



LSCB

Bath & North East Somerset
Local Safeguarding Children Board

Bath & North East Somerset

Children Missing from Home and Care

A Multi-agency Protocol 2016

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1. Background

The Dept of Education (DfE) published new statutory guidance in January 2014, primarily addressed to local authorities on children who run away or go missing from home or care. The guidance was issued under ¹ which requires local authorities to exercise their functions to act under the general guidance of the Secretary of State. Local authorities **must** comply with the guidance unless local circumstances indicate exceptional reasons.

Safeguarding and promoting the welfare of children is a key duty on Local Authorities (LA's) ² and requires local authorities, agencies and partners to work together effectively. When a child is missing or runs away they are at risk, safeguarding children therefore includes protecting them from this it also includes planning to prevent children going missing and to protect them when they do.

The guidance replaces the statutory guidance that was issued in 2009; it has been updated to take account of recent developments, in particular child sexual exploitation.

2. Introduction.

This protocol is important for the safeguarding of children in Bath & North East Somerset (B&NES) and those using services in the area and describes how agencies and professionals will work together when a child is either missing or absent. It has been developed and adopted by B&NES Local Safeguarding Children Board (LSCB) for the use of all agencies and professionals with a responsibility to safeguard children in this local authority.

The LSCB expect all agencies working with children who are missing from home or care to implement this protocol and to ensure that all relevant members of staff are aware of it and how to use it.

The LSCB will be responsible for ensuring an annual review of the effectiveness of all aspects of the protocol through their quality assurance processes.

It is based on:

- Working Together to Safeguard Children (2015)
- Safeguarding Children and Young People from Sexual Exploitation: Supplementary guidance to Working Together to Safeguard Children (2009). Tackling Child Sexual Exploitation Action Plan (2011)
- Children Act 1989 guidance and regulations
- Association of Chief Police officers (ACPO) guidance on the Management, Recording and Investigation of Missing persons.
- Child Sexual Exploitation Strategy Bath & North East Somerset 2014

This protocol is designed to support effective collaborative safeguarding response from all agencies involved when a child goes missing. Effective assessments and support comes from good information sharing, joint assessments of need, joint planning and working in partnership with families.

¹ Source. Section 7 of the Local Authority Social Services Act 1970

² Source. Section 13 of the Children Act 2004

Assessing situations such as missing children goes beyond the actual event and needs a much more sophisticated approach. Agencies need to be mindful of the fact that the focus on the number of occasions where a child goes missing is not as important as why they go missing in the first place and the increased risks they face when they do.

The immediate risks associated with going missing include:

- no means of support or legitimate income
- involvement in criminal activities
- victim of crime
- victim of abuse
- alcohol/substance misuse
- deterioration of mental health
- missing schooling and education
- increased vulnerability

Longer –term risks include:

- long-term dependency/alcohol dependency
- crime
- homelessness
- disengagement from education
- child sexual exploitation
- poor physical and/or mental health

Children missing from home and care is often a symptom of wider problems in a child's life, the assessment must take this view, and look at any factors which may 'push' or 'pull' a child into going missing. Our increasing knowledge and understanding of Child Sexual Exploitation (CSE) highlights that there is often a strong link between incidents of young people going missing and concern of CSE.

3. Push and Pull factors

'Push' factors are what you'd expect - they're things that push a child away from home. They include:

- Not feeling accepted in the environment where children should be safe and happy.
- Not feeling safe in the environment where children should be safe and happy
- Family breakdown and young people being drawn into their parents/carers conflicts are less likely to do well at school and more likely to truant or run away from home.
- Mental health problems
- Bullying (including issues of e-safety/sexting etc.)
- Drug and alcohol misuse by family members, and new stepfamilies moving in.
- Teenage pregnancy - some young women run away or are forced to leave home because they become (or fear that they may be) pregnant.
- Fear of forced marriage or Female Genital Mutilation (FGM)

Children who run away or go missing put themselves at greater risk of harm of developing inappropriate relationships with people who may be seeking to influence their behaviour. For some young people, they may begin running away because of a 'push' factor, such as abuse within their home. However, once they regularly run away they may become involved and vulnerable to sexual exploitation.

