who is absent as a missing person. However the police officer/ member of police staff should refer all such cases of dispute to the Duty Inspector.

7.3 RETURN

7.3.1 See Section 12.

8. Action to be taken in Missing Cases

8.1 INFORMING THE POLICE

8.1.1 If the absence is considered to fall within the definition of missing, the carer must inform the police as soon as possible:

8.1.2 Any information subsequently obtained should be reported to the police without delay.

8.2 NATIONAL REPORTING FORM AND RISK ASSESSMENT

8.2.1 The carer should, wherever possible, complete the National Reporting Form and the Risk Assessment/ Decision-Making Guide (Appendix F). It is recognised that it will not always be possible for carers, particularly foster carers to complete the National Reporting Form prior to police attendance.

8.2.2 The carer must take into consideration the "**Pre-assessment of Risk**" (see paragraph 4.1).

8.3 **INFORMATION REQUIRED BY THE POLICE**

8.3.1 The police will require:

- Information required to complete the National Reporting Form including the Risk Assessment.
- Details of all the enquiries conducted so far.
- A photograph of the missing child/ young person.

8.3.2 These two documents and the photograph contain all the information that the police will require.

8.4 **POLICE OFFICER ATTENDING**

8.4.1 The police officer attending to take the report will:

- Check all details on the National Reporting Form in consultation with the carer and confirm the Risk Assessment. On those occasions when it has not been possible for the carer to complete the National Reporting Form prior to police attendance, the police officer will complete the form with the assistance of the carer.
- Classify the risk status of the child/ young person as high, medium or low (see Appendix C).
- Obtain a recent photograph of the missing child/ young person.
- Search the child/ young person's room in order to ascertain further information that will assist in locating the child/ young person. This will be undertaken in a way that is sensitive to the needs of other children/ young people placed.

8.5 **RESPONSIBILITIES DURING ABSENCE**

8.5.1 The Police will investigate all cases falling within the definition of missing in accordance with the Police Missing Persons policy.

8.5.2 Carers will be expected to help the police in finding the child/ young person and to work co-operatively with the police during any enquiry.

8.5.3 Even after reporting a person missing, carers should recognise that they are responsible for children/ young people in their care at all times and this responsibility is not absolved when they have reported a person missing to the police.

8.6 **MEDIA**

8.6.1 The police have responsibility for considering whether to inform the media regarding missing children/ young people to assist in locating that individual and warning the public if that individual poses a significant threat.

8.6.2 However decisions to publicise will only be taken after discussions have taken place between the responsible Police Officer of at least Inspector rank and the responsible Local Authority Senior Manager. These individuals will agree a media strategy.

8.6.3 Social Services should consult relevant family members. Wherever possible, there should be an appropriate time-scale to enable those with parental responsibility to

be informed and forewarned so that the first they hear of the child/ young person being missing is not through the media presentation.

8.6.4 Unless it is necessary, the child/ young person will not be identified as a child/ young person in care.

8.7 RECORDING

8.7.1 Throughout the period that the child/ young person is absent, carers must keep a full record of all actions taken and messages received and given.

8.7.2 The Police will likewise keep a record on the appropriate missing person report or computer system.

8.8 PLANNING FOR RETURN

8.8.1 If a child/ young person is categorised as “missing”, the appropriate Senior Manager in the Local Authority in consultation with social workers, parents and police as appropriate, should start contingency planning for when the child/ young person is found. Consideration must be given to:

- Who is the most appropriate person to conduct the return interview.
- Arrangements which need to be made to escort the child/ young person and support them once they have been found.

9. Missing during External Activity

9.1 If a child/ young person goes absent outside the Local Authority area they reside in, the carer in charge of the external activity or holiday will:

- Arrange a search of the area where the child/ young person went absent.
- Notify the local police for that area.

