

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 16 JUNE 2003

REPORT ON: THE JOINT PROTOCOL ON MISSING CHILDREN, ABSCONDERS AND CHILDREN OTHERWISE MISSING FROM LOCAL AUTHORITY CARE

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 401 - 2003

1.0 PURPOSE OF THE REPORT

1.1 This report seeks committee approval of a protocol which has been developed by Tayside Police and the Social Work Department to ensure the provision of a caring and appropriate response to children who go missing, who abscond or otherwise absent themselves from local authority care. This absconder protocol sets out the role and responsibilities of the police and the local authority for such children.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Social Work Committee;

2.1.1 Note and approve the Joint Protocol on Missing Children, Absconders and Children Otherwise Missing from Local Authority Care (attached as Appendix 1)

2.1.2 Agree the implementation of the protocol as from 1 September 2003

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising directly from this report

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 The approval and implementation of this protocol will protect looked after children and young people who absent themselves from the care of the Dundee City Council. It will also make more effective use of the local resources available to these children and young people.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 The approval of this protocol will mean that services will be targeted at and used more effectively for the most vulnerable children and young people who require this level of support to keep them safe.

6.0 BACKGROUND

- 6.1 If a young person goes missing from local authority care, the focus of any response is to ensure the immediate safety of that child or young person. An operational protocol helps by outlining the responsibilities of individual agencies and clarifying the responsibilities of different agencies in attempting to find and safely return that child or young person to their care placement. Such a protocol also includes guidance on the actions that are to be taken once that child or young person is returned.
- 6.2 This joint protocol, which has been drafted in partnership with Tayside Police, meets the above guidelines. It is important that agencies work together to identify those children who are most vulnerable to ensure their immediate safety and to consider the need for appropriate support and/or counselling to prevent a pattern of running away developing.
- 6.3 The aim of the protocol is to promote the well-being and safety of children looked after by the local authority.

7.0 THE PRINCIPLES BEHIND THE PROTOCOL

- 7.1 Children's welfare and safety must be the paramount consideration when decisions are made about them.
- 7.2 Children have the right to safety, stability and security of care.
- 7.3 Agencies should work in partnership with children and young people.
- 7.4 Agencies should work in collaboration to protect and support children and young people.

8.0 MAIN GUIDANCE IN THE JOINT PROTOCOL

- 8.1 This can be summarised in Three Parts:

8.1.1 *Preliminary Stage*

Each child looked after by the local authority will have a "risk assessment" completed on them on admission to local authority care. This risk assessment will be reviewed on a weekly basis by care staff and will be part of the young person's care plan. The risk assessment outlined in this protocol allows staff to determine with as much certainty as they can the level of risk this young person will place themselves at if they absent themselves for a period of time. At this stage the protocol sets out how to categorise the child or young person according to their legal status, within the care system.

8.1.2 *Reporting Stage*

When care staff or the foster carer has determined the level of risk and has made a decision to report the young person to the police, the category of "missing" will be clearly defined by the protocol, this will in conjunction with the risk assessment, will guide both agencies in determining the priority. It will allow both agencies to work together following the same procedures.

The protocol allows the free-flow of information between the agencies, which will improve the effectiveness of the search for that young person. The protocol clarifies the format and type of information required.

8.1.3 *Completion Stage*

The protocol gives clear guidance on the action to be taken following the return of the child or young person to their care placement. The de-briefing interview which will take place with the young person, s soon as possible after their safe return, will establish the young person's immediate needs (ie medical needs) and indicate their longer term needs to help them from developing a pattern of running away. Every young person will have the opportunity to discuss with an independent person the reasons why they absented themselves and what happened during this period of absence. This interview will allow carers to assess the young person's needs and to form strategies which will reduce the risk of this young person absconding again.

9.0 IMPLEMENTATION

9.1 The implementation of this protocol would follow joint training between Tayside Police, Dundee City Council social workers, residential childcare staff and foster carers. To allow for this training, it is proposed that the protocol would not be fully implemented until 1 September 2003. The recording system for both the Social Work Department and Tayside Police would remain the same.

10.0 EVALUATION OF THE PROTOCOL

10.1 To evaluate the effectiveness of the protocol, performance indicators have been agreed between Dundee City Council and Tayside Police. A report six months after implementation will be provided for the Director of Social Work and the Chief Constable of Tayside Police.

11.0 CONSULTATION

11.1 The Chief Executive, The Director of Finance, the Director of Support Services and the Chief Constable have been consulted in the preparation of this report.

12.0 BACKGROUND PAPERS

12.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 19973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

13.0 DATE

Alan Baird
Director of Social Worker

Date: 9 June 2003

JOINT PROTOCOL

Missing children, absconders and children otherwise absent from Local Authority Care

TAYSIDE POLICE

DUNDEE CITY COUNCIL

Parties

This protocol has been developed and agreed between Tayside Police and the Social Work Department of Dundee City Council

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1 INTRODUCTION

This joint protocol has been agreed by the Chief Constable, Tayside Police and the Director of Social Work in Dundee. It is the aim of this Council that the Social Work Department, in partnership with Tayside Police, provides a caring and appropriate response to the children who abscond, go missing or otherwise absent themselves from Local Authority care.

Children who are 'looked after' are the collective responsibility of everyone in the community. The Local Authority looks after these children on behalf of local communities but others have a role to play. As 'corporate parents' the Local Authority must ensure that when children go missing, or otherwise absent themselves from residential establishments, or any other type of Local Authority care ie foster care, the response is that expected of any good parent. The child must be located and promptly returned to a safe place, have their wellbeing established and the opportunity given to discuss and have resolved the reason that led to their absence.

The protocol sets out the roles and responsibilities of the police and local authorities for such children.

It takes into account The Waterhouse Report "Lost in Care" published in February 2000 and best practice which exists elsewhere in relation to the response to children and young people who may be 'at risk'.

It also embraces the principles of the Human Rights Act 1998 that formally incorporated the European Convention on Human Rights into UK law in October 2000. The Act requires that all action taken by a public body must be compatible with the provisions of the Convention and any legislation must be read and interpreted as if the principles of the Convention had been applied to it.

The aim of this protocol is to protect and promote the wellbeing of children looked after by the Local Authority within the Dundee area.

This protocol will take effect from 1 September 2003.

2 OWNERSHIP

Officers' responsible: Assistant Chief Constable (Operations)
 Director of Social Work

The ownership of this document lies with the above named who will be responsible for ensuring that its effectiveness is maintained throughout the performance and review pattern outlined in Section 8.

3 PURPOSE/AIMS/GOALS

General Guidance:

The purpose of this protocol is to help all staff and carers match their responses to the needs of particular situations as they arise and as they develop.

It is hoped that over-reaction can be deterred but also that under-reaction likewise can be avoided.

The safety and protection of children/young people and that of the wider community is the central concern of both agencies.

The tendency to respond solely because of available resources should be resisted and the needs of the situation should determine each agency's response.

Through implementing this protocol and using our professional judgement in effective collaboration, we can identify situations which show a regular pattern and become a joint problem. The agencies' approach to resolving repeated absconsions/absences should likewise be a joint one. It is neither in the interests of individual children/young people, the community or the agencies concerned that regular missing persons reports are discussed or made and allowed to become an established pattern. Where this looks likely then collaborative efforts need to be made to meet the needs of these children/young people and that of the wider community.

Even where children/young people do go missing repeatedly, each incident needs to be considered in its own right and the circumstances properly evaluated. It would be unjustifiable to dismiss the importance of a particular absence because of a previous history and leave the child/young person at risk because the full circumstances have not been properly addressed. Conversely it is not permissible to automatically over-react and place a child/young person in the missing persons/absconder category rather than in the "absent without authority" category purely to cover our own back.

This protocol is intended as a framework in which sound professional judgement can be used to properly meet our collective responsibilities so as to ensure the protection of children/young people and also meet the interests of the wider community.

Purpose:

The purpose of the joint protocol is to identify the agreed actions taken by Police and Social Work when a child absconds or otherwise goes missing from their place of care.

Aim:

To promote the wellbeing and safety of children looked after by the local authorities within Dundee.

Goals:

- To improve the quality of the response provided by Police and Social Work when a child is reported missing.
- To reduce the levels of risk for young people who are at risk from sexual exploitation.
- To reduce the number of young people/children placed in secure care due to regularly absconding.
- To reduce the number of children who go missing from local authority care by collecting and analysing the information gathered from debrief interviews. This will assist in developing prevention strategies.

- A reduction in the number of crimes and offences committed by and against children whilst absent from care.

The above goals will be measured by the performance indicators outlined in Appendix A.

4 CATEGORIES OF ABSENCE

- i Absent without authority
- ii Missing person
- iii Absconder

Note - all categories of absence should be based on the placement risk assessment completed on admission by local authority care staff and/or carers (Appendix B1). Further factors must also be considered in the risk assessment when a child goes missing (Appendix B2)

These categories will be determined by the Local Authority Staff / Carers. Should there be any disagreement regarding a young person's status, this will be brought to the attention of the appropriate officers in the Local Authority and Tayside Police.

Appropriate Officer in Local Authority being Service Manager for Residential Services or Service Manager for Family Placement.

Appropriate Officer in Tayside Police is the Community Involvement Services Sergeant.

- i **Absent without authority (Category 1)** (Those children voluntarily accommodated by the Local Authority)
A child may be categorised as absent without authority when:
 - The child has left his/her placement without permission
 - The child has not returned at the agreed time
 - The whereabouts of the child are known
 - There is a low level of risk (as defined by the risk assessments - Appendices B1 and B2).

Children who fall into the 'absent without authority' category must be the subject of a continuous risk assessment while they remain absent. Their status may change to 'missing person' after an agreed period of time determined by the risk assessment.

Whilst the child's status remains 'absent without authority' they will not be reported as missing to the police.

Action to be taken by Social Work (where a child fits into 'absent without authority' category and it has not been reported to the police.)

The young person's situation will be continually risk assessed.

The young person's situation will be reviewed on an hourly basis.

A decision will be taken regarding the length of time a child may stay in the 'absent without authority' category but will be no longer than 24 hours after which they would be deemed as 'missing'. Specific responsibilities of carers and unit staff are outlined in the Operating Procedures and Foster Carers Handbook.

When the location of a child is known or suspected, then the Social Work Department should make arrangements for the safe return of the child.

A decision needs to be made on occasions when assistance may be sought from the police in returning the child to the care placement, i.e. in specific issues of safety, alleged abuse by the care giver within the residential establishment, or where there are public order difficulties in returning a child.

Action to be taken by Police (where a child fits into 'absent without authority' category and it has not been reported to the police.)

There is normally no need for any active police response to children/young people who fall into this category as the police will not be advised that they are absent without authority **but**

If the police come across a child/young person whom they believe to be missing from care but is not recorded as such on the Police National Computer, **they will**

- Contact the unit/carer (if known) and confirm the status/situation of the child/young person
- Advise the unit/carer of the current location of the child/young person
- Agree with the unit/carer immediate uplift of the child/young person (and from where)
- Take child/young person to agreed location (usually police station) for uplift as agreed.

Out of hours these steps should be taken with the Out of Hours Social Work Team.

However, if it becomes apparent that the child/young person may have been involved in the commission of offences, or been the victim of crime during their absence, the appropriate course of action should be taken. The unit/carer/social worker/Out of Hours Team should be immediately informed and involved as necessary.

If there is reason to suspect/believe that the child has been abused, exploited or suffered harm then the Child Protection Guidelines/Sexual Exploitation protocol should be consulted and followed as appropriate.

ii **Missing Children (Category 2)**

A child may be categorised as 'missing' when he/she is absent from their placement and:

- Has not returned at the agreed time and their whereabouts are unknown
- The risk assessment suggests a high level of vulnerability.

Action to be taken by Social Work

Where a child falls into the category of 'missing', the senior member of staff or carer will:

- Report the child missing to the police immediately
- Advise the parent/guardian. Foster carers requiring assistance in contacting parents should notify the Family Placement Team or Out of Hours
- Review the risk assessment on a regular basis.

Care staff should agree a designated worker for the young person after notification to the police.

The specific responsibilities of unit staff and carers are detailed in the Operating Procedures and Foster Carers Handbook.

Action to be taken by Police

On receipt of information at the Control Room from the Social Work Department that a child is 'missing' the incident will be recorded on CAPTOR. Any police officer receiving a 'missing' report by any method other than via the force control room should ensure that the incident is reported to the control room so it can be entered on CAPTOR.

The relevant Duty Divisional Inspector and Section Sergeant must be notified as soon as possible.

Police officer will attend at the unit/carers address and uplift the necessary forms which will be completed by either a staff member or the police.

Police officer should liaise with staff/carers regarding the risk assessment which will have been done by staff/carers prior to the child being reported 'missing'. All staff/carers concerns should be noted.

Police officers should ensure that the control room is updated as soon as possible with all the relevant information regarding the 'missing' child. It is the responsibility of the Control Room Supervisor to ensure that CAPTOR and PNC entries are made.

All enquiries thereafter regarding a child 'missing' from local authority care should be on the lines of a normal missing person enquiry.

AND

POLICE OFFICERS RECEIVING REPORTS OF CHILDREN WHO FALL INTO THIS CATEGORY SHOULD COMPLY WITH THE FORCE GUIDANCE DOCUMENT ON THE HANDLING OF 'MISSING PERSONS'.

iii **Absconder (Category 3)**

These young people are subject to compulsory measures of care.

Note - An absconder is defined as per section 82 of the Children (Scotland) Act 1995.

Action to be taken by Social Work

- A child who falls into this category must be reported immediately to the police as an 'absconder'
- Necessary forms should be completed by residential staff where appropriate
- Advise the parent/guardian. Foster carers requiring assistance in contacting parents should notify the Family Placement Team or Out of Hours
- The risk assessment is reviewed on a regular basis.

Specific responsibilities of unit staff and carers are detailed in the Operating Procedures and Foster Carers Handbook.

In these cases responsibility for the young person rests with the Social Work Department responsible for the compulsory measures of supervision.

Action to be taken by Police

Note - Children (Scotland) Act 1995, 82(1) - A child who "absconds may be arrested without warrant in any part of the UK and taken to a Place of Safety".

On receipt of information at the control room from the Social Work Department that a child is an 'absconder' the incident will be recorded on CAPTOR. Any police officer receiving an 'absconder' report by any method other than via the force control room should ensure that the incident is reported to the control room so it can be entered on CAPTOR.

The relevant Duty Divisional Inspector and Section Sergeant must be notified as soon as possible.

Police officer will attend at the unit/carers address and uplift Form RDC51 which will be completed by a staff member/carers.

Police officer should liaise with staff/carers regarding the risk assessment which will have been done by staff/carers prior to the child being reported as an 'absconder'. All staff/carers concerns should be noted.

Police officers should ensure that the control room is updated as soon as possible with all relevant information regarding the 'absconder'. It is the responsibility of the Control Room Supervisor to ensure that CAPTOR and PNC entries are made.

All enquiries regarding the 'absconder' should then be completed along the lines of a normal missing person.

AND

POLICE OFFICERS RECEIVING REPORTS OF CHILDREN FALLING INTO THIS CATEGORY SHOULD COMPLY WITH THE FORCE GUIDANCE DOCUMENT ON THE HANDLING OF 'MISSING PERSONS'.

5 PROCESS

Social Work action to be taken on the return of a young person

If the child has been reported missing to the police and returns of his/her own accord, it is the responsibility of the designated worker/carer to notify the police of his/her return and check that the child feels safe returning to their place of residence.

Form RCD51 should be completed and returned to Social Work Headquarters.

Police action to be taken

If the young person is returned by the police, prior to the police returning the child, they should ascertain whether their period of absence was due to any abuse within their residential establishment or care placement - if this is the case, child protection procedures should be followed (please refer to Child Protection Protocol Manual).

Debrief Interview

- All young people who go missing from a residential care facility or a foster home will be subject to a debriefing interview as soon as possible after their return (within three days). This debriefing interview should be conducted by someone not involved in the direct provision of the day to day care of the child. A decision should be made on the child's return about who conducts the interview, i.e. should be made by carer/staff or police or the Children's Rights Officer if requested.
- Interviews will be recorded as per the Guidance, Appendix E- copy for both agencies.
- Police Officers will record the interview on the appropriate Missing Person's Form and this will be held centrally at Police Headquarters.
- Copies of this interview will also be held centrally at the Social Work Department.

The purpose of these interviews is to:-

- Explore the reasons for their absence - could it have been prevented?
- Ascertain whether any harm has come to the young person during their period of absence
- Ascertain whether they had been involved in sexual exploitation (see Sexual Exploitation Protocol)
- Ascertain whether they have been involved in or witnessed acts of a criminal nature.

Note - Officers from the Family Protection Team should conduct the interviews which may involve allegations of sexual or other abuse in accordance with the Authority's child protection procedures.

Response on Return - Social Work Staff

- A young person should be made welcome upon return
- Every effort should be made to talk to the young person to ensure they are physically safe and well
- Assess whether the young person is under the influence of drink, drugs or other substance, discussion between the unit staff/carers and police should take place to ascertain whether the young person needs to be taken to A & E.
- Any information given should be recorded in the young person's file

- Ascertain the medical condition of the young person and make arrangements for medical attention if necessary.

6 **SUMMARY**

Co-operation and clear lines of communication between agencies are essential in managing situations whereby children go missing from local authority care.

On each occasion a risk assessment must take place based on relevant information from all agencies involved.

The reporting of missing children by the local authority to the police will be in accordance with the protocol.

The police will respond in a manner appropriate to the circumstances under which the child has been reported missing and in accordance with the protocol.

Child protection procedures will be considered in respect of all cases of significant harm to a child or young person under 18 years of age.

Listening to the child's account of the reason for absence is of paramount importance.

Children should be debriefed by someone not involved in the direct provision of day to day care of the child.

7 **MEDIA**

In some cases decisions have to be made regarding a press release in relation to a child missing from local authority care. This decision will be made through the Divisional Commander or senior investigating officer and the Head of Service of the Social Work Department.

8 **PERFORMANCE AND REVIEW**

Performance reviews will take place every six months to measure performance against the goals identified in Part 3.

The review will be conducted by the respective Divisional Commander, Tayside Police and the Social Work Children's Service Manager.

The review will also seek to evaluate the goals and recommend appropriate changes if necessary.

Following this review, a joint report will be presented to the Chief Constable and the Director of Social Work.

The report will contain:

- Results in terms of performance indicators
- Recommendations based on the agreed goals
- Recommendations as to any adjustments or changes that may be required following the evaluation of the information gathered from debrief interviews
- Recommendations for improved practice with both agencies.

05.06.02 (updated: 16/10/02)
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