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PROPOSED PRIVATE MEMBERS BILL - THE MISSING CHILDREN AND YOUNG PERSON'S BILL

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This paper looks at the proposed Missing Children and Young Person's Bill and examines current provision for young runaways and missing children in England, Wales, Scotland and the Republic of Ireland. The paper also provides a summary of the key research already undertaken in relation to young runaways and missing children.

Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

SUMMARY OF KEY POINTS

The main findings of this paper are:

- The proposed Missing Children and Young Person's Bill seeks to place a duty on the Department of Health, Social Services and Public Safety to establish a Northern Ireland strategy on preventing, protecting and safeguarding runaway and missing children and young people. This would include an action plan and provision for the collection and reporting of statistics and information in relation to runaway and missing children and young people. The Bill also proposes to place a duty on Health and Social Care Trusts to record statistics and information on children who runaway or go missing while under their care. It is proposed that the PSNI also have a duty to record and monitor any such incidents brought to their attention.
- The rationale for the Bill is that the recording of relevant data and information will facilitate the development of an appropriate strategy and action plan for Northern Ireland which will aim to better co-ordinate service provision for missing children and young people.
- Currently there is no central co-ordination of statistics on young runaways and missing children by the Department of Health, Social Services and Public Safety.
- A similar Bill had been proposed in the House of Commons in 2008. The Runaway and Missing Children Bill 2007-08 proposes to place a duty on the Secretary of State to collect and record information on runaway and missing children and to co-ordinate police, local authorities and other bodies in this regard. With the dissolution of Parliament the Bill has now fallen.
- The Department for Children, Schools and Families have produced a Young Runaways Action Plan and a requirement for local authorities to collect data in relation to young runaways. The introduction of a new National Indicator (NI71) requires local authorities to collect data in relation to children who have run away from home/care overnight. The data is then collated centrally to provide an indication of progress against national priorities. The Missing Persons Bureau will also be key in developing guidance for police forces responsible for collecting data relating to missing children and young runaways.
- The research Lost Youth – young runaways in Northern Ireland emphasises the need for inter-agency working when trying to address the problem of young runaways. The vulnerability of young runaways and the need for early, preventative intervention means that the productive sharing of information and co-ordinated working among agencies who work with young runaways is vital.
- The Still Running II report found that young people living in residential and foster care were almost three times as likely to run away overnight as those

who lived with their family. However, the research notes that whilst running away rates amongst 'looked after' young people are high, runaways from the 'looked after' system make up a relatively small proportion of all young people who run away (of those questioned about the most recent occasion they ran away overnight only 2.1% of the research sample were young people running from care).

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1. INTRODUCTION

The proposed Private Members Bill 'The Missing Children and Young Person's Bill' seeks to create legislation in relation to preventing, protecting and safeguarding runaway and missing children and young people in Northern Ireland. The first section of this paper explains the detail of the Bill further (section 2). Section 3 looks at the proposed Runaway and Missing Children Bill 2007-08 introduced in the House of Commons and compares this to the proposed Private Members Bill in Northern Ireland. The next section focuses on the current provision for recording statistics on runaway and missing children in Northern Ireland (section 4). A summary of the existing strategies in England, Wales, Scotland and the Republic of Ireland which are targeted towards young runaways and missing children is discussed in the following section (section 5). The final section of this paper looks at research which has been undertaken in the area of young runaways and missing children (section 6). This provides a useful background to the problem and includes responses from young people, professionals who work with young runaways, local authorities and police services.

2. PROPOSED PRIVATE MEMBERS BILL TO INTRODUCE LEGISLATION ON MISSING CHILDREN AND YOUNG PEOPLE IN NORTHERN IRELAND

Councillor Michelle McIlveen MLA is seeking to propose a Private Members Bill entitled The Missing Children and Young Person's Bill. The Bill seeks to place a duty on the Department of Health, Social Services and Public Safety (DHSSPS) to establish a Northern Ireland strategy on preventing, protecting and safeguarding runaway and missing children and young people. In addition, the Department will be required to produce an action plan and make provision for the collection and reporting of statistics and information in relation to these individuals (it is proposed that the collated information be published within one year of the commencement of the Bill). The Bill will also seek to place a duty on Health and Social Care Trusts to record statistics and information on children who runaway or go missing while under their care. It is proposed that the Police Service of Northern Ireland (PSNI) be tasked with a similar duty to record and monitor any such incidents brought to their attention. A consultation document produced in relation to the proposed Bill includes a definition of runaway and missing children.

