



**BRACKNELL FOREST BOROUGH  
COUNCIL  
SOCIAL SERVICES AND HOUSING  
DEPARTMENT.**

**CHILDREN'S SERVICES POLICY  
CHILDREN MISSING FROM CARE.**

August 2004.



## **1. INTRODUCTION:**

“Children Missing from Care and From Home: A Guide to Good Practice” was issued by the Department of Health in 2002.

The Guidance was designed to improve policy and practice by local authorities, the police, health professionals, voluntary organisations and all those working with children and young people who go missing.

The Guidance was issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities to act under the general guidance of the Secretary of State in exercising their social services functions.

The purpose of this policy is to inform all those within Bracknell Forest Borough Council, involved in developing, planning and delivering services to children and young people of the following:

- The Guidance “Children Missing from Care and From Home: A Guide to Good Practice” [Department of Health 2002] [See attachment 1 for LAC[2002]17].
- The Service Level Agreement between Bracknell Forest Borough Council and the Thames Valley Police in relation to Missing Persons. [See attachment 2]

In a report written in 1997 by Sir William Utting “People Like Us: The Review of Safeguards for children Living Away from Home”, the need to be concerned about children who go missing was highlighted. He emphasised that services for missing children should be planned for and reasons that children go missing should be identified so that they can be properly safeguarded.

The Social Exclusion Unit consequently produced a report “Young Runaways” [2002] which made recommendations on:

- Prevention
- Ensuring the safety of those who have run away
- Ensuring appropriate help on return
- Co-ordinating responsibilities at local and national level.

## **2. SCOPE:**

This policy applies to children / young people up to the age of 18 years in:

- Residential care
- Foster care
- Supported Living.
- Tenancy

This policy document relates to children missing while in the care of the local authority, and those in foster care placements out of the area.

The procedures for young people missing from residential placements out of the area are detailed in the South East Region Contracts Toolkit Services for Children and Young People [circulated by the Association Directors of Social Services.]

### **3. POLICY:**

It is the intention of Bracknell Forest Borough Council to work in Partnership with key stakeholders to ensure that any child / young person who is missing from care or who is deemed to be at risk of going missing from care, shall be offered appropriate support and early intervention to ensure positive outcomes and that those most at risk of going missing are clearly identified and supported.

### **4. DEFINITIONS:**

The definitions used in this policy are those given in the Association Chief Police Officers [ACPO] Manual of Guidance for the Management of Missing Persons.

#### **MISSING PERSON:**

A missing person is anyone whose whereabouts are unknown whatever the circumstances of disappearance. They will be considered missing until located and their wellbeing or otherwise established.

#### **ABSCONDERS FROM CARE [children who go missing from children's homes etc].**

A large number of missing persons reports concern children who are in care or under guardianship and who have failed to return to their current home at the agreed time. These "unauthorised absences" still need to be reported to the police as a missing person, and a risk assessment undertaken to determine the level of concern regarding the young person.

### **5. THE LEGAL FRAMEWORK**

- The law does not generally regard young people under the age of 16 as being able to live independently away from home.
- When a child / young person under 16 [or 18 if disabled] stays with a person [other than a person with parental responsibility or a close relative] for 28 days or more, then the person caring for them is acting as a "private foster carer" and therefore must notify the local authority that they are privately fostering the child / young person. Failure to notify the local authority may be an offence. [Regulation 4 [1] Children [private arrangements for fostering] Regulations 1991].
- Anyone who "takes or detains" a runaway under 16 without lawful authority may be prosecuted under Section 2 of the Child Abduction Act 1984. The enforcement of this provision might be problematic however, if the young person has chosen to stay with another adult of his / her own free will.
- In practice young people who run away under the age of 16 will usually be returned to those who have parental responsibility for them, unless to do so would be placing them at risk of significant harm.
- A court may make a recovery order concerning a child in care, subject to an Emergency Protection Order or a Police Protection Order if there are grounds to believe that he has been unlawfully taken away from the person responsible for his care, if he has run away or has been missing from care

[Section 50 Children Act 1989]. The Order acts as a direction for the child to be produced, or for disclosure of his whereabouts. It also has the effect of permitting a constable to enter named premises to search for the child, using reasonable force if necessary.

- A person who unlawfully removes, keeps away, assists or otherwise encourages a child to run away or stay away from their care placement may be guilty of an offence and liable to prosecution [Section 49 Children Act 1989].
- Where it is inappropriate or not immediately possible to seek parental consent, Section 51 of the Children Act 1989 exempts agencies which provide refuge from charges under section 2 of the Abduction Act, and from other charges relating to children missing from care. Young people may only be accommodated under this section if they appear to be at risk of harm. They may stay in refuge provision for a continuous period of up to 14 days and for no more than 21 days in a three-month period.