9.2 The police for the area where the child/ young person went missing and the police for the area where the child/ young person normally resides will decide which police force will take responsibility for managing the investigation. This will normally be the police force that covers the area where the majority of enquiries are likely to be conducted. The police will notify Social Services of their decision.

9.3 The Social Work Manager or Emergency Duty Team worker will be responsible for ensuring the general procedures in relation to a missing child/ young person are followed.

9.4 The foster carer or Unit Manager and the person in charge of the external activity or holiday will make a joint decision within 24 hours of the absence whether the rest of the party should return home.

9.5 If they do return home, ongoing communication must be maintained between the social worker and the police force responsible for managing the missing person enquiry.

10. Young People Missing Subject to Placement with Parents Regulations

10.1 A child/ young person living at home and subject to the Placement with Parents Regulations is still looked after by the Local Authority as the Care Order is still in force.

- 10.2 In such circumstances, it is the responsibility of the parent to inform the social worker, manager or EDT when it is evident that the child/ young person has gone missing from the placement. This responsibility should be discussed with the parents before the placement is agreed and it must be part of the Placement Agreement.
- 10.3 The manager who approved the placement should also be informed of the incident at the earliest opportunity.
- 10.4 This notification should be followed up with a report outlining the circumstances and outcome of the return interview with the child/ young person five days after the return of the young person to the placement.

11. Missing from Out of Authority Placements

- 11.1 An Out of Authority Placement is a placement of a child/ young person by one Local Authority:
 - in a residential home that is located in another Local Authority area, or
 - with foster parents who live in another Local Authority area.
- 11.2 Before a child/ young person is placed in an Out of Authority Placement, the social worker must ensure that the Agency responsible for the residential home has agreed to comply with this protocol.
- 11.3 The Agency should contact the Team Manager or EDT as soon as it is confirmed that the child/ young person is missing from their care. The appropriate Senior Manager should be informed and regularly updated as to the situation on their next working day.
- 11.4 The social worker should make any necessary enquiries to clarify the reasons why the young person went missing and to plan how best to minimise the chances of this occurring in the future.

12. Return

12.1 NOTIFICATION

- 12.1.1 If the child/ young person returns or is located, parents, police, social workers and any other persons informed of the child/ young person's absence, should be advised of the child/ young person's return without delay.

12.2 COLLECTION OF THE CHILD/ YOUNG PERSON

- 12.2.1 Once a child/ young person is located, the general principle is that Social Services are responsible for recovering the child/ young person and returning the child/ young person to their home or placement.
- 12.2.2 Social Services will develop contingency plans as soon as possible to ensure that they have sufficient resources available at all times in order to fulfil this obligation.
- 12.2.3 If there are thought to be specific issues of safety or public order difficulties involved in returning the child/ young person then co-ordinated action should be agreed with the police.
- 12.2.4 The police should not leave the child/ young person at a location where they are likely to be exposed to the risk of harm or where they are likely to go missing again

prior to Social Services being able to make arrangements to recover the child/ young person.

12.2.5 On occasions the police may need to consider returning the child/ young person direct to their home or placement, or consider taking the child/ young person to a local Police Station after confirming a collection time with Social Services.

12.3 **IF THE CHILD/ YOUNG PERSON REFUSES TO CO-OPERATE**

12.3.1 If there is concern that the child/ young person is at risk of significant harm:

- The Police should work with Social Services to protect the child/ young person. In these circumstances consideration should be given to taking the child/ young person into Police Protection or applying for an Emergency Protection Order under the Children Act 1989.

12.3.2 If the child/ young person is not at risk of significant harm and:

- is under 16 or is subject to a Court Order, the Police and Accountable Manager from Social Services will liaise to discuss what action should be taken to safeguard the child/ young person's welfare.

or

- is over 16 and not subject to a Court Order, they are legally entitled to leave home and decide where they want to live with their parent's permission. If they refuse to return to their placement there should be a formal review of their care plan.

