



PROTOCOL BETWEEN BRADFORD POLICE, YOUTH OFFENDING TEAM AND CHILDRENS SOCIAL CARE REGARDING INCIDENTS IN RESIDENTIAL HOMES FOR CHILDREN WHO ARE LOOKED AFTER WHICH MAY RESULT IN POLICE INTERVENTION AND ACTION

This protocol applies to children placed in Residential Homes managed by Bradford Services to Children and Young People.

Children's Social Care staff are working hard with colleagues in the Police Service and Youth Offending Team to reduce the level of recorded offences and offending behaviours by Children who are looked after. This protocol is part of the strategy to address this issue.

The alms of this protocol are:

- To reduce the number of Youth Cautions, Youth Conditional Cautions and convictions for Children who are looked after, and to reduce the overall amount of offending and antisocial behaviour by this group.
- To strike a balance between the rights, responsibilities and needs of the young person and the rights, corporate parenting responsibilities, and duties of staff and the local authorities, in decisions to instigate police action.
- To encourage Children who are looked after to make a positive contribution and engage in socially responsible behaviour within the home and wider community.
- To ensure that the Safer Homes Police officer has strong links across both the internal and external homes in Bradford to deliver this protocol.
- To achieve regular and effective liaisons between Residential Homes the Youth Offending Team and the West Yorkshire Police. The primary response will be from the Safer Homes Police Officer and the B Positive Pathway Police officers and data analyst.
- To acknowledge staff have a duty to address known or suspected offending and
 offensive behaviour. Staff need to use judgement as to where the threshold lies
 for police involvement and ways of addressing such behaviours without police
 involvement.
- To jointly implement the standardised approach to dealing with young people who are 'missing from home'.
- To ensure that children and young people are not unduly oriminalised while within the public care setting and that they are given sufficient opportunity to address issues around offending behaviour whenever possible both prior to and in response to such behaviour.

Statement of Principle

- Wherever possible, offensive and offending behaviour should be dealt with and addressed by the range of professionals who work directly with Children who are looked after and Young People without the involvement of the police service.
- Wherever possible, as an atternative to police involvement, all those working with a young person will use other ways of dealing with such behaviours such as informal education, the use of permitted sanctions, and a restorative justice approach.
- The right of the individual to report a crime against them is acknowledged and when individuals make this decision they will be supported.

Guidance to staff on unacceptable behaviours that workers may be expected to deal with in residential care.

Where practicable, all incidents should be discussed with a manager, and / or YOT worker to determine the most appropriate course of action.

1. Violence by a young person on another.

Violence includes threatening and intimidating behaviour as well as striking with or without use of a weapon.

Staff will need to consider all the factors relevant at the time when considering what actions to take.

It is recognised that both parties may be angry, upset and vulnerable. The use of informal education, permitted sanctions and a restorative justice approach would enable a responsible person to be involved with the young people (and others where appropriate) in the process of resolving difficulties in a mutually acceptable way, and in agreement with all parties whenever possible. There is a need to ensure that Health and Safety, Behaviour Management and Child Protection policies and reporting procedures are followed.

2. Violence to staff by a young person.

Violence includes threatening and intimidating behaviour as well as striking with or without use of a weapon.

Not all violence and aggression results in significant harm. Staff will need to consider all the factors relevant at the time when considering what actions to take.

The welfare needs of residents must be balanced with the rights of staff not to be subject to violence.

Where there has been no significant harm and there is no immediate continuing threat of violence, it is in the best interests of the child / young person for the staff member to take time to discuss and consider possible options with other staff on duty and with a manager.

The use of informal education, permitted sanctions and a restorative justice approach may be appropriate actions in most cases.

Standard debriefing processes should be used to agree the actions to be taken. Existing procedures relating to staff Health and Safety, Behaviour Management and incident reporting need to be followed and their effectiveness should be regularly reviewed.

3. Criminal damage within the home to children / young people's, carers/staff, or council property.

Criminal damage includes wilful, and or possibly reckless, damage to property. Staff will need to consider all the factors relevant at the time when considering what actions to take. The cost of making good any damage will need to be considered as well as the feelings of the victim.

The use of informal education, permitted sanctions and a restorative justice approach may be appropriate actions in most cases.