The Bill will define "runaway and missing children" as any child or young person under the age of eighteen who has:

- (a) run away or is staying away from the person who is responsible for that child, or*
- (b) has left home due to rejection by the person who is responsible for that child, or*
- (c) has been unlawfully taken away or is being unlawfully kept away from the person who is responsible for that child, or*
- (d) is missing.*

The Bill will therefore apply to any child or young person under the age of 18 whether or not in care and who is missing or runaway or been forcibly taken away.¹

¹ Michelle McIlveen MLA, *Consultation on a Proposed Private Members' Bill to Introduce Legislation on Missing Children and Young People in Northern Ireland* (2010) <http://www.dup.org.uk/Consultations1.asp>

The Bill proposes to introduce a legislative requirement to gather information on how many children or young people are missing from home or from care, how many times they have been missing and details of the communities and care situations of those who go missing. The rationale for the Bill is that the recording of this information will facilitate the development of an appropriate strategy and action plan for Northern Ireland which, in turn, will better co-ordinate service provision for missing children and young people.

The Children (Northern Ireland) Order 1995 makes provision for local authorities to provide accommodation for children in need.

Every authority shall provide accommodation for any child in need within its area who appears to the authority to require accommodation as a result of—

- (a) there being no person who has parental responsibility for him;*
- (b) his being lost or having been abandoned; or*
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.²*

However, it does not make any statutory requirements in relation to a Northern Ireland strategy or action plan for safeguarding runaway and missing children. Nor does it require statutory agencies to record statistics and information on these children. Phil Raws, Research Fellow at the University of York, emphasises the vulnerability of the situation of a child under the age of 16 who has runaway by outlining the limitations placed upon their situation: they are not entitled to any welfare benefits; the ability to work is limited; legally they should be attending school; and they cannot enter into a contract of independent accommodation.³ Therefore it falls to the statutory and voluntary sector to respond to the needs of these children and young people and requires the co-ordinated targeting of services to ensure these needs are met adequately.

3. HOUSE OF COMMONS RUNAWAY AND MISSING CHILDREN BILL 2007-08

The Runaway and Missing Children Bill 2007-08 was presented to the House of Commons on 9 January 2008 by Helen Southworth MP. The second reading of the House was held on 20 June 2008 but no further action has been taken in relation to the Bill. There are a number of similarities between the proposed Private Members Bill for the Northern Ireland Assembly and the Bill introduced in the House of Commons. For example, the definition of runaway and missing children is the same for each Bill and both contain a proposal for the provision of collecting and reporting information on runaway and missing children. The Runaway and Missing Children Bill 2007-08 proposed the following duty be placed on the Secretary of State in relation to runaway and missing children:

It shall be the duty of the Secretary of State to make appropriate provision for the collecting and reporting of information about runaway and missing

² The Children (Northern Ireland) Order 1995 Part IV 21

³ Raws P, *Lost Youth young runaways in Northern Ireland* (2001)
<http://www.york.ac.uk/inst/spru/pubs/pdf/LostYouth.pdf>

*children and for co-ordination among police, local authorities and other bodies.*⁴

The Northern Ireland Bill goes further in that it proposes a duty on the DHSSPS to produce a strategy and action plan on preventing, protecting and safeguarding runaway and missing children and young people. However, this difference could be explained by the fact that the Department for Children, Schools and Families (DCSF) had already taken steps to introduce the Staying Safe: Action Plan and the Young Runaways Action Plan (both published in 2008) by the time the Bill was introduced in the House of Commons. Further to this, in July 2009 statutory guidance on children who run away and go missing from home or care was produced by the DCSF in order to provide support and information to local authorities in England and Wales with regards to meeting the requirements of the new National Indicator 71 (NI71) – Missing from Home and Care. Section 5 discusses the above mentioned documents and the National Indicator 71 in further detail.

4. NORTHERN IRELAND STATISTICS ON RUNAWAY AND MISSING CHILDREN

With regards to runaway and missing children the PSNI appear to use two databases for record keeping purposes. A record of all ‘missing person – unauthorised absence’ incidents is kept which refers only to “children in care (in local authority or privately run care homes and/or in foster care) who are reported as absent without permission.”⁵ This is carried out in accordance with the Home Office National Standard for Incident Recording (NSIR) introduced in 2006. The PSNI report that children who go missing from care account for the greatest proportion of missing person reports received however there are no available figures that would indicate the percentage share of the total missing person reports which are allocated to children missing from care. For the period 1 April 2009 to 9 February 2010 1,315 ‘missing person – unauthorised absence’ incidents were reported to the PSNI.