12.3.3 Where the young person is over 16 years of age and "Looked After", the Police will notify the Local Authority of the whereabouts of the young person even if this is not what the young person wishes.

12.4 **MEDICAL ASSESSMENT OF THE CHILD/ YOUNG PERSON**

12.4.1 As soon as the child/ young person is located, consideration should be given to whether they need medical attention. If required, a medical examination should be arranged once appropriate permissions have been obtained.

12.5 **SUSPECTED VICTIM OR PERPETRATOR OF CRIME**

12.5.1 If there is any suggestion that the child/ young person has been the victim or perpetrator of crime, consideration must be given to the securing of evidence including forensic examination.

12.5.2 Where an allegation of physical or sexual abuse is made or becomes evident, child protection procedures must be implemented and contact made immediately with the Police Child and Public Protection Unit and the Child Protection Service provided by the Authority where the child/ young person is living.

12.6 **RETURN INTERVIEW**

12.6.1 When a child/ young person who has been reported as missing is located, the police should conduct a return interview with the child/ young person as soon as possible and in all cases before 72 hours unless detrimental to the welfare of the child/ young person.

12.6.2 When a child/ young person who has been unauthorised absent is located, the carer should conduct a return interview with the child/ young person as soon as possible and in all cases before 72 hours unless detrimental to the welfare of the child/ young person.

- 12.6.3 Any information obtained during this return interview that may affect any future risk assessment or may assist in finding the child/ young person should they go absent again, should be exchanged between the Police and the Local Authority.
- 12.6.4 As well as being given the opportunity to talk to their carers, the child/ young person should be given the opportunity to talk to someone independent of their placement about their absence. The independent person should have no line management within the home.
- 12.6.5 The purpose of the independent interview will be to:
- Seek an understanding of the young person's motivation for going missing.
 - Assess the risks to which they may have been exposed whilst missing.
 - Explore and advocate for the young person's current and future wishes.
 - If necessary to liaise with the Social Services Managers regarding the appropriateness of the current care plan.
 - Explore with the young person positive alternative options to going "missing" in the future, so that if the same motivation / situation arises they have considered what action to take instead of leaving the placement.
- 12.6.6 The independent person should compile a report outlining any issues significant to the episode of absence along with a future action plan to minimise future episodes occurring. This report should be available for discussion at the child/ young person's next review.
- 12.6.7 Staff in all organisations concerned should avoid dismissing the potential significance of repeated running away. Often such individuals are immediately labelled as a problem and insufficient consideration given to why they persistently go absent. Persistent running away needs to be explored, particularly at the time of the post return interviews.

12.7 REVIEW OF CARE PLAN

- 12.7.1 The social worker and line manager should decide in consultation with carers and the child/ young person whether they should convene an early statutory review of the child/ young person's care plan.

13. Multi-agency Meetings

- 13.1 If a child/ young person has been missing for over 7 consecutive days or causes significant concern due to risk factors, a meeting should be held to review the action taken up to that point and ensure that all possible steps are being taken to locate the child/ young person. A strategy to locate the child/ young person should be developed and a combined response agreed. It is the responsibility of the accountable Social Worker to arrange the meeting.
- 13.2 If a child/ young person is known to repeatedly go missing or causes specific concern due to risk factors when missing a meeting should be held to develop a strategy to prevent a future reoccurrence and agree the appropriate combined response to future incidents should they occur.
- 13.3 The meeting should be attended by:
- The accountable Team Manager and/or the accountable Social Worker from the authority responsible for the child/ young person's care.

- The nominee of the Local Police Chief Inspector Operations.
- Other relevant staff representatives from the authority where the child/ young person is living.
- Fostering Team Social Worker or Residential Key Worker and Registered Manager.
- Parents/ foster carers/ carers.

13.4 These senior officers will:

- Review the action taken so far.
- Identify what action now needs to be taken and timescales.
- Agree an appropriate strategy for the young person including interviewing the child/ young person and returning them to their placement.

