

This is a Joint Protocol between:

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**Kent Police, Kent County Council & Medway  
Council** ~~~~~

# **CHILDREN MISSING FROM FOSTER AND RESIDENTIAL CARE AND FROM HOME.**

[Established – March 2006]



## FOREWORD

Children who live with foster carers or are in residential care /educational settings are often extremely vulnerable if they go missing. National patterns of children absconding show the over-representation of children missing from these environments. Children also go missing from home for a variety of reasons, many running away from abusive relationships.

A number of these children will run to a relative or friend's house or if they are in care they may seek to return home. While many children who go missing will be safe, research undertaken by the University of York found that around one in six of the children reported being either physically or sexually assaulted while away and more than a quarter had slept rough.

### Principles

- Children's welfare and safety must be the paramount consideration when decisions are made about them.
- Children have the right to be protected from abuse and exploitation.
- Children have the right to safety, stability and security of care.
- Children have a right to express their views and for their views to be taken into account when decisions are made about them.
- Agencies should work in partnership with children.
- Agencies should work in collaboration to protect and support children.
- Children have a right to express concerns in confidence in so far as their safety and that of others is not compromised.
- It is important to recognise the responsibilities of those with parental duties for children, including local authorities and independent sector providers, where they are acting in loco parents.

Any report of a missing child must be given serious consideration and, when necessary, prompt action should be taken involving carers, social services and police. This protocol provides a consistent framework to ensure good practice and, whenever possible, a positive outcome.

We are pleased to endorse our commitment to improving a multi-agency response to missing children and commend this protocol.

The Kent Child Protection Committee and the Medway Child Protection Committee have endorsed this protocol.

Signatures

Kent Police

Medway Social Services

Kent Social Services

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## 1. INTRODUCTION

**Section A** of this protocol refers to situations when children who are looked after by either Kent or Medway Social Services go missing from their placement. It defines the roles of police, social services' staff, residential care workers and carers and provides guidance. The protocol also applies to children with special educational needs accommodated in residential special schools. Some will be looked after by the Local Authority, but all will be vulnerable if missing from their placement.

It is impossible to anticipate the nature of every situation. Police, social services' staff and residential care workers should use their professional judgement to take any action they feel that is necessary to protect the safety of the child, based on an assessment of risk for each individual child. Foster carers should follow this protocol and any other advice on reporting children missing which may have been given to them by social services.

All parties should be clear about the definition of a missing person, and discourage the casual reporting of '**unauthorised absences**' as missing persons (see 2.1).

Children who go missing from care may place themselves and others at risk. The reasons for their absence are often varied and complex and cannot be viewed in isolation from their home circumstances and their experiences of care. Every incident when a child goes missing should attract proper attention from the carers and professionals involved.

Channels of communication between the local authority and the relevant policing area must be established and maintained in order to facilitate the partnership approach.

Analysing local data should be a regular feature of management information reports so that patterns and trends can be established.

**Section B** of this protocol refers to children who go missing from home. It provides guidance on the referral regime that should be adopted by police and social services' staff.

**This protocol applies to children who are (or are believed to be by the authorities, e.g. asylum seekers) under the age of 18 years.**

## SECTION A – MISSING FROM CARE

### 2. DEFINITIONS

#### 2.1 Definition: Unauthorised absence

Clearly some children absent themselves for a short period and then return, with their whereabouts known to the carer. Sometimes children stay out longer than agreed, either on purpose to test boundaries, or accidentally. To cover these situations the category of '**unauthorised absence**' should be considered. Examples of situations where unauthorised absence will apply are:

- Running away after a dispute with a member of staff
- Failing to return on time
- Staying at a known location with a friend.

**The responsibility for managing this type of absence lies with the staff of the residential home/educational setting or the foster carer.**

#### 2.2 Definition: Missing child

Where a child's location or reason for absence is unknown and/or there is concern for the child because of their vulnerability, or there is a potential danger to the public, the child shall be deemed to be **missing** and the police informed immediately.

### **3. PLANNING BEFORE ANY INCIDENT**

Social services adopt a consistent approach to the planning and assessment of 'looked after children'. Social services' staff and foster carers should discuss associated risks of the child absenting himself/herself. This also applies to many vulnerable children with a statement of special educational needs placed in a residential special school.

The following should be considered and recorded in the Care Plan:

- The likelihood of the child going missing
- The level of supervision/support offered to the child
- The parents' responsibilities and their views on what action they feel should be taken if the child goes absent
- The level of risk and vulnerability presented if the child absconds
- The legal implications of the child breaking any court order by going missing
- Consideration of any external influences, which may result in a child's removal without consent
- The possibility of a child being harboured
- The child's view.