A separate Youth Diversion database is held by the PSNI which also records missing children and young people and provides a breakdown by those from care and those from the community. From 1 February 2009 to 31 January 2010 a total of 2,751 persons between the ages of 2 and 17 were reported as missing on the Youth Diversion database. Of this, 1,091 are categorised as being from the community with the remaining 1,660 from care. The database is part of the PSNI Youth Diversion scheme which is defined as:

A restorative framework for police to deal with children and young people under 18 years who come to their attention for:

- *Non-offence, risk taking behaviour, or*
- *Involved in offending or anti-social behaviour, or*
- *At risk in terms of their safety or well-being.*

The police service will work in partnership with other key agencies, the business sector and the community, through the use of restorative interventions, to help a child or young person to understand the

⁴ House of Commons, *Runaway and Missing Children Bill* (2008) s 2
<http://www.publications.parliament.uk/pa/cm200708/cmbills/051/2008051.pdf>

⁵ Police Service of Northern Ireland, *Freedom of Information Request F-2010-00252* (2010)
http://www.psnipolice.uk/runaway_missing_children.pdf

*consequences of their behaviour, the impact on others, and to encourage them to take responsibility for their actions.*⁶

The Youth Diversion scheme reflects the theme of preventing, protecting and safeguarding which is expressed in the Private Members Bill.

It is evident that there exists a procedure for a co-ordinated response between the PSNI and the Health and Social Care Trusts with regards to runaway and missing children. In a PSNI service procedure relating to police action in respect of missing persons it states that there is a protocol between the Health and Social Care Trusts and the PSNI entitled 'Regional guidance – police involvement in residential units and safeguarding of children missing from home or foster care'. The aim of the guidance is:

*To ensure reporting is responsible and realistic and does not become an over reporting of situations where children return later to their placement than agreed, or where they leave without the expressed permission of the carer, where there is no suggestion that they are at risk when absent and it is clear that their intention is to return to the placement.*⁷

The guidance highlights a number of preventative measures which should be taken by the Trusts in order to minimise police involvement in residential units and discusses a strategy for the prevention of harm which can be experienced by a runaway or missing child. This can be identified through a repeat pattern of behaviour and the guidance is clear in stating that to monitor this effectively depends on accurate and co-ordinated record keeping by both police and social services. Social services will record information in relation to assessments of risk, incidents of concern which have occurred, and information gathered from the return interview conducted with the runaway or missing child when they return to their place of care.

However, there is no indication that the combined statistics of the Trusts and the police are collated centrally by the DHSSPS and published in the manner proposed in the Private Members Bill. The DHSSPS do publish information derived from the Children Order statistical returns which are provided by each of the Trusts. These depict figures relating to child protection, children in need, looked after children and day care provision for children. The statistical tables do not provide details of runaway and missing children.

5. REGIONAL STRATEGIES FOR YOUNG RUNAWAYS AND MISSING CHILDREN

ENGLAND AND WALES

The Staying Safe: Action Plan published by the DCSF in 2008 refers to the need for more co-ordinated working between voluntary and statutory bodies in relation to young runaways and missing children. A cross-departmental working group was established to focus on improving services for young runaways and a commitment

⁶ Police Service of Northern Ireland, *Youth Diversion* (2009) http://www.psnipolice.uk/youth_diversion.pdf

⁷ Police Service of Northern Ireland, *SP29/2009 Service Procedure, police action in respect of missing persons* (2009) www.psnipolice.uk/service_procedure_2909.pdf

was made to develop an action plan specifically targeted at young runaways. The action plan which followed, the Young Runaways Action Plan, contained an acknowledgement of the challenges posed by running away to the Every Child Matters outcomes (Be Healthy; Stay Safe; Enjoy and Achieve; Make a positive contribution; and Achieve economic well-being). A number of commitments are made in the action plan and of specific relevance to the proposed Private Members Bill in Northern Ireland is the commitment to collect data which will be used to inform service provision. In order to do this the DCSF have introduced a new indicator known as NI71 in the National Indicator Set for Local Government (the National Indicator Set aims to measure national priorities by measuring each local area's performance against a number of relevant indicators – for children and young people's safety there are 16 indicators). NI71 specifically relates to children who have run away from home/care overnight:

This indicator will help to secure effective joint working between children's services, the police and other local partners to ensure that necessary data about young runaways is collected. It will allow strategic partnerships and children's trusts to begin to establish the scale of the problem in their local area, to put services in place to respond accordingly, and to establish local targets if appropriate.⁸

Supplementary to the young runaway action plan the DCSF produced statutory guidance specific to England on children who run away and go missing from home or care (July 2009) as a way of providing support to local authorities to enable them to meet the requirements of NI71. The guidance provides advice and actions that should be taken in relation to missing and runaway children and identifies links with NI71. It also provides the legal framework with regards to missing or runaway children upon which the action plans and guidance are based (see Annex A for further details). Reference is made to the importance of collecting and analysing data on children and young people who go missing from home and from care and emphasises the need for effective information sharing between those who have a responsibility for this target group.