13.5 If the child/ young person has been missing for 28 days, the Police Divisional Crime Manager and the appropriate Senior Manager in the Local Authority should jointly review the case.

13.6 Whilst the young person remains absent from care their case should remain “live” until they are located and their well being verified. This will be especially relevant for accommodated young people who reach the age of 16 or young people subject of a Care Order who reach the age of 18. In such circumstances the case should be reviewed regularly by the relevant Senior Manager of the Local Authority who will have sole responsibility for deciding whether or not to “close” the case or whether further action should be taken such as national appeals and broader advertising.

14. Police Powers

14.1 Police powers are limited and difficulties can arise when missing children/ young people are found and do not want to return to their placement. Please see Appendix D.

15. Harbourers

15.1 The Police and the Local Authority should seek to identify and prosecute those individuals that harbour children or young people that go missing.

15.2 This will require a co-ordinated approach to investigation and the exchange of all relevant information and intelligence.

15.3 A copy of the Police Investigation Strategy is attached at Appendix E

16. Monitoring

16.1 The Head of Children Services and the Chief Superintendent, Head of Community Safety have overall responsibility for ensuring that this protocol is implemented within their respective organisations.

16.2 This protocol will be formally reviewed during November 2005.

17. Signatures

Chief Superintendent Phil Read

Head of Community Safety

West Yorkshire Police

Dated

Edwina Harrison

Chief Officer Children's Services

Leeds Social Services

Dated

Appendix A

Missing Person

Definition

- 1) "Anyone whose whereabouts is unknown whatever the circumstances of their **disappearance**. They will be considered missing until located and their well-being or otherwise established."

Explanatory Notes

- 1) Disappearance implies that the person is lost or that the circumstances are suspicious or difficult to explain. However the police will also investigate cases where a person's whereabouts are unknown if they are at risk of significant harm or if they pose a risk of significant harm to another person.
- 2) The Police have a duty to investigate reports of people going missing:
 - To establish whether any criminal offences are contributory or consequential to their disappearance.
 - To ensure the person has not already been harmed.
 - To locate the person before they suffer harm if they are at risk.
 - To locate the person before they harm another if they pose a risk.
- 3) If the whereabouts of a child/ young person is known, they are not a missing person. But if there is concern that the child/ young person is at risk of significant harm or that the child/ young person poses a risk of significant harm to the public, the Police have a duty to assist Social Services to recover the child.

Unauthorised Absence

Definition

- 1) "This is where there are grounds to believe the absence is careless or deliberate with no apparent or identified risk of significant harm."

Explanatory Notes

- 1) This category will only be applied to children who are "looked after".
- 2) When a child/ young person who is "looked after" goes absent, there will nearly always be a certain level of risk to that child/ young person. However where the child/ young person:
 - Has deliberately absented themselves OR,
 - Has not turned up on time either purposively or accidentally AND,
 - There is no apparent or identified imminent risk of significant harm to either the child/ young person or the public,

It is reasonable to expect the Local Authority to retain responsibility for locating and recovering that child/ young person.

- 3) This behaviour is often known as "boundary testing" and is well within the range of normal teenage behaviour and is not necessarily considered a significant risk.
- 4) The key questions to ask when a child/ young person goes absent are:
 - a) Are there any suspicious circumstances?
 - b) Is it difficult to explain why the individual has gone absent?
 - c) Are there grounds to believe the individual may have already come to significant harm?
 - d) Are there objective grounds to believe the individual has deliberately or carelessly absented themselves and they are expected to return or be located soon?
 - e) Is there an apparent or identified risk that the individual may imminently be exposed to significant harm?
 - f) Is there an apparent or identified risk that the individual imminently poses a risk of significant harm to another person?

If the answer to all the question "d" is "YES" and the answer to all the other questions is "NO" then the category of unauthorised absence is appropriate.