The factors that ‘pull’ young people from home can include being pulled into activity outside of their home, it can vary from:

- Staying out with peers, boyfriends or girlfriends
- Running to be near friends or family – especially when a young person is in care and there are problems with contact arrangements
- Becoming involved in risky behaviours such as substance or alcohol misuse, offending and anti-social
- Wanting freedom and independence
- Being made to feel special by grooming for potential sexual exploitation or child trafficking
- Fear of repercussion for self or family if they don’t go³

Understanding why children go missing creates opportunities for agencies to identify intervention measures that can cease or minimize repeat incidents. There also needs to be some consideration for those children who have ‘missing episodes’ – occasions where their destination is known but for some reason they do not return, for example those children being looked after in residential care settings. When children have regular missing episodes, professionals must examine why this is happening and why they refuse to come back if this is the case.

Statistics show that a child associated with organised sexual exploitation can go missing many times which indicate that interventions for these children should be a high priority.

4. Police Definitions

Since April 2013 Police forces nationwide have rolled out new definitions of ‘missing’ and ‘absent’ in relation to both children and adults reported as missing to the police.

These are:

- Missing: anyone whose whereabouts cannot be established and where the circumstances are out of character, or the context suggest a person may be subject to a crime or at risk of harm to themselves or another: and
- Absent: a person not at a place where they are expected or required to be

The Police will determine whether a person is ‘missing’ or ‘absent’ based on a proportionate response and risk based approach in both their recording of incidents and their initial response. ‘Absent’ within this definition would not include those defined as ‘away from placement without authorisation’. A child whose whereabouts are known would not be treated as either ‘missing’ or ‘absent’ under the police definitions and an officer will not be deployed. However, arrangements will be put in place for further contact with the person making the report at agreed intervals.

The child will remain ‘absent’ until they return unless further information is received which results in them being reclassified as ‘missing’ in which case an officer will then be deployed.

People & Communities Department, Children’s Social Care, Schools and Colleges Parents, foster carers , Children Missing from Education Services and partner agencies

³ Source. The Children’s Society Stepping up (1999)

are encouraged to report both "absent" and "missing" occurrences to the police. Reports of absences will be reviewed by the Police Missing Persons, Northern Safeguarding Coordination Unit (SCU), who will identify trends and patterns within the reports and will work with partner agencies to tackle and reduce the incidence of repeat absent cases. Collating this information will help the police build a more comprehensive picture, which in turn will inform improved safeguarding activities.

It is for the police to advise the media regarding a missing child and to do so in the best interests and welfare of the missing child. The Police decision to use the media to publicise a case should always be taken in consultation with the Strategic Director of People and Communities and the Divisional Director for Children's Social Care

5. Information Sharing

When there are concerns about a child's safety it may be necessary to share information with other agencies. The safety and welfare of a child must be the first consideration when making decisions about sharing information about them. It is lawful to disclose confidential information if it appears necessary to do so to safeguard a child in the public interest i.e. the public interest in protecting children may override the public interest in maintaining confidentiality.

Agencies working with children and young people and their families and carers must use well established, comprehensive, transparent and consensual information sharing systems and processes that places the child at the centre of how their information is used.

This must be delivered in accordance with the:

- Data Protection Act (1998)
- Children Act (1989)
- Human Rights Act (2000)
- Children Act (2004)
- And other relevant legislation and guidance.

All information obtained and shared in support of this protocol must be fully recorded within the individual organisation's management systems and be clearly referenced to the evidence and the information upon which decisions have been made. This must include details for any third parties and full details of all the information/evidence that they have supplied or been given.

6. Aggregated Information

Information relating to children and young people missing from home and care helps the Local Authority and partners to have a picture of 'running' patterns in their area.

Through reporting this information to Children's Social Care in B&NES they are able to monitor the prevalence of and the responses to children who go missing, including data gathered from LSCB members and other stakeholders in order to understand trends and patterns. The Advice and Information Officer's record all Police notifications of 'missing children' on CareFirst as a referral and if the child is allocated the relevant social worker informed. If the case is not allocated the referral is passed to the duty social worker to follow up. Bath & North East Somerset Data and Performance Team is responsible for all operational and strategic reporting for the department including reporting on the new 'Missing', 'Absent' and 'Returned' requirements. Statutorily, information regarding whether a looked after child has gone 'missing' for over a 24 hour period has always been a requirement of the 903 Looked After Children Return.

However, from 2015/16, a breakdown of whether the child was missing or absent without authorisation will be an addition to this statutory return. The team is currently in the process of developing a number of indicators, which will be able to demonstrate trends in missing/ absent/ returned behaviour for individuals and amongst groups of children and young people.

This protocol is in place to ensure that information about children who are reported missing (from home as well as care) is shared between the Police, Children's Social Care and specialist commissioned services.