The child should have this protocol explained to them so that they understand what actions will be taken if they absent themselves without permission.

## **4. RESPONSE TO AN INCIDENT**

### **4.1 Initial actions**

A number of basic actions should be carried-out by the staff of the residential home/educational setting or the foster carer. These will be based upon the circumstances of each child and in particular, any previous incidents of the child going missing. The following list should be considered purely as a guide:

- Check premises and outside areas associated with the address
- Ask other residents if they know of child's whereabouts
- Attempt to contact child by their mobile phone (if applicable)
- Check with other staff within the residential home/educational setting.

The staff of the residential home/educational setting or, if in foster care, the child's social worker and/or the foster carer (subject to what has been agreed as part of the Care Plan) should carry out an assessment of each incident and determine whether any risk factors are immediately obvious, for example:

- The age of the child
- Time of day/night
- The legal status of the child
- Previous behaviour and history
- The emotional needs of the child e.g. whether there has been any variation in their mood or whether they have expressed any intention to harm themselves or others
- Whether the child has any physical/learning difficulties
- Whether the child has any serious health problems (e.g. diabetes or epilepsy) and requires regular medication
- Behaviour of the child as influenced by peer groups or others
- Whether the child is perceived as running to/running from someone/something
- The risk of offending
- The risk that the child may be targeted for sexual exploitation
- Previous history of going missing
- Possible location of child
- Information specific to child (e.g. special interests, history of substance abuse, special confidantes, self care skills).

In assessing the significance of a child's absence, consideration must be given to the guidance already agreed on and incorporated into the child's care plan.

An unauthorised absence must be kept under regular review. It is important to consider whether the circumstances of the disappearance would now render the child at risk of harm, for example:

- The child requires medication at a set time or
- Weather conditions have severely deteriorated.

If there is reason to believe a risk has materialised, or the child has not returned within **six hours**, serious consideration must be given to reporting them as **missing** to the police. *Six hours should be regarded as the maximum period; in many cases a shorter period may be more appropriate.* Once a child is deemed to be missing, proceed to section 4. 2.

**Support and advice is available from the Social Services Directorate responsible for the child or, out of hours, the emergency duty services or the 'on call' manager.**

A written record must be made of all unauthorised absences.

It may be appropriate for an instance of unauthorised absence to be brought to the attention of police after the child has returned. For example, where the child is on the Child Protection Register, the Special Investigation Unit (SIU) of the policing area the child is residing should be informed.

## **4.2 Notification of missing child**

- a) Whoever discovers the child's absence should firstly consider whether the incident falls within the definition of 'unauthorised absence' or 'missing child'. If the child is considered **missing** the police will be informed immediately.
- b) In circumstances where court conditions of residency have been violated, inform without undue delay:
  - Police
  - The parents and those who have parental responsibility
  - The Social Worker or, if out of hours
  - The Social Services' Out of Hours Duty Service.
- c) In the case of a child missing from residential care or residential special school, the details should be recorded and made available to the Commission for Social Care Inspectorate (CSCI) in line with the requirements of the National Minimum Standards.
- d) In the case of an asylum-seeking child, social services are required to notify HM Immigration Service, the National Missing Person's Helpline and the Refugee Council.

### **4.3 Missing during external activity of a residential home or residential special school.**

If a child becomes absent whilst on an external activity, the carer or member of staff in charge will:

- Arrange an initial search in the area the child went absent
- Notify local police
- Notify the child's social worker or the accountable team manager, both locally and within the placing authority where applicable
- Notify the senior manager at the home (if applicable)
- Notify the Youth Offending Team if the child is on remand
- Notify the emergency out of hours duty team (if applicable).

### **4.4 Initial report to the police.**

The police will request the following information when a report of a missing child is initially made to them:

- Name
- Age
- A description of the child and their clothing
- Family address
- Location missing from
- Circumstances under which the child is missing
- Is the behaviour out of character?
- Details of any vehicle or transport used
- Name, address and telephone number of person reporting.

Further questions will be asked to assist the police to make an initial assessment of the report.

**Accurate information is essential to ensure the police place the correct priority on the incident. Any factor that may indicate an increased risk to the child, or public, must be communicated to the police immediately.**

## 4.5 Initial police response

A police officer will attend all reports of missing children. They will require further information to assist the investigation of the missing child, e.g:

- Known acquaintances and addresses frequented
- Any previous history of absconding and circumstances of where found
- The name and addresses of the child's GP and dentist
- Details of when the child was last seen and with whom
- A recent photograph
- Mobile phone number of child.

