DfE revised statutory guidance on children who run away etc - consultation

Date 5 July 2013
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Summary
The DfE is consulting (until 17 September 2013) on revised statutory guidance on children who run away or go missing from home or care. The guidance is being updated to take account of recent developments, in particular around child sexual exploitation.

Overview
The DfE is consulting (until 17 September) on revised statutory guidance on children who run away or go missing from home or care. The guidance is being updated to take account of recent developments, in particular around child sexual exploitation. Looked after children are disproportionately vulnerable to grooming and sexual exploitation, so it is crucial that there is clarity and consistency about who should do what when a looked after child goes missing. The draft revised guidance places no new requirements on local authorities (LAs), but there is a greater focus on key areas such as data sharing, return home interviews and risk assessment. The new draft is 24 pages long, compared with 60 pages for the current guidance which it will replace.

The main changes are that reference to National Indicator 71 has been removed (which occupies nine pages in the current guidance); reference to ContactPoint has been removed; changes have been made to reflect changes in revised Care Planning Statutory Guidance in 2011; ‘other changes have been made in line with general DfE policy to focus on core legal requirements, making it clear what individuals and organisations should do to keep children safe’.

The guidance is intended to provide a national framework within which agencies and professionals at local level can draw up and agree on ways of working together to prevent children going missing from care, and safeguard those who do. The draft guidance is accompanied by an eight-page flow chart showing what is expected of carers, the ‘responsible LAs’, the ‘host LAs’ (where children are placed in another authority area), the police, and LSCBs.

Briefing in full
The guidance cites a Children’s Society publication, Still Running 3, which says that 100,000 children a year run from home or care; one in six of the runaways interviewed had slept rough or stayed with someone they had just met, and one in nine had been hurt or harmed the last time they had run away. There are particular concerns about the link between children running away and the risks of sexual exploitation – which studies in 2012 by the Child Exploitation and Online Protection Centre (CEOP), the University of Bedfordshire and the Office of the Children’s
Commissioner (OCC) have found to be much more prevalent than previously thought (see ‘Related briefings’).

The Joint All Party Parliamentary Group (APPG) Inquiry on Children who Go Missing from Care (June 2012) and the accelerated report of the OCC’s inquiry into Child Sexual Exploitation in Gangs and Groups highlighted that children in residential care are at particular risk of going missing and are particularly vulnerable to sexual and other exploitation, and that Local Safeguarding Children Boards (LSCBs) have an important role to play in monitoring and analysing data on children who go missing.

The Ofsted report Missing Children (February 2013 – see ‘Related briefings’) highlighted a number of concerns about current LA practice.

**Strategic Planning and Role of Organisations**

‘Safeguarding and promoting the welfare of children requires effective joint-working between agencies and professionals.’ The guidance sets out the specific responsibilities of LAs and LSCBs, including the contents of Runaway and Missing From Home and Care (RMFHC) Protocols – which should be agreed with all agencies (particularly the police) and scrutinised by the LSCB; this should be done on a regional/sub-regional level to ensure consistency with police forces which cover more than one LA area. Key points and issues include:

- Children’s service departments should have a named senior manager responsible for taking the lead on monitoring policies and performance relating to children and young people who go missing from home or care (and each police force should have a missing persons coordinator)
- LAs should collect data on children reported missing from care, unauthorised absences from care placements, and other relevant data and should regularly analyse this in order to map problems and patterns, including identifying patterns of sexual and other exploitation. The results should be reported to Lead Members (and incidents of missing or absent children reported to the police must also be submitted to the DfE for national data collection)
- LAs should consider the ‘hidden missing’ – children who have not been reported missing to the police, but have come to an agency’s attention from having accessed other services; and there may be trafficked children who have not come to the attention of the LA or the police
- in respect of children/young people who are looked after, RMFHC Protocols should include:
  - appropriate responses to children going missing or absent from their placement
  - reporting and recording systems on missing and absent episodes, including for children placed in other LA areas
  - details of agencies providing independent advocacy services to looked after children
  - arrangements that ensure return interviews take place within an appropriate timescale by a suitably experienced individual
- arrangements for access to helplines and emergency accommodation
- when a 16-17 year old presents as homeless, LA children’s services must assess their needs (as for any other child) and where this indicates that they require accommodation they will become looked after (in April 2010, the Government issued statutory guidance on provision of accommodation for 16 and 17 year olds)
**CSN POLICY BRIEFING**

