



CHILDREN AND YOUNG PERSON'S MISSING FROM HOME AND MISSING FROM CARE PROCEDURE

**Protocol between West Yorkshire Police and Children &
Young People's Social Care**

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0.1 INTRODUCTION

- 0.2 This protocol applies to all children and young people that go absent without permission from their parents, carers, residential carers or foster carers.
- 0.3 It defines the roles and responsibilities of the Police, Children's Social Care, and carers.
- 0.4 This should be read as guidance, which as such cannot anticipate every situation. Police, Children's Social Care, other professionals and carers should use their judgement to take any action that is deemed necessary to protect the safety of the young person, based on an assessment of risk for each individual young person.
- 0.5 It is important to be clear about the definition of a missing person and to discourage the habitual reporting of "temporary absences" and "unauthorised absences" as missing persons.
- 0.6 The term "young person" is used throughout this document in line with the Children Act 1989 and includes any child or young person under the age of 18 years.
- 0.7 The term "carers" is used throughout this document to describe those adults responsible for delivering care to young people in a range of living arrangements. Unless otherwise stated the term includes:
- parents (with or without parental responsibility);
 - foster carers (mainstream, family and friends);
 - residential care workers; and
 - other carers employed in community homes.

0.8 PRINCIPLES

- 2.1 Local Safeguarding Children's Boards are charged with ensuring children and young people stay safe from harm (Section 11 Children's Act 2004).
- 2.2 Local Authorities and other public sector agencies have a statutory duty to cooperate in local arrangements to improve the well being of children in the area. They must also discharge their functions having regard to the need to safeguard and promote the welfare of children (Section 10 & 11 of the Children Act 2004).
- 2.3 The primary consideration is the safety and wellbeing of the young person.
- 2.4 The objective is to locate and take the young person to a safe environment.
- 2.5 Parents and carers have a duty of care for the safety and wellbeing of their children. Where a professional has concerns about the ability of a parent or carer to safeguard a young person in their care, a referral to Children's Social Care should be made.
- 2.6 If the young person is subject to a care order, the Local Authority, as corporate parent, has a duty of care for the safety and wellbeing of that young person and is expected to take such action that reasonable parents would take to safeguard their children.

2.7 The Police have a duty to investigate all reports of people who go missing (as defined below) where there is concern for the welfare of that individual or the public.

0.9 CATEGORIES OF ABSENCE

0.10 MAIN TYPES

0.10.1 There are two main types of absence:

- **Missing;** and
- **Unauthorised Absence/ Temporary Absence**

0.10.2 The terms 'Unauthorised Absence' and 'Temporary Absence' are **identical concepts**:

- **Unauthorised Absence** is the term used when the young person is IN CARE;
- **Temporary Absence** is the term used when the young person is NOT IN CARE.

0.11 MISSING PERSON CRITERIA

The young person's whereabouts is unknown and there are reasons to believe one or more of the following:	
1)	there are suspicious circumstances;
2)	the behaviour is out of character and there is no apparent explanation for their absence;
3)	there is concern that the young person has suffered harm;
4)	there is a significant risk the young person will suffer harm whilst absent; or
5)	the young person is dangerous and there is a significant risk they will harm another person whilst absent.

0.12 UNAUTHORISED ABSENCE/ TEMPORARY ABSENCE CRITERIA

The young person has gone absent and the circumstances suggest :			
1)	the young person has deliberately or carelessly absented themselves;		
2)	this is not out of character or there is an apparent explanation for them going absent on this occasion;		
3)	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">the young person is expected to:</td> <td> <ul style="list-style-type: none"> • return; • go to a relative's or friend's address; or • be found by the carer conducting reasonable enquiries; </td> </tr> </table>	the young person is expected to:	<ul style="list-style-type: none"> • return; • go to a relative's or friend's address; or • be found by the carer conducting reasonable enquiries;
the young person is expected to:	<ul style="list-style-type: none"> • return; • go to a relative's or friend's address; or • be found by the carer conducting reasonable enquiries; 		
4)	the young person is not expected to suffer or cause harm whilst absent;		
5)	the level of risk does not justify police intervention at this time.		

0.13 ACTION ON PLACEMENT OF YOUNG PERSON IN CARE

0.14 APPROPRIATE PLACEMENT

0.14.1 Where a Local Authority (LA) looks after a child then they are responsible for identifying a placement that will be appropriate to meet the child's needs, including their need to be kept safe and from any likely harm.

0.14.2 When making a placement for a trafficked child, the local authority should consider the risks that the child may go missing and what support the placement will provide to reduce the risk.

0.15 INITIAL RISK ASSESSMENT

0.15.1 The social worker has responsibility for ensuring an **"Initial Assessment of Risk"** is completed when a young person is placed in a children's home or with foster carers.

0.15.2 Where appropriate this can be completed by the children's home or fostering service staff on behalf of the Social Worker.

0.15.3 It is recognised that in emergency or unplanned placements, that the placement plan, including the initial assessment of risk, is unlikely to have been completed within the first 72 hours. However, all available information should be given at the time of placement.

0.15.4 If there are grounds to suspect that the young person is likely to go missing, a preventative strategy meeting should be convened to reduce the risks.

0.15.5 These initial risk assessments should be reviewed as part of child-care reviewing processes.

0.15.6 This may be completed as part of the Placement Plan by the Social Worker or by residential staff after the young person is admitted.

The Initial Risk Assessment should consider:		
1)	how likely the young person will go absent:	Has the young person gone absent before and if so what is the pattern of their previous absent behaviour? What factors or potential incidents may act as a trigger incident and lead to the young person going absent? Are there any other circumstances, behaviour or indicators that suggest the young person may go absent in the future?
2)	the risks the young person is likely to face whilst absent:	Is the young person: <ul style="list-style-type: none">• likely to visit a known abuser?• at risk of child sexual exploitation?• likely to take alcohol or drugs?• sleep rough?
3)	control measures to reduce the risks:	At the time of placement, the young person should be given clear information about:

		<ul style="list-style-type: none"> • times of going out and returning; • who to inform about where they are going; • appropriate telephone numbers to enable them to inform carers about their whereabouts; • an assurance that they can ring at any time and that staff will treat them positively and sensitively; • their contact arrangements with families and friends; • how to seek help if they are unable to get back for the agreed time, whether this has happened accidentally or on purpose. <p>Consider how to raise the young person's awareness of the risks.</p> <p>Provide guidance to carers on what they should do to prevent the young person going absent.</p> <p>Ensure the young person is aware of what action will be taken by the carers and the police if they go absent.</p>
4)	what action ought to be taken if the young person goes absent:	<p>Who should be contacted by telephone?</p> <p>Which addresses need to be visited?</p> <p>What places frequented should be checked?</p>

0.16 PHOTOGRAPHS

0.16.1 Two recent photographs of the young person (face and full body length) should be retained by the carer for missing from care purposes.