- 5) No time limit has been set whereby a child/ young person that has been categorised as "unauthorised absent" will automatically be re-categorised as "missing" once that period of time has elapsed. However, it is recognised that the risk of significant harm increases the longer a child is absent.
- 6) There may be unknown risks that are not apparent at the time of the initial report of absence despite due diligence. But officers and carers should have the confidence to make decisions according to considered risk assessments having taken into account all available information.
- 7) Examples of situations where unauthorised absence will apply, providing there is no apparent or identified risk of significant harm include:
 - Running away after a dispute with a member of staff.
 - Failing to return on time.
 - Staying at a known location with a friend or relative.
 - Where circumstances indicate that the child/ young person will return of their own accord within a short period of time.

Deciding the Category of Absence

- 1) A child/ young person in care who is reported as absent should be categorised as either MISSING or as UNAUTHORISED ABSENT.
- 2) The police may decide to change the category of absence from "UNAUTHORISED ABSENCE" to "MISSING" if the level of risk increases due to:
 - A change of circumstances.
 - The length of time that the individual has been absent.
- 3) Professional judgement should be applied to the individual circumstances of each case to determine the appropriate categorisation of an absent person.

Absconders

- 1) The term "absconder" is often used to refer to any "looked after" child/ young person who is absent without permission.
- 2) "Absconded" is not a separate category of absence. There are only two categories of absence. These are "missing" and "unauthorised absence". Therefore absconders should be categorised as either "missing" or "unauthorised absent".

Appendix B

Initial Risk Assessment

This checklist is intended to assist with identifying whether there is any significant identified risk to the child/ young person to support the decision as to whether the child/ young person fits into the category of unauthorised absence or missing.

FACTOR	YES	NO
1) Is there any information that the person is likely to cause self-harm or attempt suicide?		
2) Is the person suspected to be subject of a crime in progress, e.g. abduction?		
3) Is the person under 16 or, if aged between 16 and 18, vulnerable due to other factors?		
4) Are there inclement weather conditions that would seriously increase risk to health?		
5) Does the missing person need essential medication or treatment not readily available to them?		
6) Does the missing person have any physical illness, disability or mental health issues?		
7) Do you believe that the person may not have the physical ability to interact safely with others or in an unknown environment e.g. visually impaired, Downs Syndrome?		
8) Has the person been involved in a violent, homophobic and/or racist incident or confrontation immediately prior to disappearance?		
9) Has the person been the subject of bullying?		
10) Has the person previously disappeared AND suffered or been exposed to harm?		
11) Is the behaviour out of character and likely to be an indicator of them being exposed to harm?		
12) Is it anticipated that the person may go to stay with a person or at a location that will expose them to a significant risk of harm due to drugs/ violence or sexual abuse?		

Taking into account the risk factors that are present, is there an identified risk of the child/ young person being exposed to significant harm or posing a risk of significant harm to another? Where there is uncertainty or insufficient information available to identify the risks involved, the assessment should err on the side of caution.

Appendix C

Three Category Risk Assessment Model

Once a child/ young person has been reported as missing, the police will use the three-category risk assessment model contained in the "National Guidance on the Management, Recording and Investigation of Missing Persons" to determine the appropriate operational response.

HIGH RISK	
The risk posed is immediate and there are substantial grounds for believing that the subject is in danger through their own vulnerability; or 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.	This category requires initial searches and enquiries to be completed immediately and the immediate notification of the police.
MEDIUM RISK	
The risk posed is likely to place the subject in danger or they are a threat to themselves or others.	This category requires initial searches and enquiries to be conducted immediately. If these do not locate the absent person the police should be notified promptly.
LOW RISK	
There is no apparent threat of danger to either the subject or the public.	This category requires initial searches and enquiries to be conducted as soon as possible. If these do not locate the absent person, the police should then be notified if the person does not return within a reasonable time.

Guidance Notes

High-Risk

An individual will only be categorised as "high-risk" if the answer to one of the following questions is "YES".