## **6. POLICE POWERS [As defined in the Service Level Agreement].**

Police can take children in to Police Protection under the Children Act 1989, when there is reasonable cause to believe that the child would otherwise be likely to suffer significant harm. Police may remove the child to suitable accommodation and keep him / her there. Suitable accommodation could include the home from which the child originally went missing. The Act does not however give the police the ability to use force to take children into police protection.

There will be occasions when a child's absence does not fit the above Act and therefore police cannot exercise police protection. In such cases prior discussion should take place between police and social services regarding powers to enforce return.

Absconders will not routinely be treated as missing persons if there is a legal authority to compel their return. They will be circulated by police as wanted and arrestable under that authority. If no such authority exists they will be treated as missing persons. Any child unlawfully at large from a secure unit or penal establishment may be arrested and returned by the police

## **7. ACTION TO BE TAKEN PRIOR TO PLACEMENT OF A CHILD.**

### **Risk Assessment.**

Information about looked after children should include a risk assessment as to the likelihood that they may go missing, prior to placement as part of the placement plan. This risk assessment should be completed in consultation with the parents and those with professional knowledge of the child and it should be updated at regular intervals.

A risk assessment should include the following:

- The age of the child
- The legal status of the child
- Previous behaviour and history
- The likelihood of the child absconding
- What support / supervision may be needed for the child and carers?

- The parents` responsibilities and their views on what actions should be taken if the child is absent.
- The risk of harm to the child and his /her level of vulnerability if he / she is absent.
- The legal implications of the child breaking any court order by absconding.
- Consideration of any external influences which may result in a child`s removal without consent
- The likelihood of the child being harboured
- The child`s view

**8. ACTION TO BE TAKEN WHEN A CHILD OR YOUNG PERSON IS DEEMED TO BE MISSING:**

Whenever a child / young person is found to be missing, the following steps should be taken:

1. The person who has discovered that the child / young person is missing should assess the situation using the criteria laid out in table 1 [below]

**Table 1.**

**The person who has discovered the child / young person is missing should assess the situation based on the following criteria:**

- The age and maturity of the child
- Any risk assessment that has been carried out prior to the placement.
- The child`s state of mind, and what happened prior to going missing.
- Whether the whereabouts of the child / young person are known, and if they are at risk.
- Whether they are missing because of a disagreement over discipline [i.e. told they could not go somewhere].
- Whether the child / young person has given their whereabouts and plans to return [i.e. have been out to the park, due back and not returned at given time].
- What period of time is reasonable to allow the child to return of his or her own accord?
- Whether the child / young person is absent and this is out of character.
- Previous history of absconding
- Whether the child has breached bail or remand conditions [in these cases it should be reported to the police automatically.
- There are any specific factors that give cause for concern [i.e. vulnerability, disability]
- The whereabouts of the child / young person is not known, and likely return time is not known.

- Such behaviour is out of character for the child.

2. Dependent on the outcome of the assessment decide whether the child / young person missing is cause for :

**Immediate Concern / High Risk**

The child / young person is not where they should be and their whereabouts are unknown.

If they are not where they should be but there whereabouts are known or suspected and there is cause for serious concern about their welfare.

**Concern / Medium to Low Risk.**

The child or young person is not where they should be and their whereabouts are known / suspected and there is no immediate cause for serious concern.

The checklist detailed in table 2, below, will help determine level of concern.

**Table 2**

	<u>Yes</u>	<u>No</u>
1. Is there any information that the child / young person may self-harm?		
2. Is the child / young person vulnerable by way of age, disability, specific need or identified risk?		
3. Are there any inclement weather conditions which would place a significant risk to the health of the child / young person?		
4. Does the child / young person have an existing medical condition which requires regular medication?		
5. Does the child / young person have any identified mental health / psychological disorder that may increase the risk to themselves or others?		
6. Was the child / young person involved in any violent or confrontational incident immediately prior to disappearance?		
7. Is there a history of the child / young person previously missing and experiencing harm whilst missing?		
8. Are there any other factors which the staff / carers involved with the child / young person feel may influence the level at which the risk assessment is rated [for example is the behaviour out of character with the normal behaviour patterns, and likely to be an indicator of more serious or underlying problems].		
9. Does the young person have any issues regarding drug or alcohol dependency?		
10. Are you aware of any issues regarding bullying and harassment that may impact on the child / young person?		

11. Are there any family / relationship problems / has there been recent contact with family members?		
12. Are there any problems at school?		
13. What is the legal status of the child / young person?		