0.16.2 Digital photographs are preferable and they should be regularly updated.

0.16.3 If these are obtained post-placement, careful consideration should be given as to how these photos are taken so as not to stigmatise the child.

0.16.4 Unless it is in the best interests of the welfare of the young person, the photographs should not be used for any other purpose without the young person's consent.

0.17 INITIAL ACTION WHEN A YOUNG PERSON GOES ABSENT

0.18 PRIOR TO CONTACTING THE POLICE

0.18.1 When a young person absents themselves, carers should take all reasonable and practical steps in order to:

- determine the nature and reasons for absence (consider recent events or precipitating factors);
- ascertain the likely intentions of the young person;
- establish the whereabouts and well being of the young person.

0.18.2 **Unless** there is an **obvious immediate serious risk** to the young person or the public, reasonable and practical steps that the carer should take **before** contacting the police include:

- searching own premises, grounds and immediate locality;
- telephoning and sending a SMS (text) message to the young person's mobile phone;
- checking the places frequented by the young person;
- attending at addresses frequented by the young person to see if they are there;
- making enquiries with the young person's relatives;
- making enquiries with the young person's friends;
- making enquiries with the young person's school, college, providers of education or work placement, community groups or places of worship if appropriate;
- if the young person is in residential or foster care, making enquiries with the other young people in the home to establish if they have seen or heard anything (this can also stop distressing rumours from circulating);
- making enquiries with and obtaining further information from other carers and professionals involved with the young person.

0.19 IF WHEREABOUTS OF THE YOUNG PERSON IS KNOWN

0.19.1 If the **whereabouts** of the young person is **known, or believed to be known**, the carer should only request police assistance to recover the young person if:

- the carer is being prevented from obtaining access to the young person;
- there is an immediate serious risk of the young person suffering significant harm; or
- this is necessary to prevent a breach of the peace due to a threat of violence or disorder.

0.20 RISK ASSESSMENT

0.21 CONSIDER THE CIRCUMSTANCES OF ABSENCE

0.21.1 When a young person goes absent, it is necessary to consider the circumstances of absence to determine whether the circumstances suggest that:

- the young person has deliberately or carelessly absented themselves; or
- there is concern that something serious has gone wrong.

0.21.2 If there is concern that something serious has gone wrong, the young person should be categorised as a missing person.

0.21.3 If the circumstances suggest the young person has deliberately or carelessly absented themselves, it is then necessary to consider their vulnerabilities and previous behaviour.

0.22 CONSIDER THE VULNERABILITY OF THE YOUNG PERSON

0.22.1 Young people must be given a certain level of freedom to interact with their environment if they are to develop and have an enjoyable, meaningful life. Carers do not supervise young people 24 hours a day every day of the week. As they grow up, there will be many times when carers are happy for the young person to be unsupervised even when their exact whereabouts is unknown.

0.22.2 It is also normal behaviour for young people to sometimes go absent without permission and sometimes fail to return home on time. Although every young person who deliberately or carelessly absents themselves will be exposed to some level of risk, the level of risk they will be exposed to whilst absent will vary significantly. Consequently, absent behaviour will **not** always give rise to **immediate** concern as most young people are able to safely interact with their environment for short periods of time.

0.22.3 Therefore where the circumstances suggest that the young person has deliberately or carelessly absented themselves, carers should consider how capable the young person is of safely interacting with their environment. Unless there is an imminent risk, it will not be appropriate to immediately contact the police and carers should take responsibility for locating and returning the young person home.

0.23 CONSIDER THE PREVIOUS BEHAVIOUR OF THE YOUNG PERSON

0.23.1 It is not how frequently a young person goes absent that is relevant and staff in all organisations concerned should avoid dismissing the potential risk to young people simply because they persistently go absent. It is the risks that they normally expose themselves to whilst absent that is relevant:

- if the young person usually stays at a relatively safe address whilst absent and returns unharmed, there is likely to be no immediate concern **unless** there is something different about this particular absence that raises the risk on this occasion;
- if the young person usually stays at the home of a person who regularly abuses them, or if the young person sleeps out rough in dangerous locations, then there is likely to be concern every time they go absent **unless** there is something different about this particular absence that reduces the risk.

0.24 LEVELS OF INTERVENTION

0.24.1 The level of risk the young person is likely to be exposed whilst absent will determine the appropriate level of intervention. There are three levels of intervention:

- **NON INTERVENTION:** where the risk is low and the carer tolerates the risk and waits for the young person to return of their own accord.
- **PARENTAL OR CARER INTERVENTION:** where the risk is moderate and unacceptable to the carer so the carer takes responsibility for finding and returning the young person home.
- **POLICE INTERVENTION:** where the risk is high and there is an immediate urgent need for police assistance to locate the young person before they suffer harm.

0.25 CATEGORISATION OF ABSENCE

0.25.1 Taking into account the circumstances of absence, the vulnerabilities of the young person and the previous behaviour of the young person, the absence should be categorised as either:

- **Missing; or**
- **Unauthorised Absence/ Temporary Absence**

0.25.2 See Appendix B and Appendix C for examples of the different types of absence and questions to consider.

0.26 UNKNOWN RISKS

0.26.1 When a young person goes absent, there may be unknown risks that are not apparent at the time of completing the initial risk assessment despite due diligence and professional questioning. But care staff and police officers should not be risk averse. They should have the confidence to make decisions according to considered risk assessments in light of the information that is reasonably available at the time.

0.26.2 Decisions will not be judged with hindsight. They will be judged against the information that was reasonably available at the time. There will also be many occasions when more than one decision lies within the reasonable band of decision making.

0.27 AT RISK OF CHILD SEXUAL EXPLOITATION (CSE)

0.27.1 If there is concern that a young person is at risk of child sexual exploitation:

- the young person should be categorised as at high, medium or low risk of child sexual exploitation using the CSE Risk Matrix contained in the West Yorkshire Safeguarding Board Protocol on Child Sexual Exploitation;
- interventions must be implemented to protect the young person from harm and prevent them from going absent.

