

1.10.4 Offending and Anti-Social Behaviour – Guidance on when to Involve the Police

Regulations and Standards

England

- [Regulation 11: The positive relationships standard](#)
- [Guide to the positive relationships standard](#)
- [Regulation 12: The protection of children standard](#)
- [Guide to the protection of children standard](#)
- [Regulation 21: Privacy and access](#)
- [Regulation 42: Notification of offences](#)

Wales

- [Social Services and Well-being \(Wales\) Act 2014](#)
- Regulation 60: Notifications (Schedule 3)
<https://www.legislation.gov.uk/wsi/2017/1264/schedule/3/made>
- Regulation 15: Personal plan
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/15/made>
- Regulation 18: Providers assessment
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/18/made>
- Regulation 25: Respect and sensitivity
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/25/made>
- Regulation 27: Safeguarding - policies and procedures
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/27/made>

Scope of this chapter

This chapter sets out the procedures that should be followed by staff when contacting the Police in relation to an incident involving a young person in our care.

Relevant chapter

Drugs and Substance Misuse Procedure

Delegated Authorities and Notifiable Events Procedure

Absent Missing Children/Young People Policy

Identifying and Supporting Children and Young People Vulnerable to Violent Extremism including Radicalisation Procedure

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1. Requirement for Police Involvement

The home's manager should agree with the local Police, procedures and guidance on Police involvement with the home to reduce unnecessary Police involvement in managing behaviour and criminalisation of behaviours. Children should not be charged with offences resulting from behaviour within a children's home that would not similarly lead to Police involvement if it occurred in a family home.

A decision to contact the Police should normally be taken by the home's manager, if a serious incident has occurred, in which case, staff may contact the Police immediately but they must inform the manager or on call manager immediately thereafter. See **Section 2, Notifications and Categories of Response**.

The following situations are the most common ones in children's homes where police involvement might be requested:

1.1 Absent/Missing Children

If a child/young people becomes **Absent** or **Missing**, it will be necessary to follow the procedures as set out in the **Absent Missing Children/Young People Policy**.

1.2 Violence by a Child or Young Person on Another

Such incidents can range from minor disagreements to serious assaults where physical injury is caused.

The home's manager should consider the following when deciding whether to notify the police:

- Wishes of the victim;
- Severity of the injury sustained/nature of threat received by the victim;
- Probability of a repeat incident;

- Previous relationship between victim and offender;
- Potential impact on the child/young person following formal Police involvement;
- Effectiveness of Police action/court proceedings;
- Future best interests of both parties;
- Message sent to other young people;
- Availability of alternative causes of action, e.g. restorative approaches with the consent of the victim;
- Previous behaviour or offending, bullying/peer pressure/duress.

1.3 Violence to Staff by a Child or Young Person

Violence towards staff can range from verbal threats to physical acts amounting to assault. Whilst each home has the responsibility of care towards the young people, their welfare needs to be balanced with the rights of staff not to be subjected to violence in the course of their duties.

The decisions whether to report such incidents to the Police are also affected by factors similar to those listed above, and should be reported when it is agreed that they cannot be dealt with through other means. Where there is no immediate continuing threat of violence it may be in the best interests of the staff member to take time to discuss and consider possible options. One option could be a referral to the Youth Offending Team Youth Crime Prevention Programme, via the relevant social worker. Following such incidents it is important that staff utilise standard de-briefing processes.

Following any such incident, staff should ensure risk assessments are updated or completed in relation to the risk of violence or injury to themselves or colleagues. A professional's meeting could be a useful method by which to assess these risks and look at ways this risk could be reduced.

See **Employee Handbook 13.2 Risk assessment** & **See Violence at work policy 4.6**

1.4 Criminal Damage within the Home

The majority of criminal incidents involving Police relate to damage to the children's home, and serious consideration should be given to finding alternative responses. It is important to consider whether involving the Police is an effective and proportionate response, taking into account the following:

- Level/value of damage caused;
- Previous incidents of a similar nature by the same child or young person;
- Suitability or effectiveness of Police involvement;
- Impact of Police involvement of the child's overall **Care Plan**;
- Message sent to other young people if applicable;
- Availability of alternative courses of action, for example referral to the Youth Offending Service, via the relevant social worker.

1.5 Theft within the Home or Placement

When a young person has stolen an item in the home, or from another young person or staff member the following should be considered before involving the Police:

- Wishes of the victim;
- Nature and seriousness of the allegation;
- Requirement for formal investigation, e.g. insurance claim requires a crime reference report;
- Availability of alternative courses of action, e.g. restorative approaches.