3. Once an assessment of the situation has been carried out, and the risk / level of concern identified the following action should be taken:

<b>Immediate concern / High Risk</b>	<b>Concern / Medium to low risk.</b>
<p>If the absence is considered to be high risk and cause for immediate concern the staff / carer must inform the following :</p> <ol style="list-style-type: none"> <li>1. The Police</li> <li>2. The parents of the child / those with parental responsibility where possible.</li> <li>3. The Social Worker [within office hours] or Out of Hours Emergency Duty Team Service [01344 786515]</li> <li>4. In the case of residential placements the Unit Team Manager should be informed.</li> <li>5. <b>Refer to the Service Level Agreement between Bracknell Forest Borough Council and Thames Forest Police in relation to missing persons.</b></li> </ol> <p><b>Notifying Managers.</b> If notification is to Social worker within office hours, the social worker should inform the Team Manager immediately, who will have responsibility for monitoring the situation, and making a decision on when to inform more senior managers.</p> <p>If notification is to EDT, worker to notify senior manager on call and notify relevant social worker / or Duty Team the following morning.</p>	<p>If the absence is considered to be medium to low risk staff / carer to carry out the following</p> <ol style="list-style-type: none"> <li>1. Inform the Social Worker [if within office hours] or Out of Hours Emergency Duty Service [01344 786515].</li> <li>2. Inform the parents of the child / those with parental responsibility where possible.</li> <li>3. Situation to be monitored, and reviewed at regular intervals up to six hours maximum.</li> <li>4. If the child / young person returns home, follow procedure laid out in paragraph 9.1 [action to be taken on return of the child / young person].</li> <li>5. If the period of absence is for six hours or more, or new information comes to light regarding the child / young person's safety, consideration to be given to raising level of concern to high. It will be necessary to follow procedure detailed in high risk column.</li> <li>6. <b>Refer to the Service Level Agreement between Bracknell Forest Borough Council and Thames Forest Police in relation to missing persons.</b></li> </ol>

	<p><b>Follow procedure for notifying Managers as detailed in High Risk Column.</b></p>
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**N.B.**

**In the event of a child / young person going missing, where it is likely that there will be a high level of activity [for example a young child is missing, suspected abduction,] it will be necessary for the Team Manager to inform the Children’s Services Manager after 24hours. The Children’s Services Manager will monitor the situation and notify the Head of Service after a further 24 hours and the Head of Service will notify the Director after a further 24 hours. [This is meant as a guideline, and will be dependant on the individual situation and circumstances]**

**9. WHILE THE CHILD IS MISSING.**

**9.1. Informing the media.**

While the child / young person is missing the Thames Valley Police have responsibility for advising the media regarding children missing from local authority care, any decision to publicise will be made in consultation with Social Services who will consult with the parent and /or carers.

**9.2. Informing the Missing Person’s Department.**

The Missing from Care [MfC] Department is part of the National Missing Person’s Helpline. There is a protocol agreement between the Association of Directors of Social Services [ADSS] and the National Missing Person’s Helpline, formalising working relationships and enabling the services for the Missing from Care Department to be available nationally. [Details shown in Annex 1]. A decision to contact the MfC Department will be made by the named Senior Manager for Bracknell Forest.

**9.3. Contingency Planning.**

The appropriate Social Services Manager in consultation with social workers, parents and the police as appropriate should start contingency planning for when the child is found.

The following points should be considered:

- Whether the child will return to the previous placement.
- How will the child be transported there
- Whether the police wish to interview the child before he/she is returned to their placement.
- The need or otherwise for an appropriate “independent person” to talk to the child on his / her return.

**“It is the responsibility of the authority looking after the child, to ensure that there are effective plans in place so that he / she is offered adequate support once they are located”.** [Children missing From Care and From Home: a Guide to Good Practice].

**10. ACTION TO BE TAKEN ON RETURN OF THE CHILD / YOUNG PERSON.**

The following action should be taken on the return of the child / young person:

*If the child / young person was missing and returned within a six hour period residential staff or carer will:*

- Inform the Social Worker or Out Of Hours Emergency Duty Team that the child / young person has returned.  
*[Responsibility of foster carer / residential staff]*
- It is the responsibility of the local authority to ensure they have taken account of all of the circumstances that led to the child / young person absenting themselves from placement.  
*[Responsibility of Social Worker / Family Placement Social Worker]*
- These issues need to be discussed with the young person as soon as possible following their return, and addressed to determine any additional support that can be offered to the child / young person to minimise the risk of further episodes of unauthorised absence / absconding.  
*[Responsibility Team Manager]*
- The child / young person may be offered access to an independent advocate through the established advocacy scheme Voice for the Child in Care.  
*[Responsibility Social Worker]*

*If the child has been missing for a longer period of time refer to contingency planning.*

*When a child /young person has had more than one period of absence it is suggested that one of the following takes place:*

- Young person has an interview with the Social Worker / Police where this is felt to be necessary and relevant.
- Child/ young person to be offered an opportunity to talk to an independent advocate regarding the reasons they are running away.