0.27.2 If a young person has been assessed as at **low risk of CSE** using the CSE Risk Matrix:

- Local Common Assessment Framework procedures should be followed.

0.27.3 If a young person has been assessed as at **medium or high risk of CSE** using the CSE Matrix:

- a referral should be made to Children's Social Care and a strategy meeting convened to decide whether a S47 Enquiry under the Children Act 1989 is required;
- the young person should **not** be categorised as unauthorised absent/ temporary absent UNLESS there are grounds to believe that they have **not gone** to see a suspected abuser on this occasion.

0.27.4 If interventions put in place repeatedly fail to prevent a young person at risk of CSE from going missing, they must be urgently reviewed.

0.27.5 Divisional Missing Person Co-ordinators should request a multi-agency strategy meeting if missing behaviour does not improve despite the review of those interventions.

0.28 IF THE YOUNG PERSON IS IN THE CARE OF THE LOCAL AUTHORITY

0.28.1 The **initial risk assessment** that was completed on placement should be taken into account.

0.28.2 The carer should consider obtaining advice on the risk assessment from:

- the young person's social worker or accountable team manager;
- the Out of Hours Service (if out of hours) and either the social worker or accountable team manager the next working day.

0.29 TEMPORARY ABSENCES (CHILD NOT IN CARE OF LA)

0.30 WHEN TO INFORM THE POLICE

0.30.1 If the temporary absence criteria apply, the police should not be informed as the parent or carer is responsible for locating the young person and returning them to their home address.

0.30.2 If the police are notified, a police supervisor can delay the police response if they are satisfied that the temporary absence criteria apply.

0.30.3 The Duty Inspector must authorise any decision to delay police attendance overnight.

0.31 REVIEW OF RISK AND ABSENCE

0.31.1 If the young person does not return and is not located as expected, or the risk increases, the parent or carer should notify the police and report the young person as missing.

0.31.2 If the police have been notified, a Police Supervisor, or Contact Management Unit Supervisor, must review the absence every 6 hours.

0.32 UNAUTHORISED ABSENCES (CHILD IN CARE OF LA)

0.33 WHEN TO INFORM THE POLICE

0.33.1 The police should **NOT** be informed:

- if the young person is expected to return, or usually returns, within a certain period of time UNTIL after that period of time has elapsed; and
- before the addresses and places that the young person usually stays at have been checked by the carer.

0.33.2 Local Authorities should keep accurate records of the number of times a young person goes unauthorised absent, the length of time they stay absent, whether they return of their own accord or are found, and the locations that they are found at, or stay at, whilst absent.

0.33.3 If the police are informed about an unauthorised absence, it should be made clear to the police that this is a case of unauthorised absence not a missing case.

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

- create an incident log;
- check to see if the young person is in police custody;
- check to see if the young person is already circulated on the Police National Computer as a 'Persistent Unauthorised Absentee' and if not circulate the young person on the Police National Computer;
- broadcast details of the young person over the police radio in case they are sighted;
- delay the incident log until 1200 hours the following day for a review by the Duty Inspector.

0.34 PERSISTENT UNAUTHORISED ABSENTEES

0.34.1 A young person will be considered as a persistent unauthorised absentee if they go unauthorised absent:

- on four separate occasions during a month; or
- six or more occasions during a two month period.

0.34.2 If a carer or professional considers that a young person is a persistent unauthorised absentee, they should contact the Divisional Missing Person Co-ordinator.

0.34.3 The Divisional Missing Person Co-ordinator will then create a 'Persistent Unauthorised Absence Information Report' on the Police National Computer for that young person. This will advise officers who may stop and check that young person to contact the carer to see if they are currently unauthorised absent.

0.34.4 If a young person has been circulated as a 'persistent unauthorised absentee' there is no need to notify the police when they go unauthorised absent, as:

- the police will not conduct active enquiries as the carer is responsible;
- local officers will have already been made aware of the young person through intelligence briefings;
- the police will automatically contact the carer if the young person is arrested; and

- the young person will have already been circulated on the Police National Computer.

0.34.5 If a young person is categorised as a persistent unauthorised absentee, a strategy meeting should be arranged to discuss interventions to prevent the young person going repeatedly absent. The Divisional Missing Person Co-ordinator should be invited to this strategy meeting to exchange information and agree a pre-risk assessment and reporting strategy.

0.34.6 Strategy meetings should be held at an early stage of absent behaviour to enable early intervention before the young person starts to regularly expose themselves to greater risks whilst absent and therefore become a persistent missing person.

0.35 REVIEW OF RISK AND CATEGORY OF ABSENCE

0.35.1 Carers must keep the young person's absence under continuous review.

0.35.2 If the young person is in the care of the Local Authority, a review should be conducted and recorded at least every six hours except during the night, when a review should be conducted and recorded at 2300 hours and then again at 0800 hours the following morning.

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

0.35.4 If the young person is in the care of the Local Authority and the carer/ social worker is still not satisfied with the decision of the Duty Inspector, the carer/ social worker should refer the matter to the relevant Children's Social Care Manager as soon as possible.

0.36 UPGRADING TO A MISSING PERSON

0.36.1 If the risk increases due to a change of circumstances, an increase in risk, or due to the length of absence, the category of absence should be changed from unauthorised absence to missing.

0.36.2 An absence should **not** be categorised as an unauthorised absence beyond 72 hours **unless**:

- the young person is in regular contact with the carer by mobile phone and there are no significant concerns;
- it has been confirmed that the young person has been staying overnight at friends or relatives and has not suffered harm;
- the young person returned home within the last 72 hours, went absent again and there are no significant concerns;
- the carer knows the addresses where the young person is likely to be staying, there is no immediate risk and these can reasonably be checked by the Local Authority.

0.37 MISSING FROM HOME CASES

0.38 INFORMING THE POLICE

0.38.1 If the absence is considered to fall within the definition of missing, the parent/ person with parental responsibility must inform the police as soon as possible.

0.38.2 The police will attend to take a missing person report and investigate.

0.39 IF AN AGENCY DISCOVERS THAT A YOUNG PERSON IS MISSING FROM HOME

0.39.1 If any organisation within the LSCB considers a young person to be missing from home, they should:

- inform the parent/ person with parental responsibility;
- advise the parent/ person with parental responsibility to immediately notify the police and check that this has been done;
- contact the police themselves at the earliest opportunity if the parent/ person with parental responsibility does not immediately notify the police;
- notify Children's Social Care if aware that the missing young person has a Child Protection Plan, is subject, or has been subject, to a S47 Child Protection Enquiry, initial assessment or core assessment;
- record what has been done.