32) Data collection and sharing is also important to understand the complete picture in relation to running away. Effective information sharing between agencies identifies criminal activity which is otherwise hidden, and similarly identifies how vulnerable some of these children are when they run away.

33) For information sharing to be effective, there is a need to train people in how to record this information to make it usable. This will avoid the frustrations of informing the police of something only to find that nothing can be done, because the way the information was gathered makes it inadmissible. This training can easily be achieved through a partnership with the local police.

34) To demonstrate that they have good procedures and protocols in place to respond to the needs of these extremely vulnerable young people, local areas will need to show that information about children who are reported missing (from home as well as care) is shared between the police force, the local authority and, where appropriate, the voluntary sector. Local areas will also need to demonstrate that this information is being used strategically, with patterns of running by individuals or by groups of young

⁸ Department for Children, Schools and Families, *Young Runaways Action Plan* (2008) <http://publications.dcsf.gov.uk/eOrderingDownload/YoungRunawaysActionPlan.pdf>

*people identified, and with local services responding appropriately to reduce and eventually stop instances of running by these young people.*⁹

The Young Runways action plan also makes a commitment to work with the Home Office, the Association of Chief Police Officers (ACPO) and the National Policing Improvement Agency to ensure the needs of young runaways are addressed as the role and scope of the Missing Persons Bureau is developed. The Missing Persons Bureau provides guidance to police forces handling missing person cases and attempts to co-ordinate police activity in this area. The DCSF believe the Bureau can act as a mechanism for sharing good practice in relation to missing people and will be key in developing guidance for police forces responsible for collecting data relating to missing children and young runaways.

SCOTLAND

The Children (Scotland) Act 1995 places a duty on local authorities to “safeguard and promote the welfare of children in need and to provide accommodation for any child in their area who needs it because they are lost or abandoned, no-one has parental responsibilities for them or the person who cares for the child is prevented from giving them suitable accommodation or care.”¹⁰ Building upon this the Scottish Executive produced *Vulnerable Children and Young People – young runaways* (2003) which is a guidance document applicable to police, health, social services, education and all other agencies and professionals that may work with children. It defines a young runaway as a boy or girl under the age of 18 who spends one night or more away from home or care without permission or who has been forced to leave by their parents or carers. To respond effectively to the problem of young runaways it is recommended that local protocols be developed with the involvement of: local authorities; health services; police; criminal justice service; Scottish Children’s Reporter’s Administration; voluntary agencies; and local inter-agency domestic violence forums.¹¹ The local protocols must include a number of measures relating to prevention, the immediate safety of the child, and support for the child. Details on the content of local protocols are provided in Annex B.

The Scottish police service record incidents of missing children at a local level and forward the information to the Scottish Police Services Authority who add the information to the Missing Kids website. This is a global network which ensures information can be viewed on a worldwide basis.

REPUBLIC OF IRELAND

The Child Care Act 1991 provides for a statutory duty to be placed on health boards to provide suitable accommodation for young people under 18 years old who are homeless or in need of care. Section 5 of the Act states:

Where it appears to a health board that a child in its area is homeless, the board shall enquire into the child's circumstances, and if the board is

⁹ Department for Children, Schools and Families, *Statutory guidance on children who run away and go missing from home or care* (July 2009)
<http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/youngrunaways/youngrunaways/>

¹⁰ Arberlour Childcare Trust, *1 in 9 - The Scottish Coalition for Young Runaways briefing paper* <http://www.aberlour.org.uk/ascopingstudyofservicesforyoungunaways.aspx>

¹¹ Scottish Executive, *Vulnerable Children and Young People – young runaways* (2003)
<http://www.scotland.gov.uk/Resource/Doc/1141/0034405.pdf>

*satisfied that there is no accommodation available to him which he can reasonably occupy, then, unless the child is received into the care of the board under the provisions of this Act, the board shall take such steps as are reasonable to make available suitable accommodation for him.*¹²

The Republic of Ireland does not appear to have a young runaways and missing children strategy as witnessed in other jurisdictions. However the Department of Health and Children has produced a Youth Homelessness strategy which is useful to discuss in this paper because it concerns persons aged under 18 who are staying away or have left home (both terms mentioned in the definition provided in the Private Members Bill).