It is important to question whether police involvement is the most effective/appropriate response.

Staff should discuss with other staff on duty at the time, the team at team meetings or care home manager as appropriate when making decisions about what actions to take.

It might be possible to repair or replace damaged property to the satisfaction of the victim through the use of sanctions to pocket money or other allowances the offending young person might receive, through insurances or the ex-gratia payments scheme.

Where a crime number is required for insurance purposes, the police will record a crime and take the appropriate the action. This will take into account views of the Childrens Home and also public interest. The arrest and prosecution will only be used as a last resort.

4. Theft from the home of property belonging to young people, staff/carers or the council.

Staff will need to consider all the factors relevant at the time when considering what actions to take. The possibility and cost of replacing stolen items will need to be considered as well as the feelings of the victim.

Informal education, use of permitted sanctions and a restorative justice approach may be appropriate actions in most cases.

It is important to question whether police involvement is the most effective/appropriate response.

Staff should discuss options to resolving Issues in relation to theft in communication with the manager on duty, the children's homes manager, service manager and potentially include the safer homes police officer.

It might be possible to replace stolen property to the satisfaction of the victim through the use of sanctions to pocket money or other allowances the offending young person might receive, through insurances or the ex gratia payments scheme.

Consideration will be necessary, where insurance companies insist on a crime number, as to whether pursuing an insurance claim will be the best form of action where another might be used.

5. Disorder in and around the home,

This issue tends to be subjective and requires some judgement. Staff should avoid unnecessary police involvement for minor infringements of discipline, and instead attempt to address the issue in conjunction with other staff on duty, the staff team, at team meetings, with management, the young person's social worker and others. Contacting the police for support should be the last option once all other strategies have been tried and exhausted. Staff in the homes, including casual staff should be familiar with the young people's positive support plan and follow this. If it is possible to do so the Residential on call manager should be contacted prior the police being called. However in an emergency or high risk situation this may not be possible or reasonable.

If, as a final option the police are called, staff need to be aware that the police will take control of the decision making from this point. This may lead to the young person being arrested and ultimately prosecuted as a result of the contact.

6. Possession of Weapons

Weapons should be confiscated whether they are overtly offensive such as knives and guns (including imitation weapons / BB guns) or "everyday objects" that may be used as weapons such as baseball bats, pieces of wood etc. This needs to be recorded in the record of sanctions.

Their possession needs an explanation and the option of a referral to a YOT worker, NPT officer or others for informal education about weapons should be considered. The registered manager should be advised of the situation and Health and Safety, Behaviour Management policies and reporting procedures followed.

7. Substance misuse

Substances that can be abused by young people are usually stored safely in line with Health and Safety policy and procedures. However, if young people acquire these they should be confiscated by staff acting as a reasonable parent would.

Alcohol, solvents and other volatile substances should be disposed of by two workers safely in line with Health and Safety guidance, policies and procedures and recorded in the record of sanctions.

The matter will need to be recorded as possession and discussed with the safer homes officer and B Positive Pathways officers, the outcome can be no further action if necessary as per the HMO counting house rules.

Staff should liaise with the child / young person's social worker as to whether to seek support from the Drug and Alcohol Team. Informal education may be the best way to address this issue.

8. Racial / religious harassment / abuse (both verbal and physical)

Racially and religiously motivated and aggravated incidents including hate crime need to be addressed and dealt with in accordance with the council's equality, anti-discriminatory and anti-oppressive procedures and recording systems and with cognisance of the requirement to report this matter to the Police for investigation.

The children and young people involved are to be made aware of the seriousness of such behaviour including the alarm and distress they may have caused.

Staff will devise ways of working with young people who present these behaviours to address their understanding of the effects of these types of behaviour on the victims, to promote awareness, understanding and respect for diverse cultures and

communities in conjunction with victims, and other relevant professionals. This may involve informal education or a restorative justice approach.

Residential managers and care management will reinforce the work of staff teams and may write to children and young people warning them of the seriousness of such behaviour and potential consequences. The victim's right to involve the police is to be respected and supported in serious and recurring incidents.

9. Sexual harassment

Staff and young people have a right to feel safe from any form of sexualised and / or sexist behaviours, particularly harassment, including verbal sexual abuse, sexual comments and gestures, or unwanted touching that causes alarm or distress. The council's policies and procedures will be followed in such cases.