0.39.2 If Children's Social Care are notified, the team holding the case would then:

- inform the Local Authority Child Protection Unit;
- inform other local agencies who know the young person;
- inform all members of the Core Group;
- inform the Designated Nurse.

0.40 POLICE OFFICER ATTENDING

0.40.1 The police officer attending will:

- complete the Initial Reporting Form;
- conduct a house search;
- commence initial enquiries.

0.41 INVESTIGATION

0.41.1 If the young person is not located as a result of those initial enquiries, the police officer will create a missing person occurrence record on the police computer system and a formal investigation will commence.

0.41.2 Other agencies will be expected to help the police to find the young person and to work co-operatively with the police during any investigation.

0.42 CHILDREN'S SOCIAL CARE AND CHILD PROTECTION CONCERNS

- 0.42.1 The police will contact Children's Social Care to ascertain whether the young person is already known to Children's Social Care.
- 0.42.2 If the young person is not known to Children's Social Care and child protection concerns become apparent during the investigation, the police will make a formal referral to Children's Social Care.
- 0.42.3 If at any time during an investigation, an agency becomes aware of information that indicates a young person will be at risk on their return home, both the Police and Children's Social Care must be informed immediately so that they can develop contingency plans and take appropriate action.
- 0.42.4 If the young person is the subject of an initial assessment, core assessment, S47 Child Protection Enquiry, or Child Protection Plan; the relevant Children and Families Team should convene a strategy meeting within 72 hours (see Section 13.1).

0.43 MISSING FROM CARE CASES

0.44 INFORMING THE POLICE

- 0.44.1 If the absence is considered to fall within the definition of missing, the carer must inform the police as soon as possible.
- 0.44.2 If an assessment of risk of sexual exploitation has been made under the West Yorkshire Safeguarding Children Boards Child Sexual Exploitation (CSE) Protocol, the police should be informed whether the young person has been assessed as at high, medium or low risk of child sexual exploitation.
- 0.44.3 The CSE Risk Matrix is different to the Missing Risk Assessment Model as they are assessing different types of risk. It is quite possible that a young person will be categorised as a medium-risk missing person even though they are at high-risk of child sexual exploitation, as the young person will only be categorised as a high-risk missing person if there is a serious possibility that they will suffer death or serious injury on this occasion.
- 0.44.4 Any information subsequently obtained on the location of the young person, or information subsequently obtained that affects the risk assessment, should be reported to the police without delay.

0.45 INITIAL REPORTING FORM

- 0.45.1 The carer, wherever possible, should complete the Initial Reporting Form, including the risk assessment section, prior to police attendance.
- 0.45.2 If a young person regularly goes missing, those details of the form that are unlikely to change often (name, address, date of birth, description, relatives, friends, care order details) should be completed in advance and saved electronically as a template to reduce the bureaucracy each time the young person goes missing.

0.46 INFORMATION REQUIRED BY THE POLICE

0.46.1 The police will require:

- information required to complete the Initial Reporting Form including the risk assessment;
- details of all the enquiries conducted so far;
- a photograph of the missing young person.

0.46.2 A copy of this documentation should also be provided to the social worker to retain on the case-file.

0.47 POLICE OFFICER ATTENDING

0.47.1 The police officer attending to take the report will take the following action:

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

0.48 RESPONSIBILITIES DURING ABSENCE

0.48.1 The Police will investigate all cases falling within the definition of missing in accordance with the Police Missing Persons policy and National Guidance.

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

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

0.49 MEDIA

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

0.49.2 However decisions to publicise a missing young person in care will only be taken after discussions have taken place between the police and Local Authority to agree a media strategy.

0.49.3 The Social Worker should consult relevant family members.

- 0.49.4 Any decision to publicise must be authorised by an officer of at least Inspector rank and the approval of the Local Authority Children Services Manager/ Principal Care Manager must be sought.
- 0.49.5 Where agreement over publicity cannot be reached between the police and local authority, the ultimate decision on publicity is that of the police. However, the police must have cogent reasons to publicise against the wishes of the local authority and these reasons must be recorded.
- 0.49.6 Wherever possible, there should be an appropriate time-scale to enable those with parental responsibility to be informed and forewarned so that the first they hear of the young person being missing is not through the media presentation.
- 0.49.7 Unless it is absolutely necessary, the young person will not be identified as a young person in care.

0.50 PLANNING FOR RETURN

- 0.50.1 The appropriate Children's Services Manager in the Local Authority in consultation with social workers, parents and police as appropriate, should start contingency planning for when the young person is found. Consideration must be given to arrangements which need to be made to escort the young person and support them once they have been found and to who is the most appropriate person to conduct the return interview.

0.51 RECORD KEEPING

- 0.51.1 Throughout the period that the young person is absent, the social worker and carers must keep a full record of all actions taken and messages received and given.

0.52 YOUNG PERSON MISSING DURING EXTERNAL ACTIVITY

- 0.52.1 If a young person goes absent outside the Local Authority area they reside in, the carer in charge of the external activity or holiday will:
- arrange a search of the area where the young person went absent;
 - notify the local police for that area.
- 0.52.2 The police for the area where the young person went missing and the police for the area where the young person normally resides will decide which police force and division will take responsibility for managing the investigation. This will normally be the police force and division that covers the area where the majority of enquiries are likely to be conducted. The police will notify the relevant Social Services Team Manager of their decision.
- 0.52.3 The Social Work Manager or Out of Hours worker will be responsible for ensuring the general procedures in relation to a missing young person are followed.
- 0.52.4 The Unit Manager or foster carer and the person in charge of the external activity or holiday will make a joint decision within 24 hours of the absence whether the rest of the party should return home.
- 0.52.5 If they do return home, ongoing communication must be maintained between the social worker and the police force responsible for managing the missing person enquiry.

0.53 YOUNG MISSING PEOPLE SUBJECT TO PLACEMENT WITH PARENTS REGULATIONS

- 0.53.1 A young person living at home and subject to the Placement with Parents Regulations is still looked after by the Local Authority as the Care Order is still in force.
- 0.53.2 In such circumstances, it is the responsibility of the parent to inform the police, social worker, manager or Out of Hours Service when it is evident that the young person has gone missing from the placement. This responsibility should be discussed with the parents before the placement is agreed and it must be part of the Placement Agreement.
- 0.53.3 The Children's Services Manager who approved the placement should also be informed of the incident at the earliest opportunity.
- 0.53.4 A Social Worker should visit the young person within five days of the young person returning to the placement.