7. Regional arrangements and cross-border issues

Where missing children from one local authority area present themselves in another local authority, it is important that the authority where the child is found (also known as the receiving authority) works with the authority where the child usually resides (also known as the home authority) to ensure they get access to the help and support services they need. Responsibility for making safeguarding enquiries rests with the 'receiving' local authority. If this local authority is not the one in which the child normally resides, it may negotiate with the 'home' local authority to continue with these enquiries.

The expectation is that the allocated social worker from B&NES will work proactively with the receiving authority to follow up on the missing child, remain involved and familiarise themselves with the local protocol.

Avon and Somerset Constabulary works closely with relevant forces to ensure that young people who run away and present themselves in another area are protected and returned to their family or placement with due care and consideration being taken for their welfare.

8. When responding to the needs of children who go missing the key principles are:

- The safety and welfare of the child is paramount
- Locating and returning the child to a safe environment is the main objective
- Child Protection Procedures will be initiated by Children's Social Care whenever there are concerns that a child who is missing may be at risk of significant harm and a strategy discussion and Sect 47 enquiries initiated
- The Police will act on any report of a child missing in line with their definition

9. Risk Assessments

The Police will prioritise all incidents of children categorised as 'missing' from home or care as medium or high risk. Where it is recorded that a child is absent the details will be recorded by the police who will agree review times and any ongoing action with the child's family, carer or the local authority. A missing child incident would be prioritised as 'high' risk if:

- The risk posed is immediate and there are substantial grounds for believing the child is in danger through their own vulnerability
- The child may have been the victim of a serious crime
- The risk posed is immediate and there are substantial grounds for believing that the public is in danger

The high risk category requires immediate deployment of police resources and the police guidance is clear that a member of the senior management team or similar command level must be involved. There should be a media strategy, close contact with the partner's agencies, and support for the family put in place. Missing Persons Bureau should be notified immediately along with Child Exploitation On-line Protection (CEOP) and LA's.

A missing child incident would be prioritised as 'medium' risk where the risk is likely to place the child in danger or where they are a threat to themselves or others. This category requires both a measured but active response by the police and other agencies in order to locate the missing child and to offer support to the person or persons reporting the missing episode. A proactive investigation and search will be undertaken to locate the missing child as soon as possible.

10. Police notifications

Police routinely notify Children's Social Care duty through the GSCX system of young children under 18 years who go missing from home and care. This includes both new reports and any updates to outstanding missing person's enquiries. The missing person's notification gives details of the reference number, the name and DOB of the child 'missing' the address they are missing from, the date they were reported missing and also provides an update on where and in what circumstances the child was located or found.

11. Children's Services

All Police notifications of children missing from home and care will be recorded as a referral on CareFirst. The Advice and Information Officer's will record all Police notifications of 'missing children' and if the child is allocated the relevant social worker or Youth Offending Service informed. If the case is not allocated the referral is passed to the duty social worker to consider which of the following assessments are appropriate.

- the undertaking of a Common Assessment Framework (CAF)
- single assessment
- strategy meeting/discussion
- Section 47 enquiries
- completion of a Sexual Exploitation Risk Assessment Form (SERAF)
- referring to the CSE MARAC for discussion and allocation to the CSE virtual team.

In order to triangulate the information on children missing from home and care the allocated worker or the duty social worker (dependent upon whether or not the case is already allocated or not) must undertake enquiries of the Children Missing Education Officer to ascertain whether the child is also missing from education.

On receipt of the Police notification the duty social work must notify the Compass team in order that they are able to provide a timely response to the missing incident within 72 hours.

There is no data protection issue in sharing missing person's reports. The Force Data Protection Office (Corporate Information Management) recognises that there is a clear

policing purpose due to the inherent risks associated with a missing child enquiry and the Police must take reasonable steps to locate the missing child is safe and well.

I.e. The Missing Persons Co-ordinator routinely makes contact with a social worker if a young person is missing from care or a safeguarding need is identified. If there is no social worker involved this will result in a referral to Children's Social care so as not to rely solely on the content of the routine notification. By sharing this information it is expected that joint responsibility will be taken to identify the issues and future safeguarding arrangements.

The Police notification process refers exclusively to reports of 'missing' persons; it does NOT include incidents of absences which do not carry any perceived risk.