1.6 Criminal Damage to Staff Cars or Property

Factors for consideration should be similar to those in **Section 1.3, Criminal Damage within the Home**, and again this list does not reflect any order of priority:

- Nature and seriousness of the allegation;
- Requirement for formal investigation, e.g. insurance claim;
- Wishes and best interest of the victim;
- Availability of alternative courses of action, e.g. restorative approaches.

1.7 Disorder in or Around the Home or Placement

The area of disorder is subjective and requires judgement by staff to avoid unnecessary police involvement for minor infringements of discipline. The main factors that should be considered are:-

- Nature and seriousness of the disorder;
- Risk or threat of violence;
- The wishes of and impact on the immediate community;
- The availability of alternative courses of action.

1.8 Substance Misuse

See **Drugs and Substance Misuse Procedure**.

1.9 Hate Crime (Racist, Religion, Homophobic, Gender, Disability)

All acceptable behaviour policies held within homes should cover hate crime and make clear how staff and residents should deal with it. Homes should handle low level daily occurrences;

- In the recording of racist incidents the minimum data content required should be as follows:
 - Reported to: (The person receiving the report such as the registered manager, staff, Police);
 - At: (location reported at): (i.e. home, Police station, etc.);
 - Referred by: (the agency or other person referring the victim to the Police if the incident is being referred);

- Time and date of report and nature of incident.

2. Notifications and Categories of Response

It is recognised that caring for, and managing young people with difficult or challenging behaviour is an integral feature of residential care work. Residential staff will generally manage problematic situations except where they are so severe that immediate Police involvement is essential in order to avoid physical assault or damage.

2.1 Serious Incidents

Incidents of violence requiring an immediate police response where children/young persons or staff are:

- At risk of immediate serious physical harm;
- Where there is a risk of substantial damage to property; or
- Risk of significant disorder with the home.

In such situations the manager of the home/senior person on duty should contact the Police by calling 999.

The manager should be consulted/informed prior to contacting the Police, if they are not and police are called s/he should be notified without delay:

- If the Police are called to the home, or
- A serious offence is committed; the relevant senior managers must be notified.

It will also be necessary to notify the social worker and the **Regulatory Authority** (See **Delegated Authorities and Notifiable Events Procedure**)

2.2 Incidents which are not Considered Serious

This is an incident where no immediate Police response is required for example where assaults or damage has occurred and there is no risk of recurrence/**Significant Harm** to people, or incidents of theft. The incidents should be reported to the home's manager who then has the responsibility of identifying the appropriate course of action.

It is important to avoid any unnecessary reporting of incidents to the Police. Should the Manager decide and/or the victim wishes that formal Police involvement is necessary, where possible this should be through the local Police, for example as part of regular Liaison Meetings.

When a situation involving a child or young person is to be discussed at the Liaison Meeting the child's social worker should be informed and they may wish to join the discussion.

If the discussion needs to be held sooner the manager should arrange for a member of the Local Policing Team to visit the home as soon as possible. If there is a specific officer who frequently liaises with the home and this officer is unavailable the manager should contact the Police Control Room to request a delay or scheduled response visit by another officer.

In certain circumstances preservation of evidence may be an issue and residential staff will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegation or police investigation.

A referral to the Youth Crime Prevention Programme (usually organised by the YOS) should be considered for those cases considered not serious or internal - via the social worker.

2.3 Ongoing Liaison

Police involvement should be on a risk assessment basis. If there is no risk, then the involvement will be with managers or at a low level of involvement.

The **primary** Police involvement in children's homes should be through a member of the Local Police meeting staff on a regular basis. Whilst some officers may already perform this duty it must be emphasised that a good working relationship is the most effective way to respond to young people with difficulties, and it is in this area that consideration should be given for joint agency training.

A regular liaison meeting (ideally on a four weekly basis) between a member of the Local Police and the manager would provide for discussion of not serious incidents within the home to identify the appropriate method of resolution, including:

- Internal action by staff with no Police involvement;
- Formal Police investigation primarily by a member of the Local Police (and any resulting action).

This liaison meeting will also provide an opportunity to share more general views and co-operation and develop a better understanding of each agencies responsibilities and practices.

It is important to be flexible when determining the most suitable option for dealing with children and young persons. Additional advice and support could be sought from the child's social worker.

3. Recording

The following records must be completed:

- An Incident Report;
- The Daily Log;
- Daily Records.
- Police involvement Log
- Central log

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End