The Youth Homelessness strategy builds on existing legislation and for the first time provides a strategic framework for tackling youth homelessness on a national basis. The strategy provides an assessment of the problem faced and has defined youth homelessness as:

*Those (under the age of 18) who are sleeping on the streets or in other places not intended for night-time accommodation or not providing safe protection from the elements or those whose usual night-time residence is a public or private shelter, emergency lodging, B&B or such, providing protection from the elements but lacking the other characteristics of a home and/or intended only for a short stay.” This definition was taken to include “those in insecure accommodation with relatives or friends regarded as inappropriate, that is to say where the young person is placed at risk or where he or she is not in a position to remain.”*¹³

The strategy has twelve objectives categorised under the headings: preventative measures; responsive services; and planning/administrative supports. A summary of the twelve objectives are provided in Annex C. The strategy aims to address the issue of multi-agency working and encourage the co-ordination of provision between statutory and voluntary service providers. A parallel can be drawn between the proposed Private Members Bill in Northern Ireland and objective 11 which outlines the need to create a database on young homeless people which can be accessed by both statutory and voluntary providers. This comes from recognition of the lack of statistical information on youth homelessness and how it is a major obstacle to measuring the extent of the problem and planning the services that are required in response. Objective 12 requires each health board to submit an annual report on its youth homelessness services to the Department of Health and Children.

An Garda Síochána, Ireland's National Police Service, established the Missing Persons Bureau in 1982 with the aim of maintaining accurate and up-to-date records on missing persons within its jurisdiction. For cases of missing children (those aged under 18) the Superintendent can request that the case be placed on the Missing Kids website administered by An Garda Síochána as part of a global network which can be viewed worldwide. At the present time there are 143 records of missing

¹² Irish Statute Book, Child Care Act 1991 s 5

<http://www.irishstatutebook.ie/1991/en/act/pub/0017/index.html>

¹³ Information on the youth homelessness strategy available from

http://omc.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChild_Welfare_Protection%2Fyouthhomelessness.htm&mn=chiv&nID=6

children on the website. There is no evidence of the police service being required to submit statistics on missing children to the Department of Health and Children.

6. EXISTING RESEARCH ON YOUNG RUNAWAYS AND MISSING CHILDREN

STILL RUNNING

The Still Running report published in 1999 was the first UK-wide analysis conducted in relation to young people aged under 18 years who run away or are forced to leave home. The research was commissioned by The Children's Society (England and Wales), Aberlour Childcare Trust (Scotland) and EXTERN (Northern Ireland) and carried out in conjunction with the University of York. The research consisted of a survey of over 13,000 young people aged 14 to 15 the sample for which was selected to be representative of England, Scotland, Wales and Northern Ireland. In addition, interviews were conducted with 200 young people who had run away or been living on the streets and with 500 professionals who worked with young people who had run away. The research found that one in nine young people (11%) aged under 16 years run away or are forced to leave home resulting in a stay away overnight and that there are at least 129,000 running away incidents overnight each year in the UK.¹⁴ Interestingly the report noted that there was very little difference in the running away rates for each of the four countries surveyed.

Still Running provides information on the type of young person who runs away and the reasons why. White young people are most likely to run away (10%) and females are more likely to run away than males. For 80% of those taking part in the research problems at home such as family conflict, physical and emotional abuse, and neglect were the most common reasons for running away. However, running away was also linked to young people who had experiences of depression, alcohol and drug problems, offending, or problems at school. The research also found that "young people in substitute care are much more likely than average to run away. However this needs to be seen in context – many of these young people started running away due to family problems before ever living in care."¹⁵

The research sought the views of young people and professionals who worked with young people who had run away with regards to what could be done differently to improve the current situation. Preventative work and early interventions appeared to be common themes emerging from both groups and the evidence gathered during the research found that most of the young people interviewed had received no professional help with the problems they were facing before they started running away. The report recommended:

- *Early interventions are needed, where there are problems at home or at school, to prevent young people running away.*
- *Support and mediation are needed for parents and children where families have divorced, separated or re-formed.*
- *Police and social services need to develop joint strategies alongside education, health and the voluntary sector to respond to young runaways.*