For children and young people that have been reported as absent, i.e. not where they are expected or required to be, there is a facility within CareFirst to record this. They are recorded as Observations with a subject title of **Child reported absent** by the social worker

Once the child has returned an Observation is recorded by the social worker with a subject title of **Child reported returned**

12. Managing the Return

The attitude of professionals such as the Police officers and social workers towards a child that has gone missing can have a big impact on how they will engage with investigations and protection planning. However streetwise they may appear they are children and may be vulnerable to multiple risks. Actively listening and responding to a child's needs in a supportive approachable way will have a greater chance of preventing the child from going missing again and safeguarding them against further 'risks'⁴

While the child is still missing, plans should be put in place across relevant agencies to ensure that the return is managed effectively This will be especially important for those children who are considered as High Risk, are being harmed and/or are frequently reported as missing. In particular, in planning for their return, consideration should be given to:

- how the child will be supported and approached on the first contact;
- appropriate accommodation for their return should the place from which they went missing not be safe;
- and how the child should most appropriately be debriefed.

If it is considered that the place where they live is no longer appropriate, the location to which they are to be returned should be considered at an early stage as part of the multi-agency strategy discussions. It might be necessary to consider options such as an emergency placement to cover the initial period following their return.

13. Safe and Well checks

Safe and Well checks and independent return home interviews provide an opportunity to inform case planning, wider strategic planning and for professionals to 'hear the

⁴ Source. (CSN Policy briefing DFE Statutory Guidance on Children who run away etc from home and care Local Government information unit/children's service network 4/-2/2-14)

child's voice'. The outcome of the checks should be recorded on the child's files so that they can be shared with professionals.

Safe and well checks are carried out by the Police as soon as possible after the child, reported as missing has been found. The purpose is to check for any indications that the child has suffered harm, where and with whom they have been, and to give them the opportunity to disclose any offending by or against them.

Where a child goes missing frequently a reasonable decision should be taken between the police, child's social worker, the child's parents or carers. with regard to the frequency of such checks bearing in mind the established links between missing episodes and serious harm, which could include forced marriage, bullying or sexual exploitation.

This is NOT a return home interview.

14. Independent return interviews

When a child is found, they must be offered an independent return interview. The interviews are best undertaken by someone not involved in caring for the child and provide the opportunity to uncover information that can help protect children from the risk of going missing again, from risks that may have been exposed to while missing or that they may have been exposed to within their home or care setting. In B&NES, the interviews are usually carried out by Compass. Exceptionally, where a child has a strong relationship with a carer or their social worker and has expressed a preference to talk to them about why they went missing, they should be given this option. Children sometimes need to build up trust with a person before they will discuss in depth the reasons why they ran away. Compass should be notified when the child who has gone missing has been found. It is the responsibility of the child's social worker and their line manager to ensure the return interview happens. The interview should be carried out within **72 hours** of the child returning to their home or care setting and an interpreter should be involved where necessary.. National guidance is for interviews to be held in a neutral place where the child feels safe, but locally, they are often undertaken in a child's own home. In these circumstances, it is important that the child is seen alone. Interviews provide an opportunity to hear from the child about why they went missing and to understand the risks faced by the child while missing. A standard checklist supports staff to explore issues where a child

- has been reported missing on two or more occasions
- frequently away from placement or home without authorisation
- has been hurt or harmed
- is at known or suspected risk of sexual exploitation
- is at known or suspected risk of involvement in criminal activity or drugs
- contact with people posing a risk to children

The assessment could include whether the child might run away again; an understanding of why they went missing, what happened while they were missing, what support they require on returning home or their care placement.

The assessment of whether the child might run away again should be based on:

- their individual circumstances, including family

- their motivation for going missing
- where they have been and with whom
- recent patterns of missing or absences
- individual circumstances in which the child was found or returned
- Individual risk factors such as mental health, depression, physical and learning disabilities.

Where children refuse to engage with the independent reviewer, parents should be offered the opportunity to provide relevant information and intelligence of which they may be aware.

If the interview uncovers negative information about the social worker or foster carer, the child should be offered the opportunity to make a complaint under the B&NES' Children Service Complaints procedure.

Compass staff are responsible for feeding back to the child's social worker or ensuring any necessary safeguarding or early help referrals are made where Social Care is not already involved.

The interview should be recorded and placed on the child's file. A copy of the return home interview should be sent electronically by secure e-mail to the Police. Where a return interview is not conducted, the reasons should be recorded on the child's file and the Police Missing Persons Coordinator informed.

Compass staff have all undertaken safeguarding training, including child sexual exploitation

15. Children missing from home

There is an expectation that parents, carers and guardians will report to the Police if their child is missing.

