

Wirral Fostering Service

Foster Carers Contacting the Police

IT TAKES A BIG **HEART** TO FOSTER



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1. Introduction

Foster carers could be aware that children placed with them may have been involved in criminal activity, and/or people may be at risk from activities associated with children placed with them.

A balance needs to be struck between the rights and needs of the child and young person being looked after and the rights of Foster Carers, staff and other people associated with the child.

Whilst Foster Carers and staff have a duty to report known or suspected crimes to the police, a judgement needs to be made about the threshold for reporting when the information is slight and the crime, or suspected crime, is not considered to be serious.

The fact that Foster Carers or social work staff report an incident does not mean that the police will follow pre-determined action, or in some cases any action at all. Wherever possible, the action to be taken will be determined following discussions by all concerned, including the young person, about the most appropriate response.

Foster carers will be expected to act in the way parents might do with their own children. In some instances this might be resolving matters with the victim outside of involving the police.

This procedure describes how Foster Carers should involve others in making decisions about contacting the police, except in emergency situations when there are immediate serious risks.

The procedure details who should be contacted, when the police should be contacted and how the police can provide protection.

2. Child Involvement in Criminal Activity

Where a Foster Carer has concerns that a child placed with them has taken part or been associated in criminal activity or a child in their care has become involved with the police they should follow the following action:

Serious Incidents

If there is a risk of immediate serious physical harm, or risk of substantial damage to property, or significant disorder the police must be involved straight away by dialling 999.

The Foster Carer must make contact with the child's Social Worker and Supervising Social Worker as soon as possible and inform the police of the child's legal status.

Not Serious Incidents

Where there is no immediate risk to anyone or to property the Foster Carer is required to contact at their earliest convenience:

- The child's Social Worker;
- The Supervising Social Worker;
- If out of hours contact the Emergency Duty Team for reassurance only.

Social Workers will provide advice on what action to take and whether police should be involved if they are not already involved. Involving the police should not be used as a means of disciplining a child.

Social Work Action

The child's Social Worker will discuss with other professionals the following in order to make a decision about involving the police:

- Previous incidents of a similar nature by the same child;
- Suitability and effectiveness of police involvement;
- Impact of police involvement on the child's overall Care Plan;
- Availability of alternative courses of action - such as restorative approaches where the child is encouraged to take responsibility for their actions directly with the victim;
- Wishes of the victim if this can be ascertained;
- Severity of 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;
- Best interests of both parties;
- Nature and seriousness of the disorder/crime/allegation;
- Level/value of damage caused;
- Requirement of evidence of formal investigation (e.g. insurers requiring crime reference number);
- The wishes of and impact on the immediate community;
- Risk of threat of violence.

Options other than contacting the police should be considered. Contacting the police should not be used as a form of disciplining children.

The Social Worker will discuss whether the police are to be called with the appropriate social work team manager who will make a decision based on the above information.

In order to avoid any unnecessary reporting of incidents to the Police, if the Supervising Social Worker/child's Social Worker decides (and/or the victim wishes) that formal Police involvement is necessary, this will be with the local Beat Officer and/or CSO.

A record of the decision on whether the police are to be called will be recorded on the child's case file.

3. Prosecution or Not?

The Crown Prosecution Service will consider a number of factors when deciding whether to prosecute a looked after child. These would include:

- The disciplinary Policy of the home or care environment;
- The reason for police involvement;

- The recent behaviour of the child/young person, the history of the incident, and any apology or reparation by the young person;
- The views of the victim including their willingness to attend Court and/or participate in restorative practice or other diversionary programme;
- The views of the Social Workers involved;
- Any explanation from the child/young person;
- Information about the assessment and Care Plan if the child/young person wishes this to be considered;
- Any aggravating features such as whether the incident was violent or sexual, any racial motivation, vulnerability of the victim, whether the action was deliberate, part of a series of offences;
- Any mitigating factors such as the damage has been put right, genuine remorse, the behaviour is a symptom of disorder or illness, it was an isolated incident, the young person appears to have been provoked.

4. Potential Risks from Others

If there are risks to the Foster Carers and their household from anyone associated with the child placed with them, the child's Social Worker will contact the police and arrange for a strategy meeting. Where appropriate a flag can be put on the home address so that they can respond appropriately if a 999 call is made. In non-emergency situations the police can be contacted at the Family Crime Investigation Unit on 777 2683.

5. Missing from Care

When considering whether to report a child/young person missing or whether this as an unauthorised absence, it is expected that the response will be that of a normal parent. See **Wirral Local Safeguarding Children Board Procedures, Children in Specific Circumstances: PAN Merseyside Missing from Care Home Protocol and Procedure** on when Foster Carers should report. If a reported absence is needed this should be to the allocated Social Worker or EDT out of hours, and where necessary the police according to any guidance in the Care Plan.

A Head of Service or Team Manager in Children's Services will decide on further actions to be taken and follow the Children and Families who go Missing Procedure.

6. References

Some of this procedure is based on material in the NACRO Good Practice Guide, Reducing Offending by Looked After Children, 2005.