Staff will make children and young people involved aware of the seriousness of such behaviour including the alarm and distress they may have caused through informal education and discussion. Staff will devise ways of working with young people who present these behaviours to address their attitudes to, and understanding of the effects of, these types of behaviour on the victims to promote awareness, understanding, and respect for people of different genders and sexual orientation in conjunction with victims, and other relevant professionals. This may involve informal education or a restorative justice approach. The victim's right to involve the police is to be respected and supported in serious and recurring incidents.

10. Other offensive / Offending behaviour / Pornography / Terrorism / Prevent

Staff, managers and other professionals will adopt a similar approach to the above guidance when dealing with other offending or offensive behaviours and apply the statement of principles to such behaviours. Informal action taken by police officers should be recorded on the young person's risk strategy document on Niche so that colleagues are aware of the history when deciding on appropriate action to be taken.

For certain offences such as sexual related offences and Terrorism any offences or concerns identified should be promptly reported to the Police and the situation escalated depending on the circumstances as an emergency.

Serious incidents:

An incident which requires an emergency (999) response from the Police such as incidents of serious violence where young people or staff are at risk of immediate significant physical harm, or where there is a risk of substantial damage to property or risk of significant disorder needs to initially be discussed between the staff team to decide whether this response is required.

It should be noted that any emergency 999 call to the Police will result in police taking positive action and full control of the situation and as a result Social Care staff in the home may lose any influence on subsequent decisions or action. However, police and social care staff should consider the desired outcome where practicable prior to police intervention at the scene.

The Registered Manager and Service Manager should be informed as soon as possible after the incident if not aware and if out of hours the on call manager informed.

Non-serious incidents:

None serious incidents or those referred to as a non-immediate emergency for example where an assault/damage to property or theft has already occurred and there is reduced risk of re-occurrence / significant harm to people these instances should be reported via the Police 101 system or directly to the Safer Homes Police Officer.

Minor incidents can be addressed using routine policies and procedures.

Recording incidents

Residential homes procedures, including recording on young person's case notes, records of sanctions and records of notifiable events etc will be adhered to. http://www.proceduresonline.com/bradford/childcare

Other than in emergency cases, staff/ carers must take account of the following factors before calling the police:

- Previous incidents, similar in nature by the same child
- The level of distress and alarm caused.
- Impact on child's care plan
- Health and Safety, Child Protection and Behaviour Management policies and procedures
- Availability of alternative action e.g. informal education, sanctions and restorative
 justice.
- Victims wishes / Voice of the Child
- Severity of threat or injury and any significant harm suffered
- Probability of repeat incident
- · Previous relationship between victim and offender
- Impact of formal police involvement on young person
- Effectiveness of police action/court proceedings
- Best interests of both parties
- Nature and seriousness of disorder/crime/allegation
- Level/cause of damage caused
- Requirements for evidence of formal investigation (insurance and court)
- Impact on and wishes of immediate community
- Risk of threat of violence
- The message sent to other residents
- The skill and expertise of staff /carers in dealing with any given situation
- Probability of situation being resolved through positive input from staff team and others.

The role of the designated Safer Homes Officer

The dedicated officer will gain detailed knowledge of all incidents that occur within the home and form a good working relationship with staff and young people.

The officer will have a sound knowledge of the home's relevant policies, sanctions available, and the 10 point CPS check list (see Appendix 1).

The Officer will visit the home regularly, on a rota basis based on demand and issues occurring at a specific location but, in any event, at least once during each seven day rota, this will be to review and discuss any incidents within the unit, securing and

preserving evidence, advising staff around points of law and criminal justice procedure and of course interact and support the children in the home. Arrest will be a last resort of a child in care but on occasions this will be clear from the outset as a course of action based on the nature and type of offence/incident that has taken pace. The Officer will also be the first point of contact for staff at the unit for advice or guidance as and when required.

When reviewing incidents the officer will discuss whether this has been handled by staff acting as "corporate parents", review sanctions available and refer to the CPS 10 point check list.

If it has been agreed that an arrest is not necessary;

- The homes staff will record a violent / behavioural incident on LCS
- Appropriate sanctions will be imposed by social care staff
- The designated officer will speak with the individual advising them of the implications of any further incidents.