## **11. INFORMATION FOR CHILDREN / YOUNG PEOPLE.**

- Information guides for looked after children / young people should include information about the procedures that will be followed if they go missing, and the expectation that they will talk to someone on their return.
- This information should also make clear who young people may talk to independent of their placement, if they are experiencing difficulties. This may include their social worker, or independent advocate.
- Information should also include numbers of national and / or local help lines.

## **12. RECORDING AND MONITORING.**

- Following each episode of the child / young person going missing it is important to record and monitor the process and outcomes. Young people move between placements and social workers come and go, it is therefore important to have a clear record of previous absences on individual case files which is important in the process of protecting children / young people and planning to meet their individual support needs.
- Working Together to Safeguard Children recommends that foster carers should monitor the whereabouts of their foster children, their patterns of

absence and contacts [Department of Health 1999]. They should note the time and the circumstances in which young people go missing and pass this information onto the child's social worker.

- Within residential units staff are required to record on child / young person's records the date and circumstances for any absence from the home. This information needs to be reported to the child's social worker.
- Social Worker case records should contain clearly ordered record of absence, the circumstances in which they took place, the risks associated with them and the responses attempted.
- Any incident of a child/ young person going missing should be recorded as a significant event in SWIFT.

*Each authority must appoint a senior manager with responsibility for monitoring the effectiveness of its missing from care protocols and procedures. This officer will be responsible for reporting information about patterns of absence amongst looked after children to the Director of Social Services and to councillors responsible for "Corporate Parenting". This report should include an action plan with targets for minimising missing from care incidents.*

***The named senior manager for Bracknell Forest is: Sandra McGinley [Children's Services Manager] [as at June 2004].***

### **13. PREVENTION.**

The reasons that young people go missing may be complex and changeable over a period of time. Research has shown that the most effective ways of reducing a young person going missing from care are:

- The provision of constructive and purposeful care, guided by a committed approach to corporate parenting. This is likely to be an influential factor in preventing children from going missing.
- Staff in Residential Units and Foster Carers will need to demonstrate they are able to listen to young people's concerns and take necessary action in response.
- A positive individualised approach to the care of young people is likely to be a protective factor in the long term, even when young people's absences are unrelated to the quality of care they are offered.
- Where a young person persistently goes missing, perhaps with other children from the same care placement, then the manager responsible for the Residential Unit or Fostering Service should convene a multi-agency risk management meeting.

### **14. CARE AND CONTROL.**

Residential and foster carers usually manage the tension between letting young people make their own choices and ensuring that they are safe through a process of

negotiation. However there may be occasions where it is necessary to intervene and exert authority in the interests of the child / young person.

The Chief Inspector of Social Services' Letter CI [97]6 – The Control of Children in Public Care: Interpretation of the Children Act 1989 [1997] explains that as a short-term measure, physical intervention may be reasonable to prevent a young person going missing. Intervention might be justified where there is sufficient evidence to indicate that a young person will be at risk in running from a placement.

[To be read in conjunction with Behaviour Management Policy]

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**Social Services and Housing.**  
**August 2004.**

## Annex 1.

### MfC [Missing from Care]

The Missing from Care Department is part of the National Missing Person's Helpline, a charity that provides a specialist service to members of the public when a person goes missing.

In 1999 the Department of Health granted funding for a three-year pilot project for the National missing Person's Helpline to offer their expertise in the field of vulnerable young people who run away from substitute care.

The project was a success and consequently a protocol agreement was drawn up between the National Missing Person's Helpline and the Association of Directors of Social Services, enabling the services of the Missing from Care Department to be offered nationally.

Missing From Care offers:

- Case Management – a dedicated case manager and case workers who are experienced in providing support, practical advice and assistance to families, carers, social workers when a young person goes missing. They are based in the London office and the services of the Department are available 24hours a day.
- Publicity – Case Management can advise on and arrange appropriate and effective publicity for a missing person as a matter of urgency.
- The National Missing Persons Helpline – the Helpline is a 24 hour free phone service taking calls from the families and the police when a person goes missing. This number also goes out in publicity appeals for missing people. **Number is 0500 700 700**
- Message Home – this Help line is a confidential, independent line free to those who have gone missing. Message Home is able to pass a “safe and well” message to family or carers. It can also facilitate a three way call with social services, police or other appropriate agency with the caller's agreement. **Number is 0800 700 740.**
- The National Missing Person's Charity has dedicated police liaison officers in every force in the UK.
- The National Missing Person's Charity can offer training and information sharing sessions with social services staff and police.

**Contact with the Missing from Care Department can be made through the following ways:**

**Telephone – 020 8392 4527 / 8**

**Fax – 020 8392 4529**

**Email – [mfc@missingpersons.org](mailto:mfc@missingpersons.org)**