1. Is it suspected that the child/ young person has been the victim of a serious crime (murder/ abduction etc)?
2. Is there a serious possibility, that if the child/ young person is not located soon, that they will be found dead or seriously injured?
3. Is there a serious possibility, that if the child/ young person is not located soon, that they will cause death or serious injury to another person?

Medium-Risk

An individual will be categorised as "medium-risk" if the answer to one of the following questions is "YES".

1. Is there an apparent risk that the individual may be exposed to significant harm?
2. Is there an apparent risk that the individual poses a risk of significant harm to another person?

Low-Risk

An individual will only be categorised as a "low-risk" missing person if there is **NO** apparent risk that the individual may be exposed to significant harm or poses a risk of significant harm to another person.

Therefore a child/ young person in care under 16 will never be categorised as a "low-risk" missing person and a child/ young person in care over 16 is unlikely to be categorised as a "low-risk" missing person because of their vulnerabilities.

When a child/ young person is categorised as "unauthorised absent" this is **NOT** because we have made the assessment that they are a "low-risk" missing person. It is because they are **NOT** a "missing person" at this time as they have deliberately or carelessly absented themselves, they are expected to return or be located soon, and there is no apparent **IMMINENT** risk of significant harm. A missing person is a person who has "**disappeared** and their whereabouts are unknown". The child/ young person would only subsequently be recorded and investigated as a "missing person" if they do not return or they are not located as expected and concern for their welfare grows. However, once it becomes apparent that they have actually gone "missing" (i.e. they have disappeared, left home, come to harm or it is believed that they are at risk of being exposed to a harmful environment) then they will nearly always be at risk of significant harm. They should therefore normally be categorised as a "medium-risk" missing person unless they fit into the "high-risk" category.

Appendix D

Police Powers

- 1) Under the Children Act 1989, when there is reasonable cause to believe that the child/ young person could otherwise be likely to suffer significant harm, police can take the child/ young person into Police Protection and remove the child/ young person to a place of safety. Suitable accommodation could include the home from which the child/ young person originally went missing. The police have an implied power to use reasonable force to take a child into Police Protection
- 2) There may be occasions when a child/ young person is found in a location that may be considered unsuitable, but where there would not be legal grounds for taking the child/ young person into Police Protection. In such cases, the police and accountable manager from the responsible Social Services authority will need to liaise to discuss what steps may be necessary to safeguard the child/ young person's welfare. In these circumstances, the police have no power to use reasonable force.
- 3) Any child/ young person unlawfully at large from a secure unit or penal establishment may be arrested and returned by the police.
- 4) If the child/ young person is on remand without conditions, the police should return the child/ young person to the designated placement. If they are on remand with conditions (e.g. a curfew), they should be detained and brought before a court.

Appendix E

Police Investigation Strategy in respect of Harbourers

Intention

Certain individuals often target young people for the purpose of grooming or involving the young people in prostitution. They encourage them to go missing and to stay away from their carers. Serious offences are usually difficult to prove due to the lack of co-operation of the young person.

These procedures aim to identify and prosecute such individuals for harbouring missing children in order to disrupt this activity.

Investigation Procedure

- 1) Gain access to the premises.
- 2) Remove the child/ young person to a place of safety.
- 3) Secure and preserve evidence.
- 4) Ascertain whether the suspect has been previously warned for harbouring in respect of this child/ young person.
- 5) If not previously warned, warn the suspect.
- 6) If previously warned then arrest or interview & report for summons.

Gaining access to Premises

S17(1)(e) Police and Criminal Evidence Act 1984

A constable may enter and search any premises to save life or limb or prevent serious damage to property.

Emergency Protection Order

The Emergency Protection Order may authorise the applicant to enter specified premises to search for the child.

The Court may also issue a warrant authorising a Constable to assist the applicant mentioned above and use reasonable force if necessary.