Where an arrest is necessary the dedicated Safer Homes Officer may be able to build a stronger case as they will have detailed knowledge of the individuals previous behaviour, and be able to present this to CPS/Evidential Gatekeeper who can make a more informed decision.

If staff does not agree with action taken by the dedicated Safer Homes officer they should escalate this and bring this to the attention of their manager who in turn will report this to the appropriate Police supervisory officer in the MASH unit at Sir Henry Mitchell House, Bradford who will then review and deal with the issue raised.

B Positive Pathways Police Officers

There will be two Police officers working across the hub home and specialist homes, this role is none uniform and is designed to improve intelligence gathering, improve the working relationships with the young people across the homes and to support the staff teams in working with the young people.

This role is not behaviour management, it is expected that the officers will assist in ensuring the approach to delivering this protocol is in place and that incidents and intelligence are reviewed regularly. This approach in North Yorkshire as part of the No Wrong Door project has seen significant reduction in missing incidents and reported offences.

The key areas the BPP officers will focus on will be gathering intelligence in relation to:

- crime involvement
- known associates
- missing
- · drug and alcohol misuse
- CSE
- anti social behaviour

It is expected that the officers will work with problem solving officers and support council officers to reduce these behaviours.

Note for Police Officers

CSC/WYP/YOT Protocol 201700929

Agreement has been made across the Criminal Justice partnership that children in care should not be unduly criminalised and alternative disposals/outcomes should be sought in dealing with matters involving a looked after child as appropriate. Occasions will arise whereby a looked after child may indeed commit a criminal act, however, the Care Home follow Policy and do not seek to further the matter or indeed press charges but do in fact handle the matter with internal action.

There will however, be <u>clear</u> occasions when a criminal act takes place and Police officers dealing will have recourse to take positive action and fully investigate and prosecute the young person for an offence reported by the Home or a third party. This should be judged on a case by case basis and will be dependent on the severity of the offence. For example a serious assault, arson or a RACE/Hate crime amongst other.

Should a Police officer dealing require advice they should seek the advice of a Supervisory Officer or District Safeguarding Unit.

Under the New Bail Act, Police Officers no longer Bail to YOT (Youth Offending Team). In such circumstances in the course of an investigation, the Officer in the case would now release (NFA) No Further Action at this time and then arrest on fresh evidence or whilst the investigation remains on-going summons the individual suspect of a crime if they do not comply.

It is important that the Safer Homes Officer and B Positive Pathways Officers are involved in discussions relating to young people who have been arrested from children's homes in Bradford, they will know the young person and have a relationship with the manager and staff of the homes and need to be involved in ensuring the correct disposal from custody is made.

The focus for Police needs to be one in which Care Home staff determine that the Police are to be involved following careful consideration of an incident as once notified the Police have statutory responsibilities which could lead to the incident/matter progressing to a Criminal Justice sanction.

This decision making process by Social Care in a Care Home setting should form part of the overall child care strategy.

Children Missing from Care Homes

Definition of 'missing'

No apparent risk (Absent) is included in the definition of 'missing.

References to missing people includes individuals who are defined as 'No apparent risk (Absent)."

Missing:

"Anyone whose whereabouts cannot be established will be considered as missing until located and their wellbeing or otherwise confirmed."

or

No apparent risk (Absent):

"There is no apparent risk of harm to either the subject of the public"

No apparent risk (Absent) cases should not be ignored and must be monitored over time and consideration given to escalating it if there is a change to the circumstances that has increased the level of risk.

Planning and prevention

All children must have a <u>Placement Plan</u> which takes account of any likely risk of the child becoming missing. If there are known/likely risks, the Placement Plan should incorporate measures to reduce or prevent the child going missing, as well as information that would help facilitate the location of the child should they go missing.

Where there are child protection concerns relating to a child and/or where the child has gone missing from the placement or from any previous placement, the Placement Plan must include information agreed between the local authority and the placement provider about the day-to-day arrangements put in place to keep the child safe.

Responses if it is believed that a child is missing or absent from the care home

In the absence of any agreed strategy in the Placement Plan, the following should apply if it is apparent or suspected that a child is missing. In such circumstances, staff should take whatever actions are immediately necessary to recover the child, bearing in mind any risks posed to the child or others.