0.54 MISSING FROM OUT OF AUTHORITY PLACEMENTS

- 0.54.1 An Out of Authority Placement is a placement of a young person by one Local Authority:
- in a residential home that is located in another Local Authority area, or
 - with foster parents who live in another Local Authority area.
- 0.54.2 Before a young person is placed in an Out of Authority Placement, the social worker should check with the Agency responsible for the residential home that local protocols are in place that are consistent with this protocol and if not that they agree to comply with this protocol.
- 0.54.3 The Agency should contact the Social Worker or Out of Hours Service as soon as it is confirmed that the young person is missing from their care.
- 0.54.4 The appropriate Children's Services Manager should be informed the next working day and regularly updated as to the situation.
- 0.54.5 The social worker should make any necessary enquiries to clarify the reasons why the young person went missing and to plan how best to minimise the chances of this occurring in the future.

0.55 RETURN PROCEDURES

0.56 NOTIFICATION

0.56.1 If the young person returns or is located, all individuals who have previously been notified of the absence should be advised of the young person's return without delay.

0.57 COLLECTION OF THE YOUNG PERSON

0.57.1 If the young person is missing from home, the parent or carer is responsible for recovering and returning the young person to their home or placement.

0.57.2 If the young person is missing from care, the local authority is responsible for recovering and returning the young person to their home or placement. Each Social Services Team Manager should develop

contingency plans to ensure that they have sufficient resources available at all times in order to fulfil this obligation.

0.57.3 If there are thought to be specific issues of safety or public order difficulties involved in recovering and returning the young person then co-ordinated action should be agreed with the police.

0.57.4 If the police locate the young person, they should not leave the young person at a location where they are likely to be exposed to the risk of harm or where they are likely to go missing again prior to the parent, carer or local authority being able to make arrangements to recover the young person.

0.57.5 If the police are considering leaving a young person at an address to be collected by the Local Authority, the officer must contact the relevant Social Worker or Out of Hours Service to ensure that any risk factors known to the Local Authority are taken into account.

0.57.6 On occasions the police may need to consider returning the young person direct to their home or placement, or consider taking the young person to a local Police Station after confirming a collection time with the parent, carer or local authority.

0.57.7 Young people should not be returned to the place they ran away from until their safety is evaluated.

0.58 IF THE YOUNG PERSON REFUSES TO RETURN HOME OR TO THEIR PLACEMENT

0.58.1 A young person under 18 is only legally entitled to leave home if they are over 16 and either:

- they are married; or
- they have the permission of a parent (or the local authority if they are in care).

0.58.2 Therefore if a young unmarried person under 18 is located by the police, the police will notify the parent or carer of their whereabouts, even if this is not what the young person wishes unless to do so would place the young person at risk.

0.58.3 If there is concern that the young person is **at risk** of significant harm:

- the Police will work with Children's Social Care to protect the young person;
- consideration will be given to taking the young person into Police Protection, applying for an Emergency Protection Order, or applying for a Recovery Order.

0.58.4 If the young person is **NOT at risk** of significant harm:

- they are under 16 or subject to a Court Order, the Police and Accountable Manager from Children's Social Care will liaise to discuss what action should be taken to safeguard the young person's welfare;
- they are over 16, subject to a care order, but not subject to a Court Order, there should be a formal review of their care plan at the earliest opportunity .

0.59 MEDICAL ASSESSMENT OF THE YOUNG PERSON

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

0.59.2 If the young person is in the care of the Local Authority, this assessment should be recorded and placed on the young person's case file.

0.60 SUSPECTED VICTIM OR PERPETRATOR OF CRIME

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

0.60.2 Where an allegation of physical or sexual abuse is made or becomes evident, the Safeguarding Children Board Procedures must be implemented and contact made immediately with the Police Child and Public Protection Unit and the Children's Social Care's Child Protection Unit.

0.61 RETURN INTERVIEWS

0.61.1 When a young person who has been reported as **unauthorised absent from residential care** is located, a residential carer must conduct a return interview. This should be recorded and retained with the young person's records.

0.61.2 When a young person who has been reported as **unauthorised absent from foster care** is located, the social worker must be informed (unless there is a prior agreement in the care plan that states when this is unnecessary) to enable them to decide whether it is appropriate to visit the young person to conduct a return interview.

0.61.3 When a young person who has been reported as **missing from home** is located, the police must conduct a safe and well check and initial return interview with the young person. This should be recorded on a return interview form (Misper 7) and attached to the occurrence on the Niche computer system.

0.61.4 When a young person who has been reported as **missing from care** is located, the police must conduct a safe and well check and initial return interview with the young person **unless**:

- the young person has returned to their placement;
- a return interview strategy has been agreed beforehand with the Local Authority; **and**
- a suitable individual has been identified to conduct this return interview on behalf of the police.

0.61.5 The police must record details of the return interview of a young person **missing from care** on a return interview form (Misper 7) and attach this to the occurrence on the Niche computer system **even if** the interview was conducted on behalf of the police by a suitable individual identified by a return interview strategy.

0.61.1 The purpose of a return interview is to ascertain:

- the young person is safe and well;
- why they went missing (consider the push and pull factors);
- if there are concerns regarding their welfare;
- where the young person was during the period missing;
- what needs to be done to prevent a reoccurrence.

0.61.2 Any information obtained during a return interview that may affect any future risk assessment or may assist in finding the young person should they go absent again, should be exchanged between the Police, the Local Authority and other agencies involved with the young person.

0.61.3 As well as being given the opportunity to talk to their carers, a young person in care of the local authority should be given the opportunity to talk to someone independent of their placement about their absence. The independent person should have no line management within the home.

0.61.4 The independent person might be the young person's social worker. However, the young person should be offered the option of speaking to an independent representative or advocate, for example someone from the voluntary sector, as they may not consider the social worker sufficiently independent.

0.61.5 The purpose of the independent interview will be to:

- seek an understanding of the young person's motivation for going missing;
- assess the risks to which they are exposed to whilst missing;
- explore and advocate for the young person's current and future wishes;
- if necessary, liaise with the relevant Social Services Manager regarding the appropriateness of the current care plan;
- explore with the young person positive alternative options to going "missing" in the future, so that if the same motivation / situation arises they have considered what action to take instead of leaving the placement.