If a parent reports that their child has gone missing, to Children's Social Care they should be advised to report this information to the police. If it comes to the attention of any agency that a child is missing, they must advise the parents/carers of their responsibility to report this matter to the police. They also need to advise the parent of the agency's duty to ensure that the matter is reported and if necessary follow this up by contacting the police themselves to ensure they have been notified.

On locating the child if a police officer has reasonable cause to believe that a child would otherwise be likely to suffer significant harm if returned home (an immediate risk),⁵ they may remove the child to suitable accommodation and Children's Social Care must be notified and involved in this decision-making process. Child Protection processes will be initiated

An evaluation of whether the child is likely to run away from home in the future will be one of the factors that inform the level of risk posed to the child, and the decision as to whether a referral to Children's Social care is appropriate. The assessment of whether a young person might run away again should be based on information about their:

⁵ Source. Section 46 of The Children Act 1989

- individual circumstances, including family circumstances in which the child has gone missing;
- motivation for running;
- possible destination; and
- recent pattern of absences (if any).

When young people missing from home are located but have not been reported missing to the police by their families, further investigation might be warranted. It may be necessary to inquire into whether there are any continuing safeguarding concerns,

- under Sect 47 Children Act 1989 where there is reasonable cause to suspect a child is at risk of significant harm
- under Sect 17 Children Act 1989 to decide whether a child is in need
- or if the child is not known to Children's Social Care and where there are concerns about a child returning from a missing episode would benefit from a multi-agency package of support through the Common Assessment Framework (CAF) process to prevent further episodes of going missing.

Consideration should be given to carrying out a new assessment every time a young person runs away by Children's Social Care. The persistence of this behaviour would suggest at least that the action following from earlier assessments should be reviewed and alternative options considered.

16. Children missing from care

Bath & North East Somerset Council's approach to managing missing-from-care episodes is a key element of the authority's wider strategy

'We want all children and young people to enjoy childhood and be well prepared for adult life' (CYP Plan 2014-2017)

Children in care depend on the Local Authority to act as a responsible corporate parent to ensure that it is discharging its corporate parenting responsibilities. The LA must:

- Assess their needs
- Ensure they receive appropriate support and services
- Enable all the children that it looks after to achieve the best possible outcomes.

Where young people are missing from their residential or foster care placements it is essential that the professionals and agencies concerned are informed and that they work closely together to respond to the incident in a timely way to locate the child as quickly as possible.

It is important to recognise that given the vulnerability of some children in care, it may be necessary to take additional measures to ensure that they are effectively safeguarded and protected from exploitation.

Whenever a child runs away from a placement, the foster carer or the manager on duty in the residential care setting are responsible for ensuring that the following individuals and agencies are informed immediately as set out in this protocol.

- the local police;
- the authority responsible for the child's placement – if they have not already been notified prior to the police being informed that the child is absent. In the first instance the notification should be by phone followed up by email/written confirmation. It will not be enough just to notify the social worker. The registered manager of the residential setting or the Independent fostering service are responsible for ensuring that the accountable manager in the local authority has received notification and have initiated appropriate actions. In addition the Independent Reviewing Officer (IRO) and Compass should also receive notification that a looked after child is missing.
- parents and any other persons with parental responsibility must be informed as soon as possible that their child is missing unless there are good reasons connected with the child's welfare for this to be inappropriate (e.g. young people running away from the threat of forced marriage or other safeguarding issues). Agreement must be reached between the carer and the social worker as to which professional will be responsible for informing the parents – this will usually be the child's social worker. A record must be made as to when parents have been informed, and what information has been given to them. If no information is given, why not and who made that decision.

Carers and residential staff should continue to make appropriate enquiries with other residents who may be able to assist with the investigation. Throughout this process in this protocol, residential staff and foster carers must keep a full record of all actions taken and any messages either received or given.

Residential setting staff and foster carers should continue to offer warm and consistent care when a child returns, running away should not be seen as behaviour that needs to be punished, and the need for safe and reliable care may be particularly significant for a child who faces pressure to run away as a result of circumstances beyond their carer's control.

17. Communication with other agencies

When a child goes missing from their placement it is important that information is shared with partner agencies involved with the child in order for them to provide relevant information and to contribute to the assessment of risk

The school must always be informed; they may have valuable information which would assist in establishing the child's whereabouts.

18. Locating the child and follow up actions

Once the child has been located, it will be essential to assess their needs so that they can be referred to appropriate services. B&NES as a local authority will ensure plans are in place in order to respond promptly once the child is located to arrange for the child's return.

The Police have no powers to use force to take children into their protection. There will be occasions when a child is in a location that may be unsuitable but where:

- there would be no legal grounds for taking them into police protection or

- doing so would be unsustainable because of the child's unwillingness to cooperate

In these circumstances the police and the social worker and their line manager will need to liaise to discuss what steps to take to safeguard the child's welfare.

The child's social worker, their line manager and the Independent Reviewing Officer (IRO) should consider bringing forward a Child in Care Review, particularly if there are significant changes to the Care Plan and the Placement Information record (PIR) need to be made.

Looked After Children are disproportionately vulnerable to grooming and sexual exploitation, it is therefore crucial that there is clarity and consistency about who should do what when a looked after child goes missing and that risk management plans for individual children are developed and acted upon. Reports about looked after children missing from their care placement must be routinely provided to senior managers in the Local Authority at the Corporate Parenting Group and Board through the Policy, Procedure and Monitoring group sub group to the LSCB

The child's records including the Looked after Child care plan will assist in identifying any concerns about their care and any patterns of absence in situations where the child persistently goes missing from their care placements. All care plans are kept under review and chaired by an IRO who considers the plan and makes decisions to amend as necessary in the light of a change in circumstances and further knowledge or historical information.

The IRO is also responsible for monitoring the implementation and management of the plan outside of the Looked After Child Review.

Where children in care have established a pattern of going absent from placements, their care plan should include a strategy to minimise any risk to the child, or to consider whether it may be necessary to look for an alternative placement in order to keep them safe.

The statutory review provides an opportunity to ensure that their care plan has been appropriately amended to address the reasons why the child was absent and that it includes a strategy to prevent re-occurrence should the child go missing in future. i.e where a child goes missing from their placement to have more contact with family or where there is evidence that a child is vulnerable to sexual exploitation. Consideration should be given as to whether the placement is able to put in place a strategy to minimise any risk to the child, check that the placement remains suitable for meeting the child's needs or whether it may be necessary to look for an alternative placement in order to keep the child safe.

In addition to the care plan a placement information record is completed between the placing social worker and the placement provider on placement. This sets out the expectations on how the provider will meet the child's needs and maintain the child's routines.

The allocated social worker should advise the child's' parents/carers and agencies of the child's return without delay unless inappropriate for good reasons to do with the child's welfare. Any reasons for not informing should be clearly recorded on Care First.

19. Placement matters

The National Minimum Standards (NMS) for Children's Homes and those for Fostering Services (2011) set out basic expectations about how providers should take into account the needs of the children placed with them. The NMS for fostering services require providers to have explicit policies and procedures in place and must be followed whenever a child is missing from their care placement without authority.

These policies are expected to be compatible with this protocol established by the Police and the Local Authority that operate in the area where the foster placement is located. Standard 5 of The Fostering services: National Minimum Standards (2011) specifies the responsibilities of Fostering Services and Foster Carers in relation to children who go missing from care. It is expected that Fostering Services and Foster carers follow this protocol and take appropriate action to find children who have gone missing.

The Children's Home Regulations requires providers to have explicit procedures in place to prevent children going missing and to take action when they do. The policy must specify the procedures to be followed and the roles and responsibilities when a child is absent. The NMS specifies that staff should actively search for children and, where appropriate, work with the police.

20. Support for 16- and 17-year-olds

Some 16 and 17-year-olds have greater independence from their parents and carers and choose to leave home. However, when a 16 or 17 year old runs away or goes missing they are no less vulnerable than younger children to sexual exploitation or involvement with gangs

A 16/17 year old may present as homeless and B&NES as the local authority must assess their need as for any other child. Where the outcome of the assessment indicates that the child is in need and requires accommodation B&NES must provide accommodation for any "child in need" within their area who meets the criteria.⁶

Local authorities must also provide accommodation for a "child in need" who is over 16 and whose welfare is likely to be seriously prejudiced if they do not provide him or her with accommodation⁷

Statutory guidance was issued in April 2010 to children services authorities and local housing authorities about their duties under part 3 of the Children Act 1989 and part 7 of the housing Act 1996 to secure or provide accommodation for homeless 16 and 17 year old.⁸

When a 16-17 year old presents as homeless, the Southwark ruling states that it should be Children's Social Care rather than Housing who undertake an assessment.

The accommodation provided must be suitable; risk assessed and meets the full range of the child's needs. i.e the accommodation may include provision of specialist support for those children who have been sexually exploited.

⁶ Source. Section 20(1) of the Children Act 1989

⁷ Source. Section 20(3) CA 1989

⁸ Source. DFE: provision of accommodation for 16/17 year olds young people who may be homeless and/or require accommodation 2010

Bed and breakfast (B&B) is not considered suitable for any child under the age of 18 years even if it is on an emergency basis.

21. Out of Area placements

For some children in care, an appropriate placement may be one outside of the area. When a child is placed out of the authority, the responsible authority must make sure the child has access to services they need. The home authority and other services must be notified of the placement.

If children placed out of authority run away the local protocol for that authority should be followed, in addition to complying with other processes that are specified in the policy of the responsible local authority to include return home interviews. The expectation is that the child's allocated social worker in B&NES remain actively involved in the case, familiarise themselves with the local protocol and remain informed and follow up on the missing incident. It is essential that liaison between the police and professionals in both authorities is coordinated and well managed as it is possible that the child will return to the area, a notification process for missing and away from placement without authorisation should be agreed between responsible and host authorities.

22. Unauthorised absences

Some children absent themselves from care for a short period and then return, often their whereabouts are known, or may be quickly established through contact with family or friends, or are unknown but the children are not considered at risk. Sometimes children stay out longer than agreed to test boundaries which is well within the range of normal teenage behaviour.

Other examples of situations where unauthorised absence will apply are:

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

These children have taken '*unauthorised absence*', and would not usually come within the police definition of '*missing*'. Instances of unauthorised absences should NOT be reported to the Police. If a child's whereabouts are known then the Police will not consider them as 'missing' (unless the absence causes concern for the safety of the child or there is potential risk to the public). When a child is categorised as an unauthorised absence the Police cannot enforce the return of a child. They have no power to do so if the child does not appear to be at risk.

If the assessment is that there is no apparent risk for their immediate safety but they are away from their placement without permission it is still important that foster carers or residential settings provider inform the child's social worker as soon as possible and that these incidences are recorded by the foster carer, as the child may subsequently go missing.

If the child's whereabouts are known or suspected, a joint decision will need to be made by the Foster Carer and Fostering Service residential provider and child's social worker if possible as to whether to allow the child to remain at that location, albeit temporarily, or to seek their return.

A clear assessment needs to be made by provider services in each individual case as to the length of time that elapses before a child who is unauthorised absent needs to be re-categorised as missing. All unauthorised absences must be kept under regular review by the provider. It is important to consider whether there has been any changes to the possible risk factors that were considered in the Risk Assessment that would increase the risk of harm e.g. the child requires medication at a set time, weather conditions have severely deteriorated, etc.

23. Absconder

An absconder is a child who is absent from the foster home without permission **and** who is subject to an order or requirement resulting from the criminal justice process (e.g. remands, curfews, tagging, conditions of residence, other bail conditions, Police And Criminal Evidence (PACE) detention or Civil Injunction and Criminal Behaviour Orders) A child in this category must be reported to the Police without delay. Providers must also inform the child's social worker or the Emergency Duty Team

Providers should continue to make appropriate enquiries with other children in placement or by telephone with any people who may be able to assist with the investigation, unless they are requested not to do so by the Police. All information gleaned from these enquiries should be passed to the Police.

When a child is found or returns to their placement the provider will need to reassure the child of their commitment to them, as well as expressing their concern for the child's safety. The child might need to have the opportunity to talk to a person independent of the foster home, or residential setting ideally prior to returning to the placement. It will be essential to assess their needs so that appropriate services and additional support can be provided,

24. Looked after children who may have been trafficked

Some looked after children are unaccompanied asylum seeking children or other migrant children and may have been trafficked into the UK and remain under the influence of those that have trafficked them. This group of children are at high risk of going missing within one week of becoming looked after, many within 48 hours⁹

Assessing the needs of these children and informing the care plan is critical as the opportunity is very narrow. The assessment should include;

- Relevant details about the child's background before they came to the U.K
- An understanding of the reasons why the child came to the U.K and
- An analysis of the child's vulnerability to remaining under the influence of traffickers

Provision may need to be made for the child to stay in a safe place before an assessment can be undertaken and an acknowledgement that they may not be able to discuss full information initially. Where the child is placed should not be divulged to any one making enquiries until the enquirers identity and the relationship with the child has been established.

⁹ Source. (HM Government Safeguarding Children who may have been trafficked; Practice Guidance 2011)

Where these situations arise the care providers must understand fully what their roles and responsibilities are, this should be recorded in the placement plan and proportionate safety measures put in place that keep the child safe from going missing again or from being re-trafficked.

