

1 Ardleigh Road
London N1 4HS
Tel: 020 7249 7373
Fax: 020 7249 7788
Email: info@howardleague.org
Web: www.howardleague.org

APPG for Runaway and Missing Children and Adults
c/o Jacob Hill
Researcher
Office of Ann Coffey MP

By email: jake.hill@parliament.uk

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Response to call for evidence – Inquiry into out-of-area care placements for looked after children and young people

We welcome the opportunity to submit evidence to this important Inquiry.

1. About us

1.1. Founded in 1866, the Howard League is the oldest penal reform charity in the world. We have some 12,000 members, including lawyers, politicians, business leaders, practitioners, prisoners and their families and top academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government. The Howard League works for less crime, safer communities and fewer people in prison. We aim to achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's work.

2. Our programme to end the unnecessary criminalisation of children in care

2.1. For the last three years the Howard League has been working on a programme to end the unnecessary criminalisation of children in residential care. We have conducted extensive qualitative research on the subject which has given us a wide-ranging understanding of the children's residential care sector and the issues affecting the children living within in. Amongst the several hundred people we have spoken to are police, directors of children's services and other local authority staff, youth offending teams, the owners and staff of private, voluntary and local authority run homes, magistrates, youth justice lawyers, politicians, academics, other third sector organisations and children and young people who are, or who have recently, lived in children's homes. The subject of missing from care and out-of-area placements are invariably part of our discussions.

3. Missing incidents as a factor in criminalisation

- 3.1 We know that children living in children's homes are being criminalised at excessively high rates compared to other children, including children in other types of care placements. In 2015, 14 per cent of children living in children's homes were criminalised, compared to four per cent in other placement types and one per cent of all children (please see *Briefing one*, page 3: <https://howardleague.org/publications/ending-the-criminalisation-of-children-in-residential-care/>).
- 3.2 In our view, missing incidents are a factor in these high rates of criminalisation. The reasons for this are complex and individual to each child: some children will be going missing because they are being criminally exploited, for example, in order to run drugs; others will be criminalised as a result of having gone missing, for example, they were exploited by a previously unknown person whilst missing or for another reason flowing from that missing incident such as stealing to survive or assaulting a police officer when they are picked up; other missing incidents may flow from well-being issues which may also be contributing to incidents leading to other police involvement. We give some further examples and explanations of the links between missing incidents and criminalisation below.
- 3.3 There is little quantitative evidence on the link between missing and criminalisation but we were able to establish an indication of its relevance through a Freedom of Information request to the Department for Education which revealed that 66 per cent of children who had been formally criminalised whilst living in a children's home between 1 April 2015 and 31 March 2016 had been missing from placement at some point during the course of the year. Published government data states that in the year ending 31 March 2018, 11,530 looked-after children had a missing incident which equates to 11 per cent of the total number of looked-after children (<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2017-to-2018>).
- 3.4 The police have told us that many of the calls they receive relate to missing incidents rather than alleged crimes. We have recently been able to verify this through responses to another Freedom of Information request which showed that around half of all calls to responding police forces from children's homes in 2018 related to missing incidents (see paragraph 6.2 below for more detail on this).
- 3.5 In our experience, forces take their safeguarding responsibilities very seriously and they want to improve responses to children who are at risk of harm. However, they do not view all call-outs from children's homes for missing incidents require police involvement and they are very critical of unnecessary call-outs. The head of the missing persons unit in one force summarised some of the issues for us: the police are frequently called very early to homes in circumstances which resolve themselves; they are often asked to pick children up from known locations; they have been called out for children who are known to be on the bus on the way home but are running a bit late; some children are allowed out some days but not others which frustrates them and the police find they are getting called out on the days the children are supposed to stay in. One officer gave examples from his experience of reasons homes had given for being unable to pick children up from known locations: there was only one member of staff on duty and they couldn't leave the home; and the other person on duty was asleep and their colleague didn't want to wake them.