0.62 REVIEW OF CARE PLAN

0.62.1 When a young missing person subject to a care plan has been located, the Social Worker and line manager should decide in consultation with carers and the young person whether they should convene an early statutory review of the young person's care plan.

0.62.2 The statutory review will provide an opportunity to check that the care plan has been appropriately amended to address the reasons why the young person was absent and includes a strategy to prevent reoccurrences.

0.62.3 The police and other relevant agencies should be given an opportunity to contribute to the review, in particular to indicate whether they have any concerns about the quality of care provided to the young person and whether this could have influenced the young person's decision to run away.

0.63 REFERRALS

- 0.63.1 When a young missing person who is missing from home has been located and there is concern that the young person is suffering, or is likely to suffer significant harm, the police should make a referral to Children's Social Care.
- 0.63.2 An evaluation of whether the young person is likely to run away from home in future will be one of the factors informing the decision to make a referral to Children's Social Care.
- 0.63.3 Otherwise a full needs assessment, using the Common Assessment Framework, should be considered. There is no need to assess every young person using the CAF format. However a CAF is particularly useful if the young person's needs are not immediately obvious or the young person has multiple needs.
- 0.63.4 Where it is decided that a young person needs support from several agencies, having a lead professional should help ensure full co-ordination of the actions identified in the assessment process.
- 0.63.5 The Police and Children's Social Care should seek to identify appropriate Non Governmental Organisations working with young people to conduct follow up return interviews and engage with young people to raise the young person's awareness of the dangers of going missing and identify ways or reducing the risk of future incidents.

0.64 INFORMATION SHARING

0.65 UNDERLYING PRINCIPLE IS THE WELFARE OF THE YOUNG PERSON

- 0.65.1 If there are concerns about a young person's safety or well being, it will be necessary for agencies to share information. The safety and welfare of a young person must be the first consideration when making decisions about sharing information.

0.66 LEGAL DUTIES

- 0.66.1 Any sharing of information must comply with the law relating to confidentiality, data protection and human rights (See the document **Information Sharing: Further Guidance on Legal Issues - Every Child Matters** HM Government 2008).
- 0.66.2 The European Convention on Human Rights has been interpreted to confer positive obligations on public organisations to take reasonable action within their powers (which would include information sharing) to safeguard the convention rights of young people.
- 0.66.3 The Common Law Duty of Confidentiality is not absolute and information can be shared without breaching the common law duty if there is an overriding public interest in disclosure.
- 0.66.4 Under the Data Protection Act 1988, sensitive information can be shared if it is necessary to protect the person's vital interests, or it is in the substantial public interest and necessary to prevent or detect a crime.

0.67 STRATEGY MEETINGS

0.68 CHILD PROTECTION STRATEGY MEETING

0.68.1 If a young person missing from home is the subject of an initial assessment, core assessment, S47 Child Protection Enquiry, or Child Protection Plan; the relevant Children's Social Work Team should convene a strategy meeting within 72 hours.

0.68.2 The strategy meetings will:

- review the action taken so far;
- identify what action now needs to be taken and time scales;
- identify the most appropriate person to interview the young person when found; and
- consider whether it is appropriate and safe to return the young person to their home address.

0.69 MULTI-AGENCY MEETING WHILST YOUNG PERSON STILL ABSENT

0.69.1 Once any young person has been missing for over 7 consecutive days **or causes significant concern due to risk factors**, the Head of Children's Services should be notified at the earliest opportunity.

0.69.2 In addition a multi-agency meeting should be held to review the action taken up to that point and ensure that all possible steps are being taken to locate the young person.

0.69.3 A strategy to locate the young person should be developed and a combined response agreed.

0.69.4 It is the responsibility of the accountable Social Worker to arrange the meeting.

0.69.5 The meeting should be attended by:

- The accountable Team Manager and/or the accountable Social Worker from the authority responsible for the young person's care.
- The nominee of the Local Police Chief Inspector Operations.
- The Divisional Missing Person Co-ordinator.
- Other relevant staff representatives from the authority where the young person is living.
- Fostering Team Social Worker or Residential Key Worker and Registered Manager.
- Parents/ foster carers/ carers.

0.69.6 These senior officers will:

- review the action taken so far;
- identify what action now needs to be taken and time scales;
- identify the most appropriate person to interview the young person when found; and
- consider whether it is appropriate and safe to return the young person to their home address.

0.69.7 If a young person in care has been missing for 28 days, the Police Divisional Crime Manager and the appropriate Children's Services Manager in the Local Authority should jointly review the case.

0.69.8 Whilst a young person in care remains absent from care, their case should remain "live" until they are located and their well being verified. This will be especially relevant for accommodated young people who

reach the age of 16 or young people subject of a Care Order who reach the age of 18. In such circumstances the case should be reviewed regularly by the relevant Senior Manager of the Local Authority who will have sole responsibility for deciding whether or not to “close” the case or whether further action should be taken such as national appeals and broader advertising.

0.70 MEETING IN RESPECT OF PERSISTENT MISSING BEHAVIOUR

0.70.1 If a young person is known to repeatedly go missing, unauthorised absent or causes specific concern due to risk factors when absent a meeting should be held to develop a '**Missing Behaviour Strategy**' to prevent a future reoccurrence and reduce the risks to that young person should they go missing again.

0.70.2 If another type of child protection meeting has already been organised for another purpose, it is quite possible to address the missing issues at that meeting rather than hold a separate meeting. However, developing a 'Missing Behaviour Strategy' must be a specific agenda item and the six issues detailed in 13.2.2 above must be discussed and addressed.

0.71 MISSING BEHAVIOUR STRATEGY

0.72 CONTENT OF STRATEGY

0.72.1 The 'Missing Behaviour Strategy' should include:

- a Pre-risk Assessment;
- a Reporting Strategy;
- recommendations on the minimum enquiries to be conducted by the Local Authority;
- recommendations on the minimum enquiries to be conducted by the police;
- a Return Interview Strategy; and
- an Intervention Strategy to address the long-term issues.

0.73 RECORDING OF STRATEGY

0.73.1 A Missing Behaviour Strategy Form should be completed by the Divisional Missing Person Co-ordinator and a copy given to the carer or social worker.

0.74 PRE-RISK ASSESSMENT

0.74.1 Agencies should exchange information and intelligence to determine the risks that the young person is likely to expose themselves to whilst absent.

0.74.2 The purpose of this section is not to identify generic risks that all young people may be exposed to, but specific risks that are relevant to this particular young person.