¹⁴ University of York, *Still Running children on the streets in the UK* (3 December 2007)

http://www.york.ac.uk/inst/swrdu/Publications/still_running_summary.pdf

¹⁵ As above

- *Every young runaway should be offered an interview in order to assess his/her reasons for running and needs.*
- *Mediation services and family group work are needed to ensure that young people are not simply returned to the circumstances which led to them running away in the first place.*
- *There is a need for more refuges and outreach services for young people who run away repeatedly.*
- *More ethnically sensitive services are needed for young people who run away or are at risk of running away.*
- *There is an urgent need to improve the quality of substitute care.*
- *The housing and benefits options available to estranged 16- and 17-year-olds need to be reviewed.*
- *The Government must implement the recommendations of the Social Exclusion Unit (1998) to allow housing authorities to accept as vulnerable 16 and 17 year olds who have no family support under the homeless legislation.*

LOST YOUTH – YOUNG RUNAWAYS IN NORTHERN IRELAND

Phil Raws from the University of York who also worked on the preceding research *Still Running* produced *Lost Youth* in 2001 which looked specifically at young runaways in Northern Ireland. The research involved the survey of 1,300 14 to 16 year olds in 15 schools across Northern Ireland, interviews with professionals from agencies who worked with young runaways, and in-depth interviews with young people who had experience of running away. However, it is noted that the report leans heavily on the previous study *Still Running* due to inconclusive data collected from the Northern Ireland research.

One in ten young people in Northern Ireland will run away or be forced to leave home before the age of 16 amounting to over 2,000 young people who run away each year. The main reasons for running away were similar to those identified in *Still Running* and centred around problems being experienced by the young person: problems at home (73%); personal problems (51%); problems at school (30%); other reasons (12%).¹⁶ The research found that 41% of males were likely to sleep rough when running away overnight with 7% staying with relatives. This contrasts with the females surveyed who indicated that they were most likely to stay with relatives (41%). The behaviour by gender is similar to the UK wide picture.

The research attempted to ascertain the views of the young people and professionals surveyed with regards to what could be done to help improve the situation for young runaways. The young people responded with suggestions such as the availability of an independent, dedicated and trustworthy person who could listen to them about the problems they were experiencing, and the need for a specific place for them to go when they did run away from home. Suggestions from the professionals interviewed reflected similarly with a day time drop-in facility for young people and mediation services being mentioned.

As part of a number of concluding points made in the report Raws made the following important comment in relation to inter-agency working:

¹⁶ Raws P, *Lost Youth young runaways in Northern Ireland* (2001)
<http://www.york.ac.uk/inst/spru/pubs/pdf/LostYouth.pdf>

Police, social services, education, the youth service, voluntary sector projects, probation, health – the number of agencies who might come into contact to varying degrees with a young runaway during their career is complex and often “bitty” (to quote a project manager in Belfast). A number of agency professionals made a plea for more effective inter-agency co-ordination and this is a request that we would echo. Because of the high vulnerability of young runaways, particularly those who spend time on the streets, and because of the need for early, preventative intervention whenever possible, we would underline this message – productive sharing of information and working constructively together is vital.¹⁷

The proposed Missing Children and Young Person’s Bill seeks to address this problem through the introduction of a strategy and action plan developed by the DHSSPS with the overall aim of better co-ordinated service provision for missing children and young people. The collection of data from across a number of agencies will help to identify if the services are targeted appropriately or if there are gaps that need addressed.

STILL RUNNING II

As a follow up to the Still Running report Still Running II: findings from the second national survey of young runaways was published in 2005. This involved a survey of over 11,000 young people (mostly aged 14 to 16) in mainstream, special schools and pupil referral units. However, in contrast to Still Running, this report focused on 25 areas of England only. An important point to note is the distinction made in the report between young people running away and young people being reported missing to the police by their carers.

By no means all young runaways are reported as missing. Equally, many young people reported as missing to the police are not runaways in the sense that the term has come to be used. For example, missing person reports include incidents relating to very young children who may have gone to a neighbour’s house without informing their parents and are only missing for a very short period of time.¹⁸

For this reason the report categorises runaways as young people aged under 16 who have run away from home or have been forced to leave home resulting in a stay away for at least one night. The running away rates in the 2005 report were virtually identical to those found in 1999 with just over 10% of the young people surveyed having run away overnight on at least one occasion. The research confirmed again that females were more likely to run away than males (12% compared to 8%) and that when they do they are more likely to stay with relatives.¹⁹ Males are twice as likely to sleep rough than females. The information relating to young people living in residential and foster care found that they were almost three times as likely (30.5%) to run away overnight as those who lived with their family. However, the research supplements this by saying:

It should be noted that young people running from care on the most recent occasion account for only 2.1% of the overnight runaways in the sample

¹⁷ Raws P, *Lost Youth young runaways in Northern Ireland* (2001)
<http://www.york.ac.uk/inst/spru/pubs/pdf/LostYouth.pdf>

¹⁸ The Children’s Society, *Still Running II: findings from the second national survey of young runaways* (2005)

¹⁹ As above

and this supports previous findings that, whilst running away rates amongst 'looked after' young people are high, runaways from the 'looked after' system make up a relatively small proportion of all young people who run away.²⁰

The Still Running II survey touched on new ground particularly the links between running away and a young person's self-determination of disability and sexuality. Those surveyed were asked whether they would classify themselves as having difficulties with learning and/or as disabled (4.5% and 1% respectively). The analysis of the responses enabled the research to conclude that "running away rates amongst young people who categorised themselves in these ways appear significantly higher than average – around 20% in both cases." Similarly, higher than average running away rates (25% to 30%) were found among those young people who identified themselves as being gay or lesbian.²¹

Another new aspect to the survey centred on whether the young person had been reported as missing to the police by their parents or carers. 68% of the young people surveyed said that their parents or carers did not report their latest overnight absence to the police with a further 19% confirming the incident had been reported and 13% who were unsure. The research drew two conclusions from these findings:

- Those sleeping rough were three times more likely to have been reported missing than those who slept at relatives' houses.
- Young men were more likely to be reported missing than females. The higher proportion of young men sleeping rough which in turn leads to a higher likelihood of being harmed may be the reason behind this trend.²²

The research highlights a number of policy implications including the relevance of running away with several of the outcomes in the UK Government strategy 'Every Child Matters'. This has since been addressed in the Young Runaways Action Plan published in 2008 by the DCSF (discussed in section 5 of this paper).

STEPPING UP: THE FUTURE OF RUNAWAYS SERVICES

A more recent study on services provided in England for runaways and missing young people was undertaken by the Children's Society and published in 2007. The research entitled *Stepping Up: The Future of Runaways Services* surveyed local authorities and police forces and undertook a consultation in seven cities across England. The research found that 41 out of 69 local authorities did not have an action plan specific to tackling runaways in their area and few areas reported the presence of dedicated services for this group.²³

The survey asked questions around the recording of data in relation to young people reported as missing. The research found:

²⁰ As above

²¹ The Children's Society, *Still Running II: findings from the second national survey of young runaways* (2005)

²² The Children's Society, *Stepping Up: The Future of Runaways Services* (August 2007) http://www.childrenssociety.org.uk/resources/documents/Policy/Stepping_Up_The_Future_For_Young_Runaways_5305_full.pdf

²³ As above

Inconsistent recording of missing children data and, in many areas, difficult to access data. Police forces were the primary data custodians and they reported frustrations with data management systems. There is no national system, hence case management and data recording systems vary. ...Some local authorities had systems in place for recording a variety of missing data from the looked after population, however these systems were disparate and inconsistent. There was no evidence of running away being a focus for local authority data collection.²⁴

(The introduction of National Indicator 71 in April 2009 has sought to address the issues surrounding data collection in relation to children and young people who run away from home or from care).

The lack of monitoring and information on missing and runaway young people was reported as an obstacle to seeking investment in the provision of services. This is because resources were targeted towards issues with clear levels of need as identified through monitoring and measurement. As a tool for assessing levels of need, police missing children data was referred to as:

Not only an excellent tool for intelligence led policing but it can provide important data for local authorities to assess levels of need, with the caveat that 68% of all runaways are currently not reported missing to the police.²⁵

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²⁴ As above

²⁵ The Children's Society, *Stepping Up: The Future of Runaways Services* (August 2007) http://www.childrenssociety.org.uk/resources/documents/Policy/Stepping_Up_The_Future_For_Young_Runaways_5305_full.pdf

THE LAW CONCERNING MISSING OR RUNAWAY CHILDREN

Taken from 'statutory guidance on children who run away and go missing from home or care' (published by the Department for children, schools and families July 2009) <http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/youngrunaways/youngrunaways/>