The attending patrol will record this information.

All reports of missing children will be subject to a risk assessment by the police. This is a subjective risk assessment and determines the appropriate level of investigation. It is an ongoing process and will be reviewed throughout the investigation. Police have three categories for risk:

### a) High Risk

The risk posed is immediate and there are grounds for believing the child 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 the public is in danger.

### b) Medium Risk

The risk posed is likely to place the child in danger or they are a threat to themselves or others.

### c) Low Risk

There is no apparent threat of danger to either the child or the public

A search will be conducted at the location the child was last seen.

**N.B Even after reporting a child missing, it should be recognised that social services are responsible for children in their care at all times and this responsibility is not absolved when they have reported a child missing to police.**

#### **4.6 Informing other children**

Should a child's absence continue after the matter has been reported to the police, the staff of the residential home/educational setting should make arrangements to inform all children and staff. In respect of children in foster care, a similar process needs to be undertaken by the foster parents. In this way, distressing rumours may be avoided and additional information may be gained regarding the missing child's whereabouts. Any relevant information should be passed to the police immediately.

#### **4.7 Informing the media**

Police and social services will make a joint decision, bearing in mind the legal status of the child, on when to use the media. Police have the responsibility to advise the media after consultation with social services who will consult with the parents and/or carers. It will be the responsibility of the Local Authority to notify their own press office.

#### **4.8 Recording**

The progress of the police enquiry will be recorded. Staff, foster carers and social workers must also keep a full record of all actions taken and messages received. These records must be retained and notified to the police as soon as is practicable.

#### **4.9 Multi-agency review**

Police will involve other agencies in the review process of outstanding missing person investigations. This will provide a comprehensive picture of the child's circumstances. During the initial stages of the investigation it may be appropriate for the review to be in the form of a phone call by police to relevant agencies. However, if the child is still missing after 7 days there should be a structured meeting, arranged by the police and attended by the following:

- Police
- Social services
- Foster carer or residential staff
- Any other agency or person able to contribute to the meeting (e.g. Educational Welfare Service (Medway) or Attendance and Behaviour Service (Kent)).

#### 4.10 Planning for the finding and return

The review process should include contingency planning for when the child is located. Such plans should consider:

- Whether the child will return to the previous placement;
- How the child will be transported there;
- Whether the police wish to interview the child before they are returned to their placement;
- Whether there is a need for an appropriate 'independent person' to talk to the child after their return.

**N.B Social Services are responsible for putting in place satisfactory arrangements to return the child.**

#### 4.11 Managing the finding and return

The police should be advised of the child's return (or location) immediately. If there are any allegations of abuse, or a suggestion that the child has been a victim, or a perpetrator of any crime, the police should consider child protection procedures where appropriate. Due consideration must be given to the securing of evidence and possible forensic examination.

All children will be interviewed by a police officer on when found. In some cases, circumstances may dictate this interview will be carried out before the child is returned, e.g. if there are concerns that the child ran away due to circumstances relating to their placement.

If the police decide it is inappropriate for an officer to conduct the interview, a person who has no connection with the residential setting the fostering service should be used, e.g. the child's social worker.

The interview should happen as soon as is practicable and in all cases within 72 hours.

A consultation should take place between the residential staff, social services (not foster carers) and the police to decide whether a multi-agency review is required (see 4.12).

The potential significance of repeated running away should not be dismissed. Often such children are immediately labelled as a 'problem' and insufficient consideration is given to why they persistently abscond. Persistent running away needs to be explored, particularly at the time of post return interviews.

A range of 'push' and 'pull' factors may be reasons for being absent:

Push factors – conflict with carers, feeling powerless, bullying, being unhappy in care, and physical or sexual abuse.

Pull factors – wanting to be with family or friends, peer pressure, re-established behaviour, attractions of street life, attractions of people who may present a risk of abuse and/or exploit the child.

#### **4.12 Multi-agency review after finding/return**

When either police or social services believe it is necessary, agencies should hold a multi-agency review meeting after the child has returned or been found. The purpose of this review will be to establish strategies to reduce further incidents. To have maximum effect, this should be arranged by social services and held as soon as possible. The review meeting should be attended by the following:

Police

Social services

Residential staff

Child (when appropriate)

Any other agency or person able to contribute to the meeting (e.g. the Educational Welfare Service (Medway) or the Attendance and Behaviour Service (Kent)).

#### **4.13 Reporting requirements for Social Services**

When children in the care of social services go missing and do not return to their placement within 6 hours, the responsible District Manager must be informed. When absences go beyond this period, the Head of Children's Services must be informed. For children under the age of 14 this period should not exceed 24 hours from the time the child went missing, for older children this should not exceed 48 hours. This period of notification may be considerably shorter if there are known risk factors associated with the child's absence – these would include the child's age, understanding and health.

Within Kent Social Services, the Policy and Performance Manager for Looked After Children will be responsible for the annual reporting of information about patterns of absence amongst looked after children to the Director of Children's Services, to the CSCI and to councillors responsible for "corporate parenting". Similar arrangements are followed by Medway Social Services.

The report should include an action plan with targets for minimising 'missing from care' incidents. Issues to be addressed in strategic monitoring reports may include:

- Incidence of missing person incidents
- Location – are children more likely to be absent from some placements rather than others? Why do they run?
- Child protection implications.
- Actions when children return.
- Practice and procedural issues.

## **SECTION B – MISSING FROM HOME**

### **5.1 General**

- Few young people leave their local area.
- Many stay with friends or relatives, but between a quarter and a third of runaways sleep rough.
- The average age of first going missing is 13 but many children had run away before the age of 11.
- The most common reasons that children give for running away from home are conflicts with parents or stepparents, rejection and neglect and experience of physical or sexual abuse.
- Children who run away are more likely to have been absent from school due to truancy or exclusion.
- Children may be at as much risk for the first time that they go missing as they are on subsequent occasions.
- Children who go missing are at risk of violence, victimisation, sexual exploitation and involvement in crime.

### **5.2 Practice note for young people aged 16/17.**

Where mediation with their families has failed, co-ordinated support may be required to prevent a descent into homelessness. Social Services and local housing staff need to work closely together to assess the needs of the individual and identify the housing solution that is most appropriate.

The Homelessness Act 2000 provides stronger protection and help for homeless young people. The Priority Needs Order which came into force on 31 July 2002 extended the categories of homeless applicants to include 16 and 17 year olds, care leavers aged 18-20 and others who may be considered vulnerable as a result of their care background

### **5.3 Referrals**

The SIU should make a referral to Social Services when child welfare or child protection concerns arise in the following circumstances:

- When a child missing from home is located, he/she should be interviewed by a police officer on their return. In some cases, circumstances may dictate this interview will be carried out where the child is found, e.g. if there are concerns that the child ran away due to circumstances relating to problems within the home/family. If child protection or child welfare concerns arise during the interview, a referral should be made.
- When a child missing from home is located, but has **not been reported missing** to the police by their family, further investigation should be undertaken, including conducting an interview with the child. If there are child protection or child welfare concerns, a referral should be made.

## **SECTION C – LEGAL FRAMEWORK**

### **6. POLICE POWERS**

Police powers are often limited and difficulties can arise when missing children are located, but do not wish to return to their homes.

Section 46 of the Children Act 1989 empowers police officers to take a child into 'police protection' in prescribed circumstances i.e. when police have reasonable cause to believe that a child would otherwise be likely to suffer significant harm, they may remove that child to suitable accommodation and keep them there.

Such suitable accommodation could include the home from which they originally went missing. When such steps are taken a 'designated officer' of the rank of Inspector or above will be appointed to conduct an independent oversight of the circumstances of the case. Home Office Circular 44/2003 gives guidance on the application of Section 46

Children unlawfully at large from a penal establishment or a secure unit may be arrested and returned according to the circumstances of their remand or detention.

## 7. GENERAL

The law does not generally regard young people under the age of 16 as being able to live independently away from home.

Anyone who has care of a child without parental responsibility may do what is *reasonable* to safeguard and promote the child's welfare (Children Act 1989 Section 3 (5)). In these circumstances, it might well be "reasonable" to inform the Police, or Social Services, and, if appropriate, their parents, of a child's safety and whereabouts.

A court can make a Recovery Order concerning a child in care, subject to an Emergency Protection Order if there are grounds to believe that he has been lawfully taken away from the person responsible for his care, if he has run away or has been missing from care. The Order acts as a direction for the child to be produced or for disclosure as to his whereabouts. If the court has reasonable grounds to believe the child is on premises it may permit a constable to enter named premises to search for the child using reasonable force if necessary.

A person who unlawfully removes, keeps away, assists or otherwise encourages a child to run away or stay away from the 'Responsible Person' (A person who has care through a care order, E.P.O or police protection) may be guilty of an offence under section 49 of the Act and liable to prosecution.