0.74.3 This will assist carers to appropriately assess the risk and categorise the absence should the young person go missing again on a future occasion.

0.75 REPORTING STRATEGIES

0.75.1 The reporting strategy should provide guidance on when to report a young person as unauthorised absent and when to report them as missing:

0.75.2 The reporting strategy should detail those specific actions that the carer is normally expected to complete prior to contacting the police. For example:

- which relatives and friends to contact;
- which addresses and places frequented to check;
- which mobile phones to ring or send text messages.

0.75.3 The reporting strategy should detail those circumstances that warrant contacting the police immediately.

0.76 RECOMMENDED ENQUIRIES BY PARENTS/ CARERS/ LOCAL AUTHORITY

0.76.1 This section should detail those enquiries that parents, carers and/or the Local Authority are expected to continue to make even after the police have been informed.

0.77 RECOMMENDED ENQUIRIES BY POLICE

0.77.1 This section should detail those enquiries that the police ought to conduct in order to locate the young person.

0.77.2 The purpose of this section is not to identify generic enquiries that are routinely made in respect of all missing young people (for example checking local hospitals) but should identify specific associate checks, relative checks and address checks relevant to the young person.

0.77.3 The purpose of this section is not to identify every single possible enquiry that the police could conduct, but should identify four to six priority enquiries that are most likely to be successful in locating this particular young person.

0.78 RETURN INTERVIEW STRATEGIES

0.78.1 An individual should be identified to conduct all follow up return interviews wherever possible.

0.78.2 The regular missing person should be consulted and the following questions should be considered:

- Who has already developed a positive relationship, or is most likely to develop a positive relationship, with the missing person?
- Who would the regular missing person want to fulfil this role?
- Has that person been trained in conducting return interviews?

0.78.3 The return interview strategy should be specific to that young person, address their individual needs and:

- name the individual who will conduct all the return interviews;
- identify alternative arrangements if the named individual is unavailable;
- specify time scales for conducting the return interviews;
- describe the process of providing a copy of the return interview notes to the police.

0.78.4 The aim of developing a return interview strategy is to:

- improve the quality of return interviews;
- build up relationships and trust between the missing person and the interviewer;
- ensure continuity;

- maximise the chances of obtaining useful information;
- discuss appropriate interventions; and
- address the underlying missing behaviour.

0.78.5 The aim is not to simply make it easier for the police to close cases without conducting a return interview.

0.78.6 The person conducting the return interview should complete the return interview form and forward a copy to the police.

0.79 INTERVENTION STRATEGY

0.79.1 The intervention strategy seeks to identify ways of reducing the likelihood of the young person going absent again and reducing the risks that they are exposed to if they do go absent again.

0.80 Common strategies include:

- Disrupting the young person's contact with adults suspected of being involved in violence, drugs and sexual exploitation.
- Disrupting the young person's relationship with other young people suspected of introducing them to adults involved in violence, drugs and sexual exploitation.
- Gather evidence to prosecute adults suspected of being involved in violence, drugs and sexual exploitation.
- Promote positive relationships with family, friends and carers.
- Identify ways of physically protecting the young person.
- Ensuring contact is maintained with a young person whilst absent.
- Enhance the return procedure to ensure it is a positive experience.
- Set clear boundaries to acceptable behaviour and motivate positive behaviour.
- Empower the carer/ foster carer.
- Build the young person's self-esteem.
- Raise the young person's awareness of the dangers.
- Consider the health needs of young person.
- Involve the young person in diversionary activities.
- Make the home a more attractive place to live.
- Achieve normality.
- Make school a more attractive place to go.
- Provide specialist support through other agencies.

0.81 LEGAL POWERS AND DUTIES

0.82 The police and Local Authorities have a duty to protect young people from significant harm under the Children Act 1989.

0.83 See Appendix D for details of legal powers and duties to:

- use physical restraint to prevent a young person going missing;
- to use reasonable force to recover a young person; and
- to enter premises to search for a young person.

0.84 HARBOURERS

0.85 HARBOURER'S WARNINGS

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

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

0.85.3 Where such an individual is identified, the Divisional Missing Person Co-ordinator should be contacted.

0.85.4 The Divisional Missing Person Co-ordinator will arrange for an appropriate warning to be issued:

- Verbal Warning;
- Written Warning;
- Final Warning.

0.86 ARREST AND PROSECUTION

0.86.1 If a harbourer has ignored previous warnings or is suspected of abusing or exploiting the young person, the Police should consider arresting and prosecuting the harbourer.

0.86.2 This should be done in accordance with the “Investigation Strategy for Harbourers.”

0.87 MONITORING THE PROTOCOL

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

0.89 This protocol will be formally reviewed during May 2011.

Appendix A - Police Missing Risk Assessment Model

The following risk assessment model is used by the police to categorise a person as a high risk, medium or low risk missing person or an unauthorised absence/ temporary absence.

A young person who has been categorised as unauthorised absent or temporary absent is considered to be low risk at that time as they are expected to return or be located and are not expected to suffer harm whilst absent.

However, if a young person under 16 years of age is upgraded to missing, they will be upgraded to medium or high risk as no young person under 16 is considered to be capable of independent living over a long period of time.

RISK	CRITERIA	
Missing Person HIGH	a)	There is a serious possibility the person has been the victim of a serious crime (murder, kidnap, abduction).
	b)	There is a serious possibility the person may have suffered death or serious injury.
	c)	The person is very vulnerable and there is a serious possibility they may suffer death or serious injury.
	d)	The person is very dangerous and there is a serious possibility they may cause death or serious injury to another person.
Missing Person MEDIUM	a)	There is some concern the person may have suffered harm.
	b)	The person is vulnerable and is at risk of suffering harm.
	c)	The person is dangerous and may cause harm to another person.
Missing Person LOW	a)	There are NO grounds to believe the individual may already have suffered harm.
	b)	There is a NEGLIGIBLE risk that the person may suffer harm.
	c)	There is a NEGLIGIBLE risk that the person may cause harm to another person.
Temporary Absence Unauthorised Absence Truant	Where the circumstances suggest the:	
	a)	person has deliberately or carelessly absented themselves;
	b)	this is not out of character or there is an apparent explanation for them going absent;
	c)	person is expected to return or be found by the reporting person or carer;
	d)	person is not expected to suffer or cause harm whilst absent;
e)	the level of risk does not justify police intervention at this time.	