- the role of the police – who will prioritise all incidents of missing children as medium or high risk, the latter requiring immediate deployment of police resources
- safe and well checks, carried out by the police as soon as possible after the child has returned
- an Independent Return Interview, arranged by the responsible authority (working closely with the host LA where appropriate), and the option to speak to an independent representative or advocate
- children who repeatedly run away and go missing – which can sometimes indicate sexual exploitation, and should not be viewed as a normal pattern of behaviour
- the potential role of voluntary sector organisations.

**Specific issues around looked after children (LAC)**

Although the number of LAC going missing or absent is a small percentage of the overall number of children who go missing it is disproportionately high compared with the children’s population as a whole. A looked after child’s care plan should include details of the arrangements that will need to be in place to keep the child safe and minimise the risk of the child going missing from their placement. Any decision to place a child at distance should be based on an assessment of the child’s needs including their need to be effectively safeguarded. Evidence suggests that distance from home, family and friends is a key factor for looked after children running away. Listening to a child is also an important factor in protecting and minimising the chances of a child running away; the Children’s Rights Director has reported that ‘one of the major influences of them running away is having a sense that they are not being listened to and taken seriously’, particularly about placement decisions and moves. All LAC should be told of their right to be supported by an independent advocate.

Where a child goes missing from a placement, a statutory review of their care plan can provide an opportunity to check that it addresses the reasons for an absence. The review should result in the development of a strategy to minimise a repeat of the missing episode. In particular, any issues relating to the vulnerability of the child to sexual exploitation, trafficking or crime/gang involvement should be identified and actions to address these needs and ensure the child is kept safe clearly set out in the care plan. Independent Reviewing Officers (IROs) should be informed about missing/absent episodes and they should address these in statutory reviews.

On 1 April 2013, **The Care Standards Act 2000 (Registration)(England) (Amendment) Regulations 2013** (SI 2013/446) came into force requiring Ofsted to disclose details of the locations of children’s homes to local police forces to support the police in taking a strategic and operational approach to safeguarding children. This duty is in addition to the existing obligation for Ofsted to disclose this information to local authorities. A protocol published alongside the regulations sets out the responsibilities of the public authorities to use information about the location of children’s homes only for the purposes for which it was disclosed; and to share it onward only where this is compatible with safeguarding children and promoting their welfare.

Where a looked after child has run away from their placement the responsible LA should ensure that plans are in place to respond promptly once the child is located, and will be responsible for deciding whether the child’s placement remains appropriate.

The draft guidance has more than a page on looked after children who may have been trafficked from abroad. Key points include:

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• some of this group may remain under the influence of their traffickers even while they are looked after; trafficked children are at high risk of going missing, often within a very short time of becoming looked after; unaccompanied migrant or asylum seeking children who go missing immediately after becoming looked after should be treated as children who may be victims of trafficking
• the assessment of need to inform the care plan should be done immediately in these circumstances, as the window for intervention is very narrow; the LA will need to work closely with the UK Human Trafficking Centre and immigration staff; provision may need to be made for the child to be in a safe place, and proportionate safety measures that keep the child safe should be put in place
• practical guidance is available in the joint DfE/Home Office publication Safeguarding Children Who May Have Been Trafficked.

The document concludes with two annexes: a checklist for LAs and a list of associated resources.

Comment

The response form accompanying the consultation documents asks a number of specific questions about the clarity and completeness of the guidance, and provides the opportunity to comment further. The draft guidance is less than half the length of the current guidance it is replacing, in line with current DfE practice, and the consultation provides a valuable opportunity to frontline practitioners and managers to help ensure that it is as useful and effective as possible.

External links

DfE consultation: Statutory guidance on children who run away or go missing from home or care

Related briefings

Missing Children (March 2013)

Tackling child sexual exploitation and protecting children who go missing from residential care (August 2012)

For further information, please visit www.lgiu.org.uk or email john.fowler@lgiu.org.uk