Recovery Order

Where the child is subject to a care order, an emergency protection order or is in police protection, a Recovery Order can be sought if entry is refused.

Remove the Child/ Young Person

If a child/ young person is located at the home of a suspected harbourer then:

- a) A constable should remove the child and any other children at risk to a place of safety if the constable has reasonable cause to believe that the child/ children would otherwise be likely to suffer significant harm.

- b) Consider contacting the Child and Public Protection Unit and arranging medical examinations and video interviews.
- c) There is an implied power to use reasonable force to take a child/ young person into Police Protection.

On the first occasion that a child is located at the home of a person not connected with the child, the officer must use their judgement to decide if the circumstances indicate that the individual is inducing, assisting or inciting the child to runaway or stay away from their carer. Officers should use their discretion as to whether or not a formal warning is appropriate.

Secure and Preserve Evidence

Obtain as much evidence from the scene as possible:

- a) Record any admissions made by the child or defendant.
- b) Record any hearsay evidence from other witnesses or children present.
- c) Look for objective indications of a sexual element to the relationship between the child and defendant:
 - i) Videos or magazines with sexual content that are clearly visible.
 - ii) Inappropriate photographs taken of the child.
 - iii) Inappropriate photographs taken of the defendant that the child has access to.
 - iv) Computers turned on connected to inappropriate chat rooms.
 - v) Signs that the child and defendant were both sleeping in the same room/ bed.
 - vi) Condoms or sex toys visible in the room.
 - vii) Over familiar contact between the child and defendant.
 - viii) Inappropriate text messages sent between the child and defendant.
 - ix) The child or defendant being inappropriately dressed in each other's company.
 - x) Excessive gifts being bought by the defendant for the child.
 - xi) The child and defendant having pet names for each other.
- d) Seize any evidence immediately under S19 Police and Criminal Evidence Act 1984 whether or not you make an arrest.

Ascertain whether Previously Warned

Ascertain whether the suspect has been previously warned for harbouring in respect of this child/ young person.

This can be done by requesting that the Operational Intelligence System (OIS) is checked.

Not Previously Warned

If the defendant has not previously been warned about this child, then:

- a) verbally warn the defendant that:

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- i) the carer has not given their permission for this child to stay with the defendant;
 - ii) if the child should return again they should not let them into their house;
 - iii) that the child is under 16 and/or in the care of the Local Authority; and
 - iv) if they do not co-operate then they will be liable to being prosecuted under S2 Child Abduction Act 1984 or S49 Children Act 1989.
- b) Record details of this warning in your Pocket Notebook.
 - c) Submit a Form A intelligence report stating that the defendant has been warned.
 - d) Inform the Divisional Missing Person Co-ordinator of the action you have taken.
 - e) The Divisional Missing Person Co-ordinator should then ensure a follow up letter is sent to the defendant on behalf of the Police Service and relevant Social Services Department confirming the warning. The letter should clearly state the age and date of birth of the child and that the child is in the care of the Local Authority if applicable.
 - f) A copy of the warning letter should be retained by the Divisional Missing Person Co-ordinator.

Previously Warned

If the defendant has been previously warned about this child, then:

- a) if the child is under 16:
 - i) the defendant should be arrested for an offence of abduction contrary to S2 Sexual Offences Act 2003;
 - ii) the defendant should be interviewed for offences contrary to S2 Sexual Offences Act 2003 and S49 Children Act 1989 if the child is in care;
 - iii) if there is sufficient evidence, the defendant should be charged with the most appropriate offence.
- b) if the child is over 16 but in care:
 - i) the defendant should be invited to attend the police station for interview;
 - ii) if there is sufficient evidence the defendant should be reported for summons for an offence contrary to S49 of the Children Act 1989 after interview, or if the defendant refuses to be interviewed.
- c) Inform the Divisional Missing Person Co-ordinator about the action you have taken.