Appendix B: Examples of Different Types of Absence

<p>High Risk Missing Person</p>	<p>A 15-year old girl who is suspected of being abducted against her will for the purpose of rape and sexual assault.</p> <p>A young person who has left a suicide note, there are indications that they have taken an overdose and there is concern that they have left to make a genuine attempt at suicide.</p> <p>A 10-year old child who has gone missing overnight and who has never been missing before. This is completely out of character, unexpected and difficult to explain.</p>
<p>Medium Risk Missing Person</p>	<p>A 15-year old girl who regularly goes absent and is suspected of being involved in prostitution. The girl consents, does not see herself as a victim and in the past has returned of her own accord.</p> <p>A 14-year old boy who is depressed, with self-harm tendencies, who has gone missing but there are no grounds to believe he is imminently about to attempt suicide or cause serious self-harm.</p> <p>A 10-year old boy who regularly goes missing and in the past has always gone to the home of a friend. He has not suffered significant harm when absent before.</p>
<p>Low Risk Missing Person</p>	<p>A 17 year old boy, who is capable of independent living, where there are no suspicious circumstances and there are grounds to believe that he has deliberately left home to live with his loving 17 year old girlfriend.</p> <p>A 16 year old girl subject to a care order who is believed to be staying with natural relatives. The family are not co-operating and refuse to state where the girl is staying. The girl is not considered to be at risk of suffering significant harm, but the placement with the family has not yet been formally approved.</p>
<p>Unauthorised Absence</p>	<p>A 15 year old girl in care who fails to return to the residential care home. She is regularly doing this, usually stays at her natural mother's address and returns after one or two days unharmed.</p> <p>A 14 year old boy in care who has not returned home to his foster parents on time. He regularly does this and usually returns during the early hours of the morning unharmed.</p>
<p>Temporary Absence</p>	<p>A 12 year old girl who goes absent from school. She is a regular truant and normally returns home at tea time or goes to a friend's house. She is capable of looking after herself for short periods of time and has never suffered harm when truanting before.</p> <p>A 15 year old boy who has failed to return home. The parents believe he is staying at a friend's house overnight. They can contact him on his mobile phone, but he refuses to say where his friend lives. The parents do not think he is at immediate risk, but he has no permission to stay out overnight.</p>

Appendix C: Questions to Establish if: Missing or Unauthorised Absence/ Temporary Absence

1)	<p>Have they ever done this before?</p> <p>Can you think of any reason why the young person might have gone absent or have not returned?</p> <p>Why do you think the young person has left/ not returned?</p> <p>Are you surprised that the young person has done this?</p>
	<p>Establish whether the behaviour is out of character or whether there is an obvious explanation for the absence. If the behaviour is out of character and there is no good explanation for the person going absent, treat as a missing person.</p>
3)	<p>Do you expect the young person to return?</p> <p>When do you expect the young person to return?</p>
	<p>If you expect the young person to return then categorise the absence as an unauthorised absence/ temporary absence unless there is an obvious immediate serious risk to the young person or public.</p>
5)	<p>Do you know where the young person is likely to be?</p> <p>Do not report a young person as missing if you know where they are likely to be unless there is an obvious immediate serious risk to the young person or public. It is the responsibility of the carer to locate and return the young person in these circumstances.</p>
7)	<p>Do you have any immediate concerns that the young person will suffer or cause harm whilst absent?</p> <p>What are those concerns?</p> <p>How likely do you think it is that the young person will suffer or cause harm?</p> <p>How worried are you?</p> <p>When a person is absent, there is always a certain level of concern. However, consider whether the risk is immediate and serious. Consider how likely it is that the young person will suffer or cause harm whilst absent. Consider whether a responsible parent would take responsibility for locating the young person or whether they would report the young person as missing to the police in these circumstances.</p>
9)	<p>What have you already done to find the young person?</p> <p>Attend addresses and search places frequented to find the young person. The amount of effort the reporting person makes to locate the young person will be considered by the police as an indication of how concerned the reporting person is.</p> <p>Local Authorities should not use the police to locate and return a young person due to a shortage or resources when the risk level does not justify police intervention. Consider whether a responsible parent would ring the police in similar circumstances.</p>

Appendix D: Legal Powers

Power to use Reasonable Force or Physical Restraint

Police

If a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, the constable **may remove the child to a place of safety** and keep the child there (S46 Children Act 1989).

The Children Act legislation implies the **power to use reasonable force** in appropriate circumstance to take a child into police protection or to keep the child at a place of safety (Home Office Circular 44/2003).

This implied power 'is appropriate for detaining and returning missing from homes against their will **so long as they are at risk from significant harm**. For example, if a missing fifteen year old child is found safe and well at the home of a school friend where she had been doing homework, she is not at risk, but the same child walking the streets at 11.30pm would almost certainly be at risk' (*Police National Legal Database 2008*).

Local Authority

It is permissible to physically intervene to prevent a young person running from their care. This action will need to be justified by an assessment of the risks that the young person might face if they run. However, physical intervention does not offer a long-term risk management strategy (*Department of Health: Children Missing from Care and from Home – a guide to good practice 2002*).

Power of Entry to Recover Child/ Young Person

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

A constable can use reasonable force to enter premises to save life or limb. The welfare of the child/ young person is paramount and where there are grounds to believe a vulnerable missing child/ young person is on premises and access is being refused, there should be no hesitation in gaining entry under this provision. The reason why there is no power of entry under the Children's Act 1989 to take a child/ young person into police protection is because the power under S17 (1)(e) was considered sufficient.

Under S17 (1)(b) Police and Criminal Evidence Act 1984

A constable can use reasonable force to enter premises to arrest someone for an indictable offence.

Therefore where there is another person on the premises who is preventing access, consideration should be given to entering to arrest that individual for abduction of a child contrary to S2 Abduction Act 1984 or S49 Children Act 1989.

Breach of the Peace

Under Common Law, a constable has a power of entry to prevent a breach of the peace.

Recovery Order

Under S50 (1) Children Act 1989, the court may make a recovery order, where it appears to the court that there is reason to believe that a child:

- has been unlawfully taken away or is being unlawfully kept away from the responsible person;
- has run away or is staying away from the responsible person; or
- is missing.

A Recovery Order:

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

Emergency Protection Order

Under S48(3) an emergency protection order may authorise the applicant to enter premises specified by the order and search for the child with respect to whom the order is made.

Warrant

Under S48(9) Children Act 1989, a warrant can be obtained authorising a constable to use reasonable force to enter and search premises if a person trying to exercise powers under an emergency protection order is being prevented from doing so by being refused entry to those premises.