- 3.6 These unnecessary call-outs are clearly a waste of police time and resource. They can also be damaging for the child: unnecessary contact between the child and the police can contribute to a process of criminalisation; additionally, we have heard of incidents that have been handled badly by the police and resulted in the child being charged with assault (see, *Briefing two*, page 3: <https://howardleague.org/publications/ending-the-criminalisation-of-children-in-residential-care-briefing-two-best-practice-in-policing/>).
- 3.7 We have advocated for children's homes to take responsibility for children in the same way as a parent would and not to call the police out unnecessarily. In our third programme briefing 'Hearts and heads: Good practice in children's homes' (<https://howardleague.org/wp-content/uploads/2018/07/Hearts-and-Heads-briefing-three.pdf>, page 7) we said:
- “When a child goes missing, what does a good parent do? In the first instance they will try to make contact with their child, they might call round friends and places they think their child might have gone to and they might drive round to look for them. If they find out where they are they will either go and pick them up or send a taxi. If they assess that their child is at risk, then it is at that point that they will call the police. Children's homes staff should respond as parents would based on an individualised risk profile for each child. They should have sufficient staff available day and night to be able to be able to deal with non-emergency situations without involving the police.”
- 3.8 Where the child is at risk and the police do need to be called, the home should be in a position to provide the police with a picture of the child and comprehensive information to help enable the police to search and locate the child as quickly as possible. The police tell us that this information is frequently not available. Anecdotally, we hear that getting hold of up-to-date, relevant information is more of a problem for children who have been placed out-of-area.
- 3.9 Some police forces distinguish between low, medium and high level risk missing incidents. Some forces have told us about “risk management” work they have initiated in order to handle risk appropriately with a view to ensuring a quick and effective response to safeguarding risks in high risk cases and the minimisation of unnecessary police involvement in the low risk cases. The following is an extract from the minutes of a summit we held at our offices in July 2018 which gives a flavour of some of the issues. It relates to work being done in one of the London boroughs by the Metropolitan Police often with children in out-of-area placements whose home local authority was another London borough.
- 3.10 “[Officer] explained how he was developing a holistic risk management approach to working with children living in children's homes. He noted that the usual approach was to isolate individual risks to children (for example, child sexual abuse, substance abuse, offending behaviour) and for each risk to be managed separately by different teams which often didn't speak to each other. He highlighted the problems with this approach, including duplication, bureaucracy and ineffectiveness. He is implementing multi-agency teams which are taking a whole child approach and talking about hidden risk and vulnerability. He is also working with children's homes and educating them, for example, on how to spot the signs of child criminal exploitation and how to deal with missing incidents.”

- 3.11 In respect of missing incidents, individual risk plans were to be drawn up for all children who were coming into contact with the police. These included a trigger plan for what happened if the child went missing. If a child were known to be at risk of, for example, Child Sexual Exploitation (CSE), the police should be urgently called and equipped with all relevant information to help them establish the location of the child. If the child was known, for example, to always meet a sibling on a certain day and often to be late returning back from that meeting, it might be agreed in the risk plan that the home would try to make contact with the child, or check themselves that the child was where they had said they would be, before calling the police.
- 3.12 Thorough risk assessments for children require good working relationships between social workers, the homes, the police and other agencies alongside discussion with and active involvement of children. We hear that productive working relationships are often an issue with out-of-area placements.

4 What children and young people have told us about going missing from care

- 4.1 Children and young people who have lived experience of going missing from care and living in out-of-area placements are the experts on these issues. It is vital that they are listened to and that their experiences and views inform policy and other professional work. As part of our programme of work we have conducted in-depth interviews and run focus groups with care experienced children and young people. These have elicited very rich material, including insights into missing incidents and out-of-area placements. Examples from three children and young people we have spoken to are set out below.
- 4.2 One 19-year old care leaver who had frequently gone missing from care told us: “For many young people in residential care, the principal contact with police is through being reported as missing. In my experience, this is also what opens the floodgates to all other types of issues with the police such as residential staff telling the officers about arguments or problems that there have been, just because the officer is standing in the living room” (see <https://howardleague.org/blog/going-missing-from-residential-care/>).
- 4.3 A 15-year old girl we interviewed told us about how she had run away from the children’s home she was living in and walked nearly ten miles back to her mother’s home in another county. She described how she felt when her social worker gave her the news that she was moving even further away: “The social worker said, ‘You’re moving into []’, and I was like, ‘Where is that?’ And she said, ‘London’. I was like, ‘Whoa, that’s really far’ ... I was crying my eyes out, I was like, ‘Why are you trying to do this to me?’ ... She’s moved me so far, and I have to travel two hours to go see my Mum ... if I don’t see my family, then I’m by myself.” It is important to say that this girl settled in the new home thanks to the excellent care she received although she was still finding it hard to be so far from family. This interview highlights how children might feel about an out-of-area placement and contains learning for the professionals supporting them. It is worth noting that children often tell us that they are not consulted about where they will live and that placement moves are frequently presented to them as a *fait accompli*.
- 4.4 The story of ‘Samantha’ in our fourth programme briefing (December 2018), who was labelled as a ‘serial absconder’, sheds further light on the reasons why children go missing from care and issues around agencies’ responses (‘This is our story: Children and young people on criminalisation of children in residential care’:

5 Missing from residential care and child criminal exploitation

- 5.1 We are concerned that children are being criminalised whilst they are missing from residential care, including as a result of exploitation by criminals running 'county lines' and we are currently working on a briefing which will explore the interplay between residential care and Child Criminal Exploitation (CCE). Criminals are known to target looked after children, particularly those in residential children's homes and 16 and 17-year old looked after children living in semi-independent living accommodation (a huge issue in itself and one which we have also been working on) although the evidence is, again, largely anecdotal due to lack of data and empirical work. We have been told by the police and children's homes that children who have been placed out of their home area are particularly vulnerable.
- 5.2 We know that children are sometimes being placed out-of-area in an attempt to protect them from exploiters. Whilst this is often being done with the best of intentions and, sometimes, successfully there are considerable concerns around this practice which require further thought and research in order to inform practitioners' decisions to place a child out-of-area and discussions with children about their placements. For example, criminals are increasingly controlling children using social media, whose reach extends wherever children go; criminals are controlling children through threats to family members and siblings, which means removing the child from a location isn't resolving the problem and could be making it worse; children who are being exploited may be used to groom and exploit children in their new location; children who are in an out-of-area placements are separated from their families and support networks and therefore more vulnerable to abuse and exploitation. These are just some of the issues that need to be better understood.
- 5.3 Over the last couple of years we have witnessed a rapid increase in knowledge and understanding of CCE and the 'county lines' business model. There have been improvements in the understanding of the victim status of criminally exploited children in some areas although the National Referral Mechanism is still underemployed and problematic and there is poor understanding of the defences for exploited children across agencies, for example section 45 of the Modern Slavery Act and the Crown Prosecution Service guidance (<https://www.cps.gov.uk/legal-guidance/human-trafficking-smuggling-and-slavery#a18>) are not known about or being used as widely and effectively as they ought.
- 5.4 There have been improvements in safeguarding but this is moving slowly. The police appear to be driving much of this work. We are beginning to see multi-agency initiatives to tackle the problem but much more needs to be done to improve knowledge and understanding of the issues amongst children's homes' and Local Authorities' staff. More training is needed across all agencies.
- 5.5 Where agencies are beginning to address the problem of CCE we are hearing that professionals often feel ill-equipped to support and help children and young people. They feel that they lack the knowledge and skills and there is a dearth of specialist services to refer children and young people on to. Professionals - including the police - are frightened about making matters worse for children who are affected, even inadvertently putting them in actual physical danger, and about protecting other children in their care from being impacted. One large provider of residential care told us that they would probably not take a child who was clearly identified as being

criminally exploited because of these concerns. The police have told us that when they release a child who has been picked up for drug offences and and they go home to another area they frequently have no idea what environment they are sending that child back to i.e. whether that child is at risk of drug debt and physical danger as a result of agency contact.