When undertaking these assessments, it will be necessary for Children's Social Care to work in close cooperation with the UK Human Trafficking Centre (UKHTC). Immigration staff specialising in trafficking issues should be able to advise, in the light of the information gathered whether the child fits the profile of a potentially trafficked child.

It is essential that Children's Social care continues to share information also with the police concerning potential crimes against the child or risks to other children.

25. Data on children who go missing

Sharing information early and effectively between professionals and local agencies is essential in identifying patterns of behaviour. Data should include the duration of missing episodes, where the child has 'run' from and where they have been found., information from return interviews and absence data from education establishments. The data will help B&NES identify risks in their area, such as exploitation, gangs or crime related activity and other potential 'hot spots'.

Data and analysis of children who go missing from home and care should be included in regular reports to council members at Corporate Parenting Group and in reports to the LSCB through the Policy, Procedure and Monitoring sub group of the LSCB. Children missing from placement without authorisation should be reported to the DfE through the annual data returns on looked after children.

26. Children missing education

Due to the daily contact that schools have with many children, they are often well placed to notice when a child has gone missing. When a child or sibling group are withdrawn from school, or appear to have gone missing, Head teachers must make every effort to trace the child as soon as it is apparent that the period of absence is unusual in any way.

The Councils Children Missing Education Service has lead statutory responsibility on behalf of Bath and North East Somerset to identify, as far as possible to do so, children missing education and get them back into education.

All schools and the local authority should:

- Promote good attendance and reduce absence
- Ensure every pupil has access to full-time education
- Act early to address patterns of absence

Parents have a duty to ensure their child of compulsory school age receives suitable full time education.

If a pupil fails to attend school or the arranged education provision, the school must establish the reason for absence and mark the register accordingly. A majority of schools & academies operate a first day calling system.

The school should follow up absence to:-

- Ascertain the reason
- Ensure the proper safeguarding action is taken
- Identify whether the absence is approved or not
- Identify the correct code to use before entering it on the school's electronic system.

Section 175 of the Education Act 2002 places a duty on maintained schools to exercise their functions with a view to safeguarding and promoting the welfare of children & young people. The same duty applies to academies, free schools and independent schools made under section 157 of this Act.

Following 10 days of continuous unexplained absence the school (all schools) must notify the Children Missing Education Service of the pupil missing education having made their own enquiries & investigation and failed to establish the reason for absence. If the school is of the belief that the pupil has moved away notification to the local authority must be made earlier.

Vulnerable children & young people with a history of poor attendance and /or welfare concerns should be followed up immediately by the school.

Children subject to a child protection plan or children looked after must be followed up and given immediate attention by the school. The allocated Social Worker must be notified.

Children & young people without access to education, have no school place or missing education must be seen as vulnerable. All agencies, teams and services are encouraged to identify this group of children and young people and share information with the Children Missing Education Service. The CMES will make education enquiries and take the necessary action to ensure that the pupil has access to their entitled full-time education. Further information can be found in the Bath & North East Somerset 'Children Missing from Education' document. [CME Policy – Autumn 2014](#)

27. Children subject to a Child protection Plan who goes missing

The unexplained, continuous absence of any child who is subject to a Child Protection Plan must be treated as the highest priority. It is the responsibility of the child's social worker to ensure that a Strategy Meeting in line with local procedures is convened as soon as is practicably possible.

Representatives from the police should attend the meeting along with other agencies involved with the child, particularly members of the core group.

Consideration should also be given to convening a Child Protection Review Conference in order to reassess the risk and to update the Child Protection Plan.

Bibliography

- Working Together to Safeguard Children (2013)
- Safeguarding Children and Young People from Sexual Exploitation: Supplementary guidance to Working Together to Safeguard Children (2009) Tackling Child Sexual Exploitation Action Plan (2011)
- Children Act 1989 guidance and regulations
- Association of Chief Police officers (ACPO) guidance on the Management, Recording and Investigation of Missing persons
- Child Sexual Exploitation Strategy Bath and North East Somerset 2014
- Consultation on the revised statutory guidance on Children who run away or go missing from home or care DfE government response January 2014
- CSN Policy Briefing
- DfE statutory guidance on children who run away etc from home or care. 4th February 2014

Acknowledgments

- Harbour Warnings – Joint Protocol and Guidance for Swindon and Wiltshire Children’s Services and Wiltshire Police Interim Guidance on the Management, Recording and Investigation of Missing Persons. ACPO 2013.
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