- The law does not generally regard young people under the age of 16 as being able to live independently away from home.
- Where a child/young person under 16 (or 18 if disabled) stays with a person (other than a person with parental responsibility or a close relative), for 28 days or more, the person caring for them is acting as a 'private foster carer' within the meaning of s66 of the Children Act 1989 and therefore they must notify the local authority that they are privately fostering the child/young person. 'Children (Private Arrangements for Fostering) Regulations 2005' SI 2005/1533. Failure to notify the local authority may be an offence.
- Anyone who has care of a child without parental responsibility may do what *is reasonable* in all the circumstances to safeguard and promote the child's welfare (Children Act 1989 s3 (5)). It is likely to be 'reasonable' to inform the police, or children's services departments, and, if appropriate, their parents, of the child/young person's safety and whereabouts.
- Anyone who 'takes or detains' a runaway under 16 without lawful authority may be prosecuted under s2 of the Child Abduction Act 1984. The enforcement of this provision might be problematic, however, if the young person has chosen to stay with another adult of his or her own free will.
- Where a young person who has run away is likely to be a child in need within the meaning of s17 of the Children Act 1989, the local authority should consider whether it should provide any services for the child, and in particular, whether the child meets the criteria in s20(1) of the 1989 for accommodation. This will almost always entail undertaking at least an initial assessment of need in accordance with the *Framework for the Assessment of Children in Need and their Families* and, in most cases a full core assessment will be required.
- If the local authority has reasonable cause to suspect the child is suffering or is likely to suffer significant harm, they should also undertake appropriate enquiries to enable them to decide what, if any, action they should take to safeguard or promote the child's welfare. Those enquiries must be started as soon as possible and in any event within 48 hours.
- A court may make a recovery order concerning a child who is the subject of a care order or an emergency-protection order; or who is the subject of police protection under s46 of the Children Act 1989 Order if there are grounds to believe that he has been unlawfully taken away from the person responsible for his care, or if he has run away or has been missing from care (s50 of the Children Act 1989). The Order acts as a direction for the child to be produced or for disclosure of his whereabouts. It also has the effect of permitting a police officer to enter named premises to search for the child using reasonable force if necessary.
- A person who unlawfully removes, keeps away, assists or otherwise encourages a child to run away or stay away from their care placement may

be guilty of an offence and liable to prosecution (s49 of the Children Act 1989.)

- Where it is inappropriate or not immediately possible to seek parental consent, s51 of the Children Act 1989 exempts agencies which provide refuges from charges under s2 of the Abduction Act, referred to previously, and from other charges relating to children missing from care. Young people may only be accommodated under this Section if they appear to be at risk of harm. They may stay in refuge provision for a continuous period of up to 14 days, and for no more than 21 days in a three-month period.

LOCAL PROTOCOLS – SCOTLAND

Taken from *Vulnerable Children and Young People – young runaways* (published by the Scottish Executive 2003)

<http://www.scotland.gov.uk/Resource/Doc/1141/0034405.pdf>

Prevention

Local protocols must:

- Recognise that children and young people who run away are often experiencing serious problems in their lives. Children and young people are more likely to be running from something rather than for excitement. Research has suggested that children and young people who run away are more likely than other children and young people to be involved in substance misuse, are more likely to have been in trouble with the police or to be experiencing difficulties at school. Support to address these issues can help to pre-empt problems before a child runs.
- Consider how to signpost children and young people to information on local services available to help them. Research has suggested that children and young people would welcome opportunities to access advice, and an opportunity to talk to someone, on issues around family conflict, parental separation and divorce, substance misuse (including misuse by members of their family) and mistreatment. Children and young people need information on the alternative options to running away.
- Include guidance on the sharing of information between agencies. The need to ensure proper protection of children and young people requires that agencies share information promptly and effectively when necessary. Current guidance on sharing information is contained in *Protecting Children - A Shared Responsibility*.
- Confirm that when discussing issues with children and young people the practitioner must be clear about how information will be dealt with and any limits to confidentiality.

Specifically, protocols for children being looked after away from home must also:

- Stress that all children and young people in residential care should be provided with advice on sexual health, drug misuse and other matters relating to their personal safety and welfare. Staff (including foster carers) should be equipped to discuss matters of sexuality and sexual health, drug or alcohol misuse, running away, offending or other high-risk behaviour with the children and young people in their care and to respond to children and young people's concerns. Children and young people should be able to discuss these issues in confidence, provided there are no concerns about their safety. It must be made clear to the child or young person that staff are obliged to seek advice and help for the child or young person if anything that is said suggests that the child or young person may be in need of protection.
- Emphasise the need to assess the risks of running for each child being looked after away from home. This could be included within a wider care plan addressing any risks to the child or young person and their needs in an holistic manner. The risk assessment should include information on past patterns of behaviour and a priority rating if the child or young person goes missing. Some authorities operate a red/amber system to indicate the

different levels of risk. The priority rating should reflