



# **NORTHAMPTONSHIRE MULTI-AGENCY PROTOCOL ON CHILDREN WHO RUN AWAY OR GO MISSING FROM HOME OR CARE**

## **LOCAL ARRANGEMENTS**

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# Supporting Information

## 1. BACKGROUND

### Introduction

This Protocol provides guidance for professionals from all agencies and parents/carers on how to respond when a child is classified as missing. This protocol is important for the safeguarding of children and families across Northamptonshire, or those using services in the area. It should be read and implemented, where necessary, by all practitioners and managers working with children or young people who are at risk of going missing from home or care or are already doing so.

The aim of the protocol is to assist practitioners across all agencies to develop robust responses to children who run away and go missing. This will include preventing the child suffering harm and recovering them to a place they are safe as soon as possible. The most effective assessment and support comes through good information sharing, joint assessments of need, joint planning, professional trust within the interagency network and joint partnership working with families.

Children who are missing from home or care may be at risk of suffering Significant Harm as a consequence of their basic need for food, safety and shelter and/or from the people with whom they may come into contact with. Risks can include Physical Harm, Sexual Exploitation, criminal exploitation, drug abuse and involvement in a range of other criminal activities. Additional vulnerability due to their age, level of understanding or the significance and seriousness of the circumstances that led to the missing episode may also be present.

### Legislation and Context

This Protocol has been jointly developed by Northamptonshire Children's Social Care and Northamptonshire Police in accordance with national guidance on missing children.

### Definitions – Explanation of Terms

Below are definitions of the key terms used in this document:

**Child** – Anyone who has not yet reached their 18<sup>th</sup> birthday, with the exception of a former relevant child: such young people remain the responsibility of the Local Authority up to 21 (25 years if in full time education) (Leaving Care Act 2000). Police will treat 18 and above as adults.

Whilst for many services, leaving care young people are treated as adults, Care Leavers up to 25 should always be fully assessed for any specific vulnerabilities. The term 'child' is used throughout this document to include young people.

**Home** – The family home or other non-care related address, including schools or hospitals.

**Care** – See 'Child in Care' definition

**\*There are various agency definitions for 'missing', however for the scope of this policy, the following will be used.**

**Missing** – Anyone whose whereabouts cannot be established will be considered as missing until located and their well-being or otherwise confirmed.

**Missing 'High Risk'** – A high risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible. This category almost always requires the immediate deployment of police resources – action may be delayed in exceptional circumstances, such as searching water or forested areas during the hours of darkness.

A member of the senior management team must be involved in the examination of initial lines of enquiry and approval of appropriate staffing levels. Such cases should lead to the appointment of an Investigating Officer (IO) and possibly and Senior Investigating Officer SIO, and a Police Search Adviser (PoISA).

There should be a press/media strategy and/or close contact with outside agencies. Family support should be put in place where appropriate. The Missing Persons Bureau should be notified of the case without undue delay. Children's services must also be notified immediately if the person is under 18.

**Missing 'Medium Risk'** – The medium risk of harm to the subject or the public is assessed as likely but not serious. This category requires an active and measured response by the police and other agencies in order to trace the missing person and support the person reporting.

**Absconded** – When a child has gone missing who is subject to an order or requirement resulting from the criminal justice process (e.g. remands, curfews, tagging, conditions of residence, ASBOs) or a secure order made in either civil or criminal proceedings.

**Child Abduction** – Where a child has been abducted or forcibly removed from their place of residence, this is a 'crime in action' and should be reported to the Police immediately.

**Police Missing Person Co-ordinator** – Each police force should have such a role and it should be closely linked with the arrangements for dealing with Child Sexual Exploitation.

**Vulnerable Adolescent Panel** – fortnightly multiagency information sharing and consultative panel The panel aims to ensure that as a multi-agency partnership we effectively share information to support young people who are at risk of being exploited and address extra familial harm with a view to utilising a contextual safeguarding approach to make our communities safer.

### **Definitions concerned with being in Care**

**Child in Care** – A child is 'in care' of the Local Authority if they are subject to a court order, or if they are provided with accommodation for more than 24 hours by agreement with parents or by agreement with the child if they are aged over 16.

**Accommodated** – A child is accommodated if they are in care by the Local Authority with the voluntary agreement of parents, or the child if they are over 16 years old.

**Care Leaver** – An eligible, relevant or former relevant child as defined by the Children Leaving Care Act 2000.

**Placing Local Authority** – The authority that is responsible for the child's care and Care planning.

**Host Local Authority** – The authority in which the young person resides when placed outside of the Placing authority's area.

**Unaccompanied Asylum Seeking Child** – An unaccompanied asylum seeking child is defined by the Home Office as a young person under the age of 18 making an application for asylum in his or her own right and who comes to the UK without a parent or Guardian. This includes trafficked children. Further guidance can be found in the [Children from Abroad, including Victims of Modern Slavery, Trafficking and Exploitation](#) procedure.

### **Associated Vulnerabilities**

**Forced Marriage** – Some children run away because they are at risk of abuse. The threat of Forced Marriage can lead to young women running away from home. Further guidance can be found in the [Forced Marriage](#) procedure.

**Honour Based Violence** – Some children run away because their family is using or threatening to use violence to control their behaviour, which the family believes will bring shame on the family. Further guidance can be found in the [Honour Based Violence](#) procedure.

**Child Exploitation** - Child Exploitation is a form of child abuse which occurs when someone takes advantage of a child for their own profit or gain. It can take different forms. This includes:

- Child criminal exploitation – when a child is coerced, manipulated or pressured to take part in criminal activity

- Child sexual exploitation – a type of sexual abuse where a child is coerced, manipulated or pressured into sexual activity

Exploitation can be hard for a child to recognise and they may not understand that they are being coerced/groomed.

Boys and girls may run away or go missing from home or Care following grooming by others who are seeking to exploit them. Further guidance can be found in the [Child Sexual Exploitation](#) procedure and in the [NSCP CSE Toolkit](#).

**Child Trafficking** – Some children go missing because they have been trafficked (and are being coerced by the traffickers). Other children are missing because they have been transported – often for the purposes of sexual exploitation – within Northamptonshire or further afield. Further guidance can be found in the [Trafficked Children](#) procedure.

**Children Missing Education (CME)** – Children and young people miss education either because they do not have a school place, or they are having some other difficulties in attending school. Children can go missing when they disengage with the education system and there is no systematic process in place to identify them and ensure that they re-engage with appropriate provision. This makes them vulnerable and more likely to be at risk of neglect or abuse or abusing others. Further guidance can be found in the [Children Missing from Education](#) procedure. See [Children Missing Education: Statutory Guidance for Local Authorities \(2016\)](#).

## Scope

This Protocol relates to all children living within Northamptonshire and children in the care of Northamptonshire Children’s Trust placed out of the authority area:

- Children living at home or other non-care related address, including schools or hospitals.
- Children in care of Northamptonshire Children’s Trust, placed in Foster Care or Children’s Homes ( in or out of county). This includes unaccompanied asylum seeking children.

Northamptonshire Police is the first point of contact for a professional or parent concerned that a child is missing. The Police have a statutory duty to locate all missing children. The Police work closely with Children’s Social Care, other partner agencies and parents/carers to locate children and return them safely to their home or placement within Police powers. The return of children to their placement is conditional on the circumstances in which the children are found (whether Police Protect Powers apply, or whether there is a recovery order or emergency protection order in place) or whether they consent to being returned.

Northamptonshire Children’s Trust has a corporate parenting responsibility for children in care, including children placed outside the Local Authority boundaries. In these cases Northamptonshire requires the placement provider to comply with this Protocol and with protocols local to their area.

Other Local Authorities placing children within Northamptonshire boundaries will be required to comply with this Protocol.

This Protocol does not deal in detail with whole families for whom there are safeguarding concerns, who go missing. The process described in the [Children and Families that go Missing \(including Unborn Children\)](#) procedure must be followed.

## Principles

The following principles should be adopted by all agencies involved with children who may go missing:

1. **Going missing is a dangerous activity** and can have short and long-term consequences. Children who repeatedly go missing are at greater, rather than less risk, than those who go missing less frequently; and short missing episodes may be as risky as lengthy ones.
2. **Prevention, identification and referral of missing children is everyone’s responsibility.** This includes statutory and voluntary agencies and the community. All services need to be aware and actively identify those who are commencing a pattern of missing episodes and provide the appropriate interventions at

the earliest opportunity. Everyone, including parents, have a duty to report children who are missing to the Police.

3. **This Protocol promotes sound individual risk assessment**, by carers and other professionals in responding to episodes of missing incidents. (The sections on 'responses to children missing from Care and from home', further explain this.)
4. **Accurate and up-to-date information** from the child's past and present is key to appropriate risk assessment and response to going missing. Other episodes, previous assessments, Prevention Interviews and Home Return Interviews should be shared between the Police and Children's Social Care, so a picture of a child's behaviour and experiences can be developed. It is also key that any carers, including parents, guardians, foster carers and staff in Children's Homes who are reporting a missing episode, provide as much information as possible to the Police. Safeguarding and promoting the welfare of children, in particular protecting them from significant harm, depends on effective joint working between agencies and professionals that have different roles and expertise. Where local agencies work together and ensure a coherent response to instances of missing, clear benefits have been seen in reducing the number of missing incidents and safeguarding issues.
5. **Except in emergency, the Reporting Individual is expected to complete all reasonable checks to locate the child.** Only then, will the Police act. Missing children remain the responsibility of the person / organisation which has Parental Responsibility for the child, even after they have been reported missing. The police are entitled to expect parents and carers, including staff acting in a parenting role in care homes, to accept normal parenting responsibilities and undertake reasonable actions to establish the whereabouts of the child. Children who are breaching parental discipline should not be dealt with by police unless there are other risks. For example, a child who is late home should not be regarded as missing until the parent or carer has undertaken enquiries to locate the child. Once those enquiries have been completed, it may be appropriate to record the child as missing and take actions. When a child's whereabouts are known, the child will not be considered as missing but may require other police activity in order to ensure their welfare. Police should consult their local public protection procedures to ensure an appropriate safeguarding response is provided. This includes children in care who are deemed to be 'absent without authorisation' (as defined within the [Statutory guidance on children who run away or go missing from home or care \(January 2014\)](#)).
6. **The Police's primary function is to investigate the disappearance and attempt to locate the child prior to any harm** befalling them or the general public. Police responses will be based on a police risk assessment of the incident and knowledge of the individual(s) concerned, utilising information from partners and those who know the child.
7. **Children's views** must continue to be taken into account by carers and other professionals when they respond in accordance with this Protocol, to missing episodes involving children.

The following officers have responsibility for missing children in Northamptonshire:

- Northamptonshire Safeguarding Children Partnership Business Manager will help to ensure that reporting arrangements are managed in accordance with this protocol.
- The RISE (Reducing Incidents of Sexual Exploitation) Service Manager has responsibility for CSE as well as Missing children within Northamptonshire.
- The Detective Inspector from the Police Missing Persons Unit

## 2. KEY CONTACTS

### To report a child who is Missing

Telephone Police on 101 OR 999 in an emergency

### Referrals to Children's Safeguarding

Contact the MASH – Telephone: 0300 126 7000 option 1, E-mail: [MASH@NCTrust.co.uk](mailto:MASH@NCTrust.co.uk)

### To talk to Children's Social Care out of hours

The Emergency Duty Team (EDT) - Telephone: 01604 626 938

## Responsibility for Northamptonshire's Home Return Interviews for children who have been missing

Contact the Missing Children Team (MCT) – E-mail: [IRT@nctrust.co.uk](mailto:IRT@nctrust.co.uk)

### For information about Early Help and Children and Family Support Services

Contact the Early Help Team – Telephone: 01604 362015, E-mail: [earlyhelpsupport@nctrust.co.uk](mailto:earlyhelpsupport@nctrust.co.uk)

### For a police update on a missing young person's investigation

Police Missing Persons Unit – Telephone 101 ext. 341015 (not 24/7), E-mail: [MissingPersonsUnit@northants.pnn.police.uk](mailto:MissingPersonsUnit@northants.pnn.police.uk)

## Key Processes for Preventing Children Going Missing and Responding If a Child Goes Missing

### 3. OVERVIEW OF THE PROCESS FOR RESPONDING TO CHILDREN MISSING

#### The Response for All Children

When a parent/carer or other responsible person discovers a child is not where they are expected to be, they are immediately expected to make reasonable efforts to locate the missing child. Providing that it is safe to do so. This includes:

- **Search the child's bedroom and house including any outbuildings and vehicles;**
- **Contact known friends and relatives where the child might be;**
- **Try to contact child by telephone;**
- **Visit locations where the child is known to frequent, if it is safe to do so.**

If the child is not found after all reasonable steps have been exhausted, then the parent/carer or other responsible person **must inform the Police**.

To contact the Police about a missing child **dial 101**. **In an emergency dial 999, explain the circumstances of the child's disappearance and the reasons for the concern.**

Carers for children who are in care should also contact the child's social worker or out-of-hours, the Emergency Duty Team (EDT). See Section 2. Key contacts.

The Police will need:

- The child's name and date of birth;
- Information about where, when and with whom the child went missing;
- A description of the child and what they were wearing;
- A recent photograph;
- Their medical history;
- The time and location they were last seen;
- The circumstances of going missing; and
- Details of any friends or associates.

The Police Force Control Room will ask for:

- Home address;
- Location missing from;
- Circumstances of going missing;
- Details of any vehicle or other transport used;
- The relevant information concerning the person reporting the disappearance;
- Location of where the missing person might be;
- Any medication the missing person requires, frequency of taking and effects of not taking medication;
- Information about known risks, e.g. a child known to be at risk of sexual exploitation;



- Information about any person who might have contact with the missing person, such as people with whom the missing person was found in previous incidents, e.g. estranged parents, boyfriends and girlfriends; and
- Name, address and telephone number of person reporting.

All reasonable steps should be taken to acquire the answers to these questions before contacting the Police

The Police gather information from a caller and will use this to make a decision about whether the child is missing.

The Police will share the information that a child is **missing** with Children's Social Care.

Where a child is missing, the Police will commence an investigation into the whereabouts of the child.

A missing child may be found by the parent/carer. When this happens, the police should be informed and the missing persons team from NCT may consider offering information and advice to support a parent/carer.

Whilst a child remains missing, the Police will continuously review the risk to the child, with further assessments being made as an investigation progresses and new information comes to light. The passage of time itself can influence a risk grading.

Considerations in deciding whether a missing child is at risk of harm or at risk of harming others, include:

- The circumstances of the missing episode;
- The child's age and maturity;
- Any physical or cognitive disability;
- Any continuing or urgent need for the child to have medication or treatment;
- The child's history and previous behaviour;
- The child's general vulnerability and any danger they pose to themselves;
- The child's tendency to drug/substance misuse;
- The child's legal status and Care Plan;
- If the child is in care, any circumstances within the placement, with carers or other residents that may be relevant to the absence;
- The risk of offending;
- The influence of peer groups, families or friends;
- Predatory influences on the child. These may relate to others wanting to use the child for crime, sex or drugs (e.g. risk of child sexual exploitation);
- Any known risk of abduction; and
- Environmental factors including weather, time of year, community events or tensions.

Once a missing child has been located and returned home, the Police will carry out a Prevention Interview with the child and Children's Social Care will undertake an Home Return Interview with the child. All partners have a responsibility to ensure that the child is safe and well. The purpose of the Prevention Interview is to identify any ongoing risk or factors which may contribute to the person going missing again.

Based on information from the Prevention Interview, the Home Return Interview and any other information about the child, Children's Social Care and partner agencies will provide appropriate support to the child and their parent/carer.

For children in care also see Section 7, Children's Social Care Responsibilities and Section 8, Cross-border Issues.

#### **4. MISSING IN SPECIFIC CIRCUMSTANCES**

##### **Children Missing from Care**

The local approach is based on the Philomena Protocol which applies to children who go missing from care.

The ('Incident Form') and ('Location Form') must be completed in the following circumstances:

- The first missing episode of a child in care;

- When there is a risk that a child in care will go missing. The Incident Form and Location Form should be completed prior to a planned placement. If the placement is unplanned, the Incident Form and Location Form must be completed within 5 days of the placement start date.

The Incident Form and Location Form will be completed by the child's allocated worker or primary caregiver.

- When a child or young person is known to Northamptonshire Children's Trust (NCT) (i.e. has a Care Plan, Child Protection Plan or Child in Need Plan, or is in receipt of Early Help or Targeted Support services), the Incident Form and Location Form must be completed and updated;

It is important that the primary carer (i.e. parents, carers, residential workers) is consulted in the completion of the Incident Form and Location Form. The allocated worker completing the Incident Form and Location Form must also:

- Explain the content of the Incident Form and Location Form with the primary carer;
- Obtain consent where necessary;
- Make a copy of the completed Incident Form Location Form and give this to the primary carer;
- Ensure the Incident Form and Location Form stay with the child's caregiver even if placements change.

Part two of the Incident Form must be reviewed and updated as necessary in the event of a missing episode.

In order to ensure that the Incident Form is fit for purpose and reflects current information that will contribute to the safe return of children / young people, it is important that it is reviewed on a regular basis and updated when necessary. The Incident Form will be reviewed and updated (where necessary):

- With the child's plan (e.g. Child in Need Plan, Child Protection Plan, Care Plan, Pathway Plan);
- As part of the Strategy Meeting to ensure that it meets the needs of the child / young person;
- When there has been a significant change in the child's / young person's circumstances that leads to the information in the Incident Form becoming out of date or incorrect.

## **Care Leavers**

Care Leavers may have an increased vulnerability because of their history and experiences. Children's Social Care therefore remains responsible for them from the time they leave care up until 25. If a Care Leaver goes missing, the Northamptonshire Leaving Care Service may need to re-assess the young person's needs and consider putting in place services to support them.

## **Children in Other Circumstances**

Some people who are 'with' a child while they are missing, may be perpetrators or victims of abuse themselves, for example, of exploitation and/or trafficking. They, and anyone else, who has care of a child without the knowledge or agreement of the person with parental responsibility, have a duty to do what is reasonable to safeguard and promote the child's welfare. They should inform the Police, Children's Social Care and the parents of the child's whereabouts and safety; and return the child to their home or placement. If this is not complied with, the Police may consider advice or warning under the Child Abduction Act (1984), if it is appropriate.

## **Unaccompanied Asylum Seeking Children (UASC)**

There are many additional factors to consider when UASC children are reported missing and further practice guidance should be sought to ensure there is a coordinated approach to full information sharing. Close co-operation with UK Immigration and the Police will be important. The assessment of need to inform the care plan may be critical in these circumstances and an assessment should seek to establish:

- Relevant details about the child's background before they came to the UK;
- An understanding of the reasons that the child came to the UK;
- An analysis of the child's vulnerability to remaining under the influence of traffickers;
- A risk assessment as to the likelihood of the UASC going missing; and
- The appropriateness of information being divulged as to the whereabouts of the young person.

When UASC are reported missing, they will retain their status of Looked After unless one or more of the criteria are met.

- They return to a birth parent/someone with parental responsibility and cease to be Looked After;
- They are located in another country;
- The case is taken over by another local authority; and
- They are age assessed as being over 18yrs.

The Home Office should be informed of the child/young person's missing status.

Additional practice guidance on safeguarding UASC can be found in [Safeguarding Children who may have been trafficked \(2011\)](#). Where it is suspected that a child has been trafficked, they should be referred by the local authority into the UK's victim identification framework, the [National Referral Mechanism](#) (NRM). The Trafficked Children Toolkit, developed by the London Safeguarding Children Board, has been made available to all local authorities to help professionals assess the needs of these children and to refer them to the National Referral Mechanism. See also [Care of unaccompanied migrant children and child victims of modern slavery- Statutory guidance for local authorities, November 2017](#).

## 5. RETURNING FROM A MISSING EPISODE

### Voluntary Return or Locating a Child

Parents/carers who find their missing child or where the child returns of their own accord, **must contact the Police by telephone to confirm that the child has returned to their home/placement**. The Police may want to verify that the call is genuine. If a child is assessed as missing by Northants Police control room then a record on COMPACT will be created, it will require the Police to attend and complete a prevention interview with the child in most circumstances. It may be apparent when a child returns to their home or placement that they have been the victim of a crime whilst they were away or that they may be in danger from any person associated with them being missing. In this case parents/carers should call the Police and ask them to attend **without delay** – to protect the child and/or recover evidence. The Police response time will be dependent on threat, harm and risk principles.

Whoever finds a child has a responsibility to try and find out why the child ran away. This may be the only opportunity a child has to report abuse, bullying or mistreatment at home, in care or at school. The person finding the child should update the professionals who have been involved in the episode on any information gathered from the child.

### Returning a Child to their Home or Placement

For a child missing from home, family or friends locating a child should return them to their home address. Where a risk is present, a Police officer may accompany the parent/carer to assist in recovering the child.

For a child in care, Children's Social Care or the carers are responsible for returning the child to their placement. This should be part of the planning undertaken by the child's social worker, with the carers and placement provider, Police and parents (unless there is a reason why not) to prepare for the child's return. See section 7 for a Children's Social Care responsibilities when a child in care is missing.

On the child's return, parents/carers should:

- Make clear to the child that they are relieved to see them safe and well
- Assess their general condition immediately, and if appropriate, arrange for medical attention
- Provide food and drink as a priority
- Ensure the safety of the child, especially if it seems that they have run away because of bullying or harassment
- Update the professionals who have been involved in the episode on any information gathered from the child.

Parents/carers and/or other professionals may have concerns about the safety of the child in their home or the placement. If this is the case then the parent/carer, Police or other responsible person, should contact the MASH or the out-of-hours Emergency Duty Team (EDT) **before the child is returned**.

### Concerns following a Child's Return

The MCT can make a judgement about whether an assessment of the child's safety at home or in placement needs to be undertaken. MCT and MASH should consider the need for a strategy meeting (Children Act 1989) which is required if, for example, a pattern of running away is developing. Any of the partner agency professionals can request a strategy meeting following consultation with their first line manager if it appears that there is significant risk to a child. The strategy discussion will be held by the allocated team or by MASH in the event the child is not allocated to a team. It may be apparent when a child returns to their home or placement that they have been the victim of a crime whilst they were away or that they may be in danger from any person associated with them being missing. In this case parents/carers should call the Police and ask them to attend without delay – to protect the child and/or recover evidence. The Police response time will be dependent on threat, harm and risk principles.

The child's clothing, mobile phone and trace evidence from their body, fingernails or hair may be crucial. Children rarely disclose that they have been sexually abused, however if a parent or carer suspects that this may have happened, then the child should be discouraged from washing and the police should be contacted.

If parents/carers become aware of the location of the scene of any crime committed against the child, or of the location of any crucial evidence they should notify the Police; again, without delay – so that the Police can take steps to secure and preserve evidence.

The Police will share information with the Northamptonshire MASH if the child is at risk of, or has experienced a missing episode.

## **Prevention Interview**

When a missing child has been returned to their home or placement, the Police will conduct an interview known as a 'Prevention Interview' to establish the child's wellbeing and safety, and whether they were the victim of abuse or a crime whilst missing. The 'Prevention Interview' will inform the Police and Children's Social Care about whether there are concerns about the child's safety that they need to address. The police have a responsibility to ensure that the returning person is safe and well. The purpose of the prevention interview is to identify any ongoing risk or factors which may contribute to the person going missing again. Prevention Interviews should be carried out in all missing cases (**High and Medium risk**). The interview provides a valuable opportunity to find out useful information that may indicate harm suffered by the returning person. It can also identify details that may help trace the person in the event of a future missing episode.

## **Home Return Interviews**

In addition to the Police Prevention Interview, a Home Return Interview should be carried out by a professional, usually from the Young Peoples service, however this can also be carried out by another professional, e.g. YOS, Social Worker, or Health not involved in caring for the child, who is trained to carry out this interview, within 72 hours of the child returning from a missing episode. As with the Prevention Interview, the Home Return Interview will inform the Police and Children's Social Care about whether there are concerns about the child's safety that they need to address.

A Home Return Interview is important because it is more in-depth than the Police Prevention Interview. Some children do not want to tell the Police anything; in addition the interviewer is independent of the child's home or placement. This allows the child the freedom to talk about possible problems with peers or adults in any of these settings without fear of reprisal or of upsetting anyone.

The Interviewer, will ask the parent or carers permission to interview the child, explaining that the interview will be shared with police and Children's social care. Consideration will be in regards to the best way to feedback to the parent or carer. This will either be by sharing a copy of the interview form or by discussing the interview with them. Permission will be sought to share information with other agencies (see Sharing Information).

Many children need to build up trust with somebody before they will discuss in depth the reasons why they went missing. In cases for example, of sexual exploitation and trafficking, the child may be being controlled by individuals of whom they are fearful so the child may decline to be interviewed. Professionals should be aware that refusal may indicate a number of issues. Therefore:

- For a child in care or a child living at home but who is already receiving support from a social worker, the social worker will have all the information about the missing episode and must follow-up with the child why they went missing and what happened whilst they were missing. It is the allocated social workers responsibility to review relevant plans to reduce the likelihood of future missing episodes under existing agency processes.
- For a child who does not have a social worker, the nominated Interviewer should ask the child whether another person would be acceptable to the child to undertake the Home Return Interview – e.g. a school teacher. If so, MCT should consider facilitating this but only where this can be completed within a few hours by a trusted adult. It will be made clear on the return interview form that a formal return home interview was not completed.
- If the Home Return Interview is refused by either the child or parent/carer, then any allocated social worker or other involved professional should seek to engage the child in understanding what happened and support plans to reduce the likelihood of future missing episodes under existing agency plans.

If the child continues to decline be interviewed, the Interviewer and their line manager should consider whether it is appropriate to make a referral to the MASH where the child's circumstances can be assessed, to inform a decision about whether there is a risk of harm to the child.

If the child is known to Children Social Care, information from the Home Return Interview should be recorded in CareFirst (the electronic Social Care database) by the Interviewer and the allocated worker have this information passed to them. Where a child is not known, MASH automatically screen police missing reports. A MASH referral will be completed by the Interviewer if further safeguarding concerns are raised during interview. A new record will be created as a result of this missing episode.

## Sharing Information

It is critical that any information gained through the Prevention Interview and the Home Return Interview is shared with the Police and Children's Social Care – the child's social worker, if they have one and the Independent Reviewing Officer.

The child's social worker is responsible for deciding who else (parents and other professionals, including carers) should receive this information and at what level of detail, based on:

- The child's wishes and feelings;
- The need to maintain a dialogue with the child, who may stop talking if they consider their confidentiality is breached;
- The ability of the recipient not to divulge information to potential abusers and exploiters; and
- The need for parents and other professionals, including carers, to understand what is happening in order to keep the child safe.

In complex situations, advice may be sought from the MCT and the specialist CSE / missing worker.

## Key Agencies' Responsibilities

### 6. POLICE RESPONSE

This section builds on the basic response for all children who are missing outlined in section 2. It provides some detail of Police responsibilities.

#### Overview of Police response

When a child is discovered to be missing the Police will be the first agency to be informed, as described in section 3.

When an initial report is made to Northamptonshire Police, the police's primary responsibility is to safeguard the missing person and make a decision about whether the episode meets the criteria for missing. An initial risk assessment will provide the basis for an appropriate and proportionate response according to the level of risk to the

individual and others. It is also important to consider whether the person has a particular vulnerability that may increase their risk, such as:

- having a disability or illness;
- being a child in care or at risk of exploitation;
- having any other protected characteristic (defined by the [Equality Act 2010](#)) which may require a particular response or consideration.

A person may be vulnerable for a wide range of other reasons, these might for example relate to their immediate environment or mental wellbeing, difficulties within their life or challenges that they have that affect their behavior or ability to communicate or seek help. The reason/scenario for their absence should be considered, keeping an open mind refraining from unconscious bias and empathy fatigue. Whilst sitting through the missing continuum of risk.

The Police Missing Person Unit share information on all missing children with the Missing Children Co-ordinator and the Adolescent Targeted Support team every week day.

If a child is classified as missing (Medium Risk or High Risk), an officer will be deployed to the child's home, placement or the location from where the child went missing. This is the point at which the carer must have the completed Philomena form to the attending officer. The officer will make an assessment about the level of risk of harm to the child, and the likelihood of that harm occurring by considering a series of questions posed to the person reporting the missing episode. **Persons under the age of 18 can now only be categorised as Medium or High risk:**

- **High Risk** – The risk of serious harm to the subject or the public is assessed as Very Likely. Serious harm is defined as: A risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible;
- **Medium Risk** - The risk of harm to the subject or the public is assessed as likely but not serious.

The level of risk to a missing child will be subject to ongoing review and reassessment. Northamptonshire Police update child sexual exploitation markers on all children open to the RISE Team, indicating that the child is subject to ongoing risk of sexual exploitation.

## **Escalation / Conflict Resolution Procedure**

There may on occasions be a disagreement between the Police and other professionals, including Children's Social Care as to the level of risk posed to a missing child. If this happens, it should be resolved through escalation to the manager of the practitioner involved and the Police Missing Persons Unit. The timing of this will depend on what the professionals believe the level of risk to be, however, the maximum timescale should be 12 hours. If the matter remains unresolved at team manager/DI level, the police DCI and the RISE/MCT Service Manager in Children's Social Care should be consulted. The Head of Safeguarding should also be consulted and may ultimately liaise with the Chief Officer group of Northamptonshire Police to resolve the matter. See also [Conflict Resolution Procedure](#) in the NSCP Procedures Manual.

The Assistant Director of Children's Services should also receive notification of all CiC children who are missing for more than 24 hours from the Head of Safeguarding. The Assistant Director of Children's Social Care will formally review all cases where children/young people have been missing for 3 months to satisfy him/herself on the actions taken to recover the child/young person. A decision as to whether or not to end the accommodation placement must be an outcome of the meeting. If the decision outcome is to end the placement, then it will be recorded within the meeting minutes that should the child/young person be found then a placement will be sought. If a young person has not been found by their 18th birthday then a formal Missing Child Meeting should be held to determine whether the case should be closed. Any decision to close the case should be on the proviso that it is reopened if the young person is located and found to be in need of services as an eligible, relevant or former relevant child.

## **Conducting Enquiries and Locating the Child**

Once the officer has attended the missing incident and completed their report on COMPACT, the risk assessment is reviewed by a supervisor, the initial investigation is reviewed and an officer will be allocated to conduct enquiries.

Once the child has been located and returned to their home or placement, the Police will undertake a Prevention Interview. See Section 5. Return of a child who has been missing.

## Sharing Information

Information regarding missing and found children is shared on a daily basis, Monday to Friday between the Police and Northamptonshire Childrens Trust

Information can also be shared on the top most concerning missing children at the Vulnerable Adolescent Panel (VAP) for a multi agency response to risk and exploitation concerns.

## Response From The Multi-Agency Safeguarding Hub (MASH)

All missing children that MASH becomes aware of via an electronic notification (MISPER) will contain initial information collated by Police Public Protection Desk (PPD) triage. Any new referrals of missing children will trigger a missing episode on Carefirst and a missing child risk assessment record will be completed on Carefirst in accordance with the MASH RAG rating (Red 4 hours, Amber 24 hours, Green 72 hours) with information collated from partner agencies.

MASH information should be used to inform risk assessment during a missing episode and on return home. On new referrals, information will be gathered and this will be completed by the allocated MASH Decision Maker, if the child has a social worker already then this will be completed by their allocated social worker.

The facility to refer missing children episodes in other local authorities for the purpose of additional safeguarding checks will be available in each borough.

For missing episodes where the MASH manager believes that the child meets the criteria for a referral, the Local Authority will ensure that a Child and Family Assessment is completed.

## 7. CHILDREN'S SOCIAL CARE RESPONSIBILITIES

This section builds on the basic response for all children who are missing outlined in section 3. It provides some detail of Children's Social Care responsibilities. Also see the ['Think Missing Fact Sheet'](#).

### Overview of Children's Social Care Response

The **Missing Children Co-ordinator** is the first point of contact for information about missing children for Children's Social Care. The Police share information about a missing child without delay.

A Missing child may already be known to Children's Social Care when they go missing. They may be in care or receiving Early Help or child protection services.

Where Police or other agencies believe that new safeguarding concerns have been identified which require a higher level of intervention than that currently being provided, they should speak to the allocated worker in the first instance, but if there is a disagreement, use the escalation policy in Section 5 - Police Responsibilities.

A missing child may not be known to Children's Social Care. In this case the Missing Children Co-ordinator will:

- Request administrators create a record if the child is not known; MASH will fully screen all missing children not currently open to children's social care to ensure any previous situations or concerns may have led to the current missing episode to inform the return interview.
- Allocate to a missing worker for a return interview to be undertaken within 72 hours; and
- Following the return interview, if the Missing Children Co-ordinator has concerns these will be fed back to the allocated worker or referred to MASH if no worker is allocated.

As described in section 4, when the child returns to their home or placement the Young Peoples Service offers them an Home Return Interview. Information from the Home Return Interview, and any other sources of information about the child (e.g. from Police Prevention Interview) may lead to an assessment that:

- The missing episode is not significant, there are no apparent vulnerabilities. In this case the **Children's Social Care may consider offering advice and support to the child and parents;**
- The missing episode is not significant, but vulnerabilities are identified. In this case the **MCT will make referrals to identified services to support**
- The missing episode is significant. In this case the MCT will **refer the child to the MASH team** for an Initial Assessment.

Where a child already has an allocated social worker the Home Return Interview information will be shared with them to support their ongoing work with the child and/or the parents.

### **Children in Care who go Missing**

Local authority staff collectively and individually are the Corporate Parent for Northamptonshire's children in care. Carers and social work staff are expected to do what a 'reasonable parent' would do for a child who is missing.

Should the need arise where there is a risk of significant harm, consideration should be given to obtaining an Emergency Protection Order (Section 44, Children Act 1989) or Recovery Order (Section 50, Children Act 1989).

Applications for Emergency Protection Orders or Recovery Order should always be explored as an initial tool to ensure the child is returned safely. Only in exceptional emergency situations should consideration be given to the use of Police Protection powers.

Social workers, placement officers and relevant managers should use placement planning to minimise the risk that a child will go missing. They need to be sure that:

- The placement is able to meet the needs of the child;
- The placement is a good match in terms of other children placed there; and
- They have taken account of external factors in the area of the placement. At a minimum this would be telephone call about community safety to the local Police if the child is placed in Northamptonshire or a call to the Host Local Authority when placing out of area.

When placing a child the social worker must:

- Ensure that there is a photograph which is a good likeness of the child on file with a copy available for the carer;
- Check that the carer will have enough information to complete a Police Missing Form;
- Consider all potential risks to the child including an assessment of the potential for them to go missing
- Involve the child, their carer and normally the parents in discussing the child's needs, previous history and views;
- Take into account any previous missing episodes;
- Depending on the level of risk, consider liaising with local community policing; sharing potential addresses and locations where children might run to and possibly engaging the Police in speaking to the child about potential dangers in the local area.

When placing children outside of Northamptonshire, the social worker must follow the **Formal Notification Process** to inform the Host authority that a child in care is being placed in their area. If the child has a history of going missing the social worker should also talk to the Host authority's safeguarding service about the child and any risks in the area to which they are moving. See section 8 - Cross-border Issues.

The Placement Plan should cover:

- Trigger points for missing episodes;
- Risks to themselves, the public and/or the carer before, during or after a missing episode including when being picked up (See Legal Section);
- What steps can be taken to reduce the likelihood of the child going missing and coming to any harm or harming others;
- Friends and family details and contact numbers as well as addresses the child is commonly found at
- Expectations of the child: for example, curfews, when and how to make contact and the consequences of lateness etc.;



- Expectations of the care provider: for example at which point the Police will be notified, what processes will follow an incident, who will collect a child if they are missing, details of who conducts immediate assessments on their return and arrangements for full Home Return Interview;
- Agreements and rules for staying overnight at friend's houses or going on trips. Current practice is that these are the carer's decisions, subject to the same checks and boundaries that any good parent would set. (See Legal Section);
- The IRO/Child Protection service should be sent a copy of the placement plan and must check that this is in place within 5 working days of placement;
- Prior to each placement, where there is a likelihood that a child may go missing from their established placement, an Incident Form should be completed by the child's allocated Social Worker. The residential home manager, semi-independent placement, foster carers should assist the child's social worker in gathering and updating this information. When the placements are unplanned there is an expectation that the Incident Form should be completed within 5 days of the first placement start date;
- Where the incident indicates a high risk of a child going missing, this should be maintained and updated by the child's allocated social worker through ongoing intervention and visits to the child's placement;
- When reporting an absent or missing child to the Police, copies of the Incident Form and Location Form along with any further information that could be deemed as relevant should be shared with the Police. This information should be shared promptly. Information gathered in the Incident Form and any further information arising from Risk Assessments should be considered by the IRO who must have oversight of this document at Looked After Child reviews and any other interim or midway reviews to ensure the information remains up to date and use the local escalation procedure if safeguarding practice is not being followed;
- If the child is or becomes subject to a Child Protection plan, the Child Protection Chair (CPC) will have oversight of the Incident Form in the same way as the IRO and follow the local escalation procedure if safeguarding practice is not being followed;
- The Incident Form should be discussed and agreed as far as possible with the child and with the child's parents/carers and should include detailed information about the responsibilities of all services, the child's parents and other adults involved in the child's network;
- The Independent Reviewing Officers (IRO) or CPC should address the missing episodes in statutory reviews, with consideration to bring a review forward to address this issue. The IRO / CPC will consult the IRO Handbook and commence the local escalation procedure in cases where the local authority's response to missing episodes is not in line with this protocol.

## **Strategy Meetings for Missing Children**

Throughout any enquiry, carers, social workers and Police must review the case as agreed at the Strategy Meeting. All professionals should also appropriately respond to new information received that amends the risk level for a Missing child.

If a child is missing for more than 24 hours or three times in a 90 day period or the child is considered to be at significant risk, it is important that those involved in their care meet in order to:

- Pool intelligence about the reasons for the Missing episode and consider why the child has not been found, or runs frequently;
- Develop an intervention to recover the child and reduce missing episodes and escalate concerns
- In the case of 'pull' factors, it may be necessary to target those in the community who harbour the missing person or exploit them with regard to crime, sex or drugs;
- Develop further strategies for finding the child and making them safe;
- Consider the use of publicity;
- Consider other bodies who should be involved e.g. the Foreign and Commonwealth Forced Marriage Unit for situations where there is a risk of Forced Marriage or Honour-based Violence or tracking via the Benefits system;
- Check that arrangements for the child's return are still adequate;
- Make a plan for responding to escalating missing episodes, including when further planning will be triggered.

The Chairing of Strategy Meetings will depend on the duration and frequency of the missing episodes:

- For children who have been missing for 24 hours, the Team Manager, Advanced Practitioner / Practice Manager will chair the Strategy Meeting
- For children who have been missing for 72 hours (48 hours if High Risk), the Team Manager of the allocated team (or a suitable delegate i.e. Practice Manager, Advance Practitioner or the MASH Decision Maker if not allocated to a team) will chair the Strategy Meeting
- For children who have been missing for 7 days, the Service Manager of the allocated team (or MASH if Unallocated);
- For children who have been missing 10 days or over the Strategy Meeting must be chaired by the Safeguarding and Quality Assurance Service (SQAS) Service Manager;
- For children who have been missing three times in 28 days or three times in a 90 day period, a review of the case must be undertaken by the Service Manager, Team Manager and the allocated worker (or the MASH Service Manager, Team Manager and allocated worker if not allocated to a team). The review will determine if a Strategy Meeting is needed, if a Strategy Meeting is needed, it will be chaired by the allocated Team Manager.

After three episodes of missing within a 90-day period:

- A quick succession of missing episodes will eradicate the need for 90 days to elapse. For example, if a child goes missing three times in a week, then rather than waiting for the 90 day time period to elapse, a review of the case should be convened immediately between the allocated Service Manager, Team Manager and allocated worker. The review will be used to make a plan for responding to escalating missing episodes, including deciding if there is a need for a Strategy Meeting.

Strategy Meetings should include:

- The child's social worker (or a representative), with accurate and up to date information (to include updates from MCT);
- The Police;
- Other professionals who work with the child who can contribute expertise about potential harm to the child e.g. from sexual exploitation, self-harm, offending etc.;
- Written copy of minutes provided within 24hours;
- Health.

Consideration should also be given to inviting:

- Other agencies who would be able to offer a relevant service;
- A legal advisor;
- The Strategic Manager for Safeguarding and Quality Assurance Service; and
- The Foreign and Commonwealth: Forced Marriage Unit, where Forced Marriage or Honour-based Violence is a possibility.

## Timescales for Action

The following are maximum timescales for action and earlier planning and intervention should take place if the risk is deemed high e.g. known sexual exploitation or trafficking:

- **Within 24 hours** the child's social worker should inform the relevant Service Manager/Strategic Manager for their service via the usual line management route. During that period, the social worker will use their professional judgement about how long to wait before informing the Service Manager depending on the level of risk to the child (e.g. the child's age, history, circumstances etc.). On **day one** a 'Senior Leadership Alert Briefing will be prepared and forwarded to relevant parties in line with the [Senior Leadership Alert](#);
- **After the child has been missing for 24 hours** Children's Social Care will convene a Strategy Meeting within 72 hours (48 hours if assessed as High Risk) from the start of the missing episode, to include the Police, the Social Worker, the parents (unless there is a good reason why not), carers, other professionals who have been involved with the child, or have a specific contribution to make. The Meeting will be chaired by the Team Manager if the case is open. If the case is not open, the MASH will arrange and chair the Strategy Meeting. Provisional arrangements must be put in place for the next Strategy Meeting, in the event it goes ahead;

- **On day 7 from the start of the missing episode** if the child has not returned, a further Strategy Meeting must be convened. Provisional arrangements must be put in place for the next Strategy Meeting, in the event it goes ahead;
- **On day 10 from the start of the missing episode** if the child has not returned, a further Strategy Meeting must be convened. Provisional arrangements must be put in place for the next Strategy Meeting, in the event it goes ahead;
- **Thereafter, Strategy Meetings will be held fortnightly for eight weeks and then bi-monthly** if the child has not returned. Strategy Meetings will be chaired by the SQAS Service Manager.

Minutes of the Strategy Meetings will be provided to the child's Independent Reviewing Officer (IRO), or the Child Protection Chair (if there is one).

All Police missing person's files remain live until the child is formally deemed as 'Found' or until a senior Police officer in conjunction with the Assistant Director Safeguarding and Children's Services have sight of an assessment and chronology for the missing child and they make a joint decision to close the case.

Strategy Meetings must be held to plan or escalate the level of intervention – to interrupt and prevent a child from repeatedly going missing.

In addition to seeking to reduce future missing episodes and reduce any apparent risks to the child, this meeting should also quality assure compliance with the protocols and the efficacy of earlier intervention meetings and Home Return Interviews.

For children who are placed in Northamptonshire by other local authorities, these meetings should be convened and attended by the placing Children's Social Care Department in accordance with their own procedures. See also Section 8. Cross-border Issues.

## **Legal Advice**

When planning for children who go missing, it may be necessary to obtain legal advice. Missing episodes are often associated with the child being the victim, or a perpetrator of crime. Those commissioning legal input must ensure that the legal representative is able to provide authoritative advice on both civil and criminal provisions.

## **8. CROSS BORDER ISSUES**

### **Child Protection Responsibilities**

Where a child missing from one Local Authority present themselves in another Local Authority it is important that the authority where the child presents works with the Local Authority where the child resides to ensure they get access to the help and support services they need.

Responsibility for making Child Protection enquiries rests with the authority where the child presents. Continuation of these enquiries may be negotiated between the two Local Authorities (section 47, Children Act 1989).

### **Out of area Placements by Northamptonshire**

When a Northamptonshire child who has been placed in another Local Authority area (the Host authority) goes missing, the Host authority's missing protocol should be followed by the carers and other professionals in that Host authority area. They need to act in collaboration with colleagues in Northamptonshire (the Placing authority).

A notification process for missing from placement episodes should be in place between Placing and Host local authorities. It should include that the foster carer or the manager of the children's home is responsible for informing the local Police, the child's (Northamptonshire) social worker, MCT and the person(s) holding parental responsibility (PR) – unless the latter is inconsistent with the child's welfare. They should also report to the local Police when the child has returned, and inform the child's (Northamptonshire) social worker and the Northamptonshire Independent

Reviewing Officer (IRO), both of whom are responsible for reviewing whether the child's placement remains appropriate or constitutes a risk to their welfare.

The social worker for a child in the care of Northamptonshire who is placed out-of-area should ensure that the care planning is as rigorous as for children placed within Northamptonshire's borders. This means that commissioners must check that the Host authority and the placement provider are able to meet the standards described in this Protocol before placing the child.

The Placement Information Record (PIR) and Care Plan should clearly detail a child's needs in relation to missing episodes. Critically, the PIR should detail the expectation that all missing episodes are reported by the placement provider to the child's social worker.

The IRO must report the number of missing episodes and the adequacy of responses to these episodes following each Statutory Review of a child in care placed outside of Northamptonshire. This will provide full overview of children missing from care and inform strategic planning and reporting. The IRO should inform the relevant team manager of any escalation meetings/Independent Return Interviews for children placed out of county have not been managed in accordance with these procedures.

### **Other Local Authority Placements**

All independent providers operating residential and fostering provision within Northamptonshire should be provided with a copy of this Protocol. The providers have a responsibility to comply with this Protocol and also to comply with the processes specified in other Placing authorities' missing procedures.

Other Local Authorities placing children within Northamptonshire are required to inform Northamptonshire Local Authority of their placement. Upon receipt of this notification, a record of the child and their placement will be recorded within CareFirst.

Upon receipt of a missing notification regarding a child placed in Northamptonshire by another Local Authority, MCT will contact the social worker in the Placing Authority, informing them of the missing episode. When the child returns to their placement MCT contact will notify the Placing Authority and advise that it is their responsibility to undertake the Independent Return Interview.

Where a child placed in Northamptonshire by another Local Authority is identified to be suffering or at risk of suffering significant harm, Northamptonshire Child Protection procedures must be followed.

Where a child placed in Northamptonshire by another Local Authority has gone missing 3 times in a 90 day period and there are serious concerns, the Head of Safeguarding in the Placing Authority will be informed in writing by the Service Manager; Child Sexual Exploitation and Missing, within Northamptonshire Children's Social Care. The Head of Safeguarding in the Placing Authority will be asked to ensure that all appropriate measures are in place for the future care and safety of that child. Formal written details will be required so that the child's CareFirst record can be updated. In addition, a Strategy Discussion will be chaired by a MASH Manager to include the social work team responsible for the child if one is not held by the responsible Local Authority.

Where missing episodes continue to escalate despite the above noted intervention, the Strategic Manager for RISE and MCT will draft a letter detailing the concerns for the Director of Children's Services to send to the placing authority's Director of Children's Services.

## **9. Media releases during Missing Episodes**

In some cases, particularly where a missing child is felt to be especially vulnerable, it may be necessary to publicise this via the media and each case is to be treated on its own merits. All appropriate media should be considered to assist in the swift and safe return of the child or young person.

Such an approach is not routine but is usually a response to very serious concerns for the child's safety. Potentially Carers, Northamptonshire Police or the local authority may suggest such an approach.

Normally, such decisions to publicise will be jointly made, and wherever possible in full consultation with parents/carers and Children's Services. However, for operational reasons primacy over such decisions must lie with the Police. Authorisation should be by the Senior Investigating Officer, or Divisional Officers.

Any decision regarding a proposed media release involving a Northamptonshire looked after child (LAC) must be in collaboration and agreement with Northamptonshire Children Services.

Where any decision by Northamptonshire Police to progress a media release is planned, liaison should take place between the communications team within Northamptonshire Police and Northamptonshire County Council. Prior notification of the release should be provided at the earliest possible opportunity to Northamptonshire Children Services via the customer services centre.

## **10. GOVERNANCE ARRANGEMENTS**

### **Reporting**

This Protocol has been approved by Northamptonshire Safeguarding Children Partnership. The Child Exploitation Sub Group will need to receive quarterly reports regarding compliance with this Protocol, including statistical analysis of local needs arising and any identified gaps in service delivery.

Exception reports, including any issues pertaining to joint commissioning, will be reported to the Northamptonshire Safeguarding Children Partnership.

### **Strategic Review**

In Northamptonshire there is a bi-monthly Child Exploitation Sub Group meeting of the Northamptonshire Safeguarding Children Partnership. This is chaired by Detective Chief Inspector from Northamptonshire Police.

### **Training and Induction**

The contents of this Protocol should be shared with all key members of staff within each agency. The Protocol should be part of the induction of residential staff, foster carers, social workers, family support workers, the out-of-hours Emergency Duty Team and foster carer support staff. It should be part of the induction of the following staff within the police force – supervisors within the Police force control and Local Policing Units commanders.

## Appendix 1

### Relevant Legislation and Summary of Police Powers in relation to Children who go Missing

#### **CHILDREN ACT 1989: S49 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 even if the child/young person is 16 or over providing the Care Order has not elapsed.

**Offence:** A person is guilty of an offence if, knowingly and without lawful authority or reasonable excuse, takes a child to whom this section applies away from the responsible person; keeps such a child away from the responsible person; or Induces, assists, or incites such a child to run away or stay away from the responsible person.

#### **Points to prove:**

That the offender knew:

- That the child is subject to a Care Order, Emergency Protection Order or in Police Protection;
- That the offender knew that the responsible person had not given their permission for the child to stay with the offender;

That the offender has either:

- Taken the child;
- Kept such a child away from the responsible person; or
- Induced/assisted/incited such a child to run/stay away from the responsible person.

#### **CHILD ABDUCTION ACT 1984, S2 Abduction of a Child**

This offence applies to any child under 16 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:

- So as to remove him from the lawful control of any person having lawful control of the child; or
- 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:

- He is a parent of the child; or
- 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 He is the guardian of the child or
- He is a person in whose favour a residence order is in force with respect to the child or He has custody of the child.

Therefore, if the child is in the Care of the Local Authority and is being kept away from the foster carer or residential home by a natural parent, the S49 Children Act offence should be used, not the S2 Child Abduction Act 1984.

#### **Points to prove:**

- That the child was under 16;
- That the offender acted without lawful authority or reasonable excuse;
- That the offender was not connected with the child; and
- The offender took or detained the child. ☑ So as to remove/keep him/her from lawful control.

#### **CHILDREN ACT 1989, S46 Place of Safety Power to Remove to Place of Safety or Prevent Removal From**

Where a Constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may:

- Remove the child to suitable accommodation and keep him there; or
- Take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which he is then being accommodated is prevented.

This is the primary power for the police in emergency situations.

### **CHILDREN ACT 1989, S44**

Where a person applies to the court for an order to be made under this section concerning a child, the court may make the order if, but only if, it is satisfied that There is reasonable cause to believe that the child is likely to suffer significant harm if:

- He is not removed to accommodation provided by or on behalf of the applicant; or
- He does not remain in the place where he is then being accommodated.

### **CHILDREN ACT 1989, S50 Emergency Protection Orders, Duty to Disclose Child's Whereabouts & Authorisation to Enter Premises**

Where it appears to a court making an Emergency Protection Order that adequate information as to the child's whereabouts: a) is not available to the applicant for the order; but b) is available to another person, it may include in the order a provision requiring that other person to disclose, if asked to do so by the applicant, any information that he may have as to the child's whereabouts (S48 (1)).

An Emergency Protection Order may authorise the applicant to enter premises.

### **HOME OFFICE CIRCULAR 17/2008, S15, 16, The duties and powers of the police under The Children Act 1989**

Police protection is an emergency power and should only be used when necessary, the principle being that wherever possible the decision to remove a child/children from a parent or carer should be made by a court.

All local authorities should have in place local arrangements (through their local Chief Executive and Clerks to the Justices) whereby out of hours applications for Emergency Protection Orders may be made speedily and without an excess of bureaucracy. Police protection powers should only be used when this is not possible.