Immediate actions

Staff should undertake enquiries locally and with the other children as to the whereabouts of the child to establish that (s)he is missing. This may include a thorough check of the local area and the home and may include contacting people who know the child or going out to look for them. If the child has gone missing during an activity away from the home, staff should conduct a search of the vicinity, if it is safe to do so.

Searches beyond the local vicinity may only be undertaken with the approval of the manager.

If staff are satisfied that the child is missing or away from the placement without authorisation but they are aware or suspect the whereabouts of a child, they should consult a manager with a view to recovering the child. This may include attempting to communicate with the child on his or her mobile phone, searching for the child and/or obtaining information from others about the possible whereabouts of the child.

Recovering the Child

Any actions taken to recover the child and return them to the home must focus on promoting the child's welfare and must take account of their legal status, age, understanding and the level of risk posed to the child or others. If children are found but refuse to return to the home, staff must consult the manager (who should consult the child's social worker) or, in an emergency/where the child or others are seriously at risk, call the Police. The use of physical interventions, such as restraint should only be used in a last resort where there is an immediate risk of significant harm, serious damage to property and staff are confident that such interventions will work/deescalate the situation

and make the child safe. If this outcome is not likely, they should withdraw and immediately consult their manager or the Police.

If any residential practitioner considers a child to be missing or absent they should

- a) Inform the child's parent/carer of their concern and establish when the child was last seen and the circumstances for the child. If the practitioner remains concerned that the child is possibly missing they must advise the parent/carer to inform the Police. The practitioner should also inform the parent/carer that they will notify the Police of their concerns that the child is missing;
- b) Notify Children's Social Care Services; (allocated social worker or EDT if out of hours)
- c) Record what has been done-Place missing episode on ICS, inform parents (if they have contact with the child)
- d) Liaise with the missing from home co-ordinators at SHMH in MASH to monitor and co-ordinate with on going enquires.

Responsibilities of carer prior to notifying the Police

A child's carer should take all reasonable and practical steps to establish the whereabouts and well-being of a child in order to identify whether the child is absent or missing by:

- a) Determining the nature and reasons for absence (including consideration of likely push and pull factors and any trigger events);
- b) Ascertaining the likely Intentions of the child:
- c) Searching the immediate locality;
- d) Telephoning and sending SMS (text) messages to the child's mobile phone and checking the child's social media sites, if these are accessible;
- e) Checking places frequented by the child;
- f) Making enquiries with the child's relatives;
- g) Making enquiries with the child's friends;
- h) Making enquiries with the child's school, college, providers of education or work placement, community groups or places of worship if appropriate;
- i) Making enquiries with the other children in the foster home, children's home, or residential school to establish if they have seen or heard anything (this can also stop distressing rumours from circulating);
- J) Making enquiries with and obtaining further information from other carers and professionals involved with the child;
- k) Attending at addresses frequented by the child to see if they are there.

Persistent Misper

A child will be considered as persistently missing or persistently absent if they go absent on:

- four or more occasions within a month; or
- six or more occasions within three months.

Action to be taken when a new resident arrives at the home

Social care staff- If this young person is known to be a persistent Misper, then this must be clearly noted within the placement plan. Contact should be made by the home with the police missing person's coordinator to jointly undertake (with the social worker) a reporting strategy. The allocated social worker will also update/undertake a missing risk management plan that the home will have input into. This will include information as to what the risks are and if the child should be classed as "unauthorised absence" or

missing person due to vulnerability from exploitation, sexual, criminal behaviour or otherwise.

CSE and missing

Children are particularly vulnerable to suffering harm while missing and missing incidents are recognised as a significant indicator that a child is at risk of being sexually exploited. It is imperative that staff have proper regard to this vulnerability when risk assessing initial reports and making decisions.

Current flagging that a child is at risk of CSE must be given particular weight. When conducting return interviews with children, staff must use all sources of information to determine why a child went missing and take proactive steps to prevent repeat incidents including making appropriate referrals to other agencies. They must be alert to warning indicators that the child may be suffering abuse and regard return interviews as a key opportunity to ensure that necessary child protection interventions take place.