6 Out of area placements

6.1 As mentioned above, out-of-area placements come up frequently in conversations as a factor affecting the care of children, missing incidents and criminalisation. We include a selection of extracts from our meeting notes below which exemplify the kinds of issues that are most frequently raised with us.

6.1.1 “It is much more difficult to access education and CAMHS if children are from out-of-area. We had heard of a 12-year old from [home local authority] who had been living with a relative in kinship care for 10 years and she had no access to CAMHS because [receiving local authority] wouldn’t pay for an out-of-area child. They had someone from [home local authority] who had to go to London for treatment. A girl who they were worried was connected to county lines couldn’t access support services because she was from out-of-area.” **Notes from meeting with children’s care provider**

6.1.2 “They have had an issue with children from rival gangs or the same gangs coming into the same or nearby homes and this has caused problems. They think commissioners should be looking more carefully at who the young people are, why they’re sending them out of area and who the other young people in the home and the local area are. Gang affiliated young people impact on other children and young people in the home and the area and other children and young people are being drawn into criminality and exploitation.” **Notes from meeting with Quality Assurance manager, Local Authority**

6.1.3 “When children are in their home area the police know them, people are looking out for them and they hopefully have the services around them. When they’re moved to another area they’re made more vulnerable.” **Notes from meeting with police force**

6.1.4 “What about support for children who are out of area? Everyone works in their geographical boxes. Some forces have such small geographical areas that children are moving in and out of areas all the time and work becomes too fragmented. When it comes to tackling crime and vulnerability systems are set out to work within borders and crime and CCE doesn’t work like that.” **Notes from meeting with police force**

6.1.5 “For several years they have experienced children with CSE issues being placed out of county [into their county] for their own safety. They have had private providers setting up homes in their area. Too often, the first time they hear about a high risk person coming into the county is when they are reported missing. Exporting local authorities are supposed to tell receiving local authorities where they place children but how do you police that? [local] children’s services has wrestled with notification for a long time.” **Notes from meeting with police force**

6.1.6 “People don’t know what to do with vulnerable children. Do they keep children close or send them far away? They never see nice clear transitions back to home areas when children are placed outside borough and come back. They find that children who are placed out of borough are not talked about enough in their own borough or in the borough they are living in.” **Notes from meeting with national third sector service provider**

6.1.7 “At that point I had kind of concluded that being so far away from school and after all of this pressure with no sort of mental health intervention at all throughout the whole kind of process is that I came to a position where I thought, genuinely believed that my life was meaningless. When you are that age, that's a very difficult thing to contemplate. I attempted to hang myself on Christmas Day. Yeah, I did. They walked in and I ended up going to the hospital. It was a difficult experience.” **Extract from interview with young person about his move to an out-of-area placement** (see Eddie’s story in Briefing 4 for more on this young person’s story, <https://howardleague.org/publications/this-is-our-story-children-and-young-people-on-criminalisation-in-residential-care/>).

7 Data collection

- 7.1 As stated above, there are serious gaps in data collection and reporting which is both limiting understanding of the issue and preventing effective monitoring and addressing of problem areas.
- 7.2 We referred above to a recent request under the Freedom of Information Act that we submitted to all forces asking for numbers and details of police call-outs to children’s homes. The responses have highlighted the high number of call-outs, the reasons for call-outs and issues with police recording and monitoring of this data. We are still chasing some of the forces but would be happy to share the results with the APPG and talk about our findings in more detail when we have received all outstanding responses.
- 7.3 It would be helpful to be able to correlate arrests of children with missing incidents in order to establish the extent and nature of criminalisation of children whilst missing from care. Certain crimes are indicative of exploitation; analysis of the types of crimes children are committing whilst missing could be a way of furthering our understanding of this problem and give some indications as to whether this issue is affecting children in out-of-area placements more than those living within their local areas. Details of missing and criminalisation incidents should be reported alongside details of the child’s home address, their residential children’s home address and the location where they were arrested.

We would be happy to discuss any of these points with you in further detail.

Yours sincerely,

Frances Crook
Chief Executive