Relevant Legislation

Section 49 Children Act 1989 Abduction of Children in Care

This offence applies to **any child/ young person subject to a care order, emergency protection order or in police protection.**

This applies even if the child/ young person is 16 or over.

OFFENCE

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

- a) takes a child to whom this section applies away from the responsible person;
- b) keeps such a child away from the responsible person; or
- c) induces, assists, or incites such a child to run away or stay away from the responsible person.

POWERS OF ARREST

- 1) General arrest conditions.

POINTS TO PROVE

- 1) That the offender knew:
 - a) that the child is subject to a care order, emergency protection order or in police protection;
 - b) that the offender knew that the responsible person had not given their permission for the child to stay with the offender;
- 2) That the offender has either:
 - a) taken the child;
 - b) kept such a child away from the responsible person; or
 - c) induced/assisted/ incited such a child to run/stay away from the responsible person.

Section 2 Child Abduction Act 1984 Abduction of Child

This offence applies to **any child under 16**.

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

OFFENCE

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

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

GUIDANCE NOTES

A person is connected with a child if:

- a) he is a parent of the child; or
- b) in the case of a child whose parents were not married to each other at the time of his birth, there are reasonable grounds for believing that he is the father of the child; or
- c) he is the guardian of the child; or
- d) he is a person in whose favour a residence order is in force with respect to the child; or
- e) he has custody of the child.

POWERS OF ARREST

- 1) Arrestable offence.

POINTS TO PROVE

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

Recovery Order S50 Children Act 1989

A Recovery Order allows a court to order the recovery of a child who has been prevented from returning to his/her lawful guardian or has run away.

A Recovery Order can be made in respect of **any child/ young person subject to a care order, emergency protection order or in police protection.**

APPLICATION

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

- a) has been unlawfully taken away or is being unlawfully kept away from the responsible person;
- b) has run away or is staying away from the responsible person; or
- c) is missing,

EFFECT OF AN ORDER

A Recovery Order:

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

OFFENCE

It is an offence to intentionally obstruct a person from removing a child under a recovery order.

POWER OF ARREST

General arrest conditions.

Consider arrest to prevent a breach of the peace.

Risk of Sexual Harm Orders S123 Sexual Offences Act 2003

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

The child or children to be protected must be under 16.

The offender must be over 18.

APPLICATION

An application can be made if:

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

GUIDANCE NOTES

Sexually explicit conduct or communication includes:

- a) engaging in sexual activity involving a child or in the presence of a child;
- b) causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual;
- c) giving a child anything that relates to sexual activity or contains a reference to such activity;
- d) communicating with a child, where any part of the communication is sexual.

EFFECT OF THE ORDER

The order:

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

EVIDENTIAL REQUIREMENTS

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

- a) Child's admission.
- b) The child seen to be watching porn in the presence of the defendant.
- c) Hearsay evidence.

PROCEDURE

Suitable cases should be referred to the Child and Public Protection Unit.

An application is then made through the Force Solicitor.

There will always be a preference to pursue a criminal prosecution with the emphasis on taking the child to a place of safety, conducting a medical and arranging a video interview. However a Risk of Sexual Harm Order is an option where there is insufficient evidence to

secure a criminal conviction beyond reasonable doubt, but there is a good chance of obtaining an order on the balance of probabilities.

OFFENCE

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

POWERS OF ARREST

Arrestable offence.

Sexual Offences Prevention Order S104 Sexual Offences Act 2003

Sexual Offences Prevention Orders are civil preventative orders.

APPLICATION

An application can be made if:

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

EFFECT OF AN ORDER

An order:

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

PROCEDURE

Suitable cases should be referred to the Child and Public Protection Unit.

An application is then made through the Force Solicitor.

OFFENCE

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

POWERS OF ARREST

Arrestable offence.

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Appendix F

Copy of National Reporting Form

See attached document entitled "Misper 1 Missing from Home Report External".