Signatories to the Protocol between Bradford Police, Youth Offending Team and Childrens Social Care regarding incidents in residential homes for Chidren who are looked after which may result in police intervention and action
Jim Hopkinson Deputy Director (Social Care Children)
M. J MA 24/10/17
Martyn Stenton, Bradford Youth Offending Team
Supt. Damien Miller, Bradford District Safer Neighbourhoods and Partnerships

Appendix 1

Checked with CPS and confirmed it is still operational for CPS lawyers.

Officers who deal with children from care homes are required to receive information in relation to the 10 questions below before any decision on charge will be made by CPS reviewing lawyers.

To be considered by social care staff

- 1. Does the action comply with the disciplinary policy of the children's home
- 2. Why have the Police been involved and is it agreed in the policy? There should be an explanation from the home regarding their decision to involve the Police which should refer to the procedures and guidance on police involvement
- 3. Has there been any informal action / disciplinary action already taken?
- 4. Has there been any apology / reparation?
- 5. Have the victim's views been taken into account?
- 6. What are the views of the key worker, social worker, counsellor or CAHMS worker on the effect of the criminal justice intervention on the youth, particularly where the youth suffers from an Illness or disorder?
- 7 Has the care plan for the looked after child been considered? If the looked after child wishes it to be considered, information about the local authorities assessment of his / her needs and how the placement provided by the home is intended to address those needs. The local authority should be able to provide this information as it is an integral part of the care plan for the looked after child.
- 8. What is the record of recent behaviour / similar incidents involving the looked after child? Information from the home about the recent behaviour of the youth, including similar incidents and any incidents in the youths life that could have affected their behaviour, any history between the youth and the victim, history of the incident and any action under the disciplinary policy of the home.
- 9. Any information about the incident from the looked after child (interview or other)?
- 10. Are there any aggravating and mitlgating factors?

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Missing Police Officer
Gill Cannon
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Bradford South

NPT Area	1	Inspector	Lawrence	Contact	01274 376527			
Area 1	Bradford City Centre, Bradford University & College and Brown Royd & Horton Grange							
NPT Area	2	Inspector	Gallarit	Contact	01274 376534			
Area 2	Bradford Moor, East Bowling & Tyersal and Wapping, Undercliffe, Barkerend							
NPT Area	3	Inspector	Ačidy	Contact	01274 376512			
Area 3	Blerley & Euroway Trading Estate, Holmewood, Low Moor, Oakenshaw, Tong and Wyke							
NPT Area	4	Inspector	Rhees-Cooper	Contact	01274 376668			
Area 4	Buttershaw, Clayton Heights, Queensbury, Wibsey & Odsal and Woodside							
NPT Area	5	Inspector	Garnett	Contact	01274 376788			
Area 5	Great Horton, Lidget Green & Scholemoor, Little Horton and West Bowling							
NPT Area	6	Inspector	Dodds	Contact	01274 376261			
	Daisy Hill, Heaton, Lilycroft, Girlington and Manningham							

Airedale & North Bradford

NPT Area	1	Inspector	Sanderson	Contact	01274 475301		
Area 1	Addingham, Burley-in-Wharfedale, likley, Menston, Sileden and Steeton-with- Eastburn						
NPT Area	2	Inspector	Reed	Contact	01535 617119		
Acas 2	Bogthorn, Exley Head, Fell Lane, Bracken Bank & Ingrow, Braithwalte, Guard House & Laycock, East Morton & Riddlesden, Hainworth & Woodhouse, Kelghley East, Keighley Town Centre, Kelghley West, Knowle Park, Utley & Beechcliffe and Worth Village						
NPT Area	3	inspector	Crossdale	Contact	01274 475331		
Area 3	Bingley, Bingley Rural and Worth						
NPT Area	4	Inspector	Tatham	Contact	01274 537454		
Area 4	Balldon, Shipley and Windhill, Wrose						
NPT Area	5	Inspector	Tuff	Contact	01274 376168		
Area 5	Bolton, Undercliffe, Eccleshill and Idle, Thackley						
NPT Area	6	Inspector	Horner	Contact	01274 475272		
Area 6	Allerton, Clayton, Fairweather Green, Frizinghall, Heaton, Sandy Lane and Thornton						

For further information please visit the Neighbourhood Policing website at http://www.westyorkshire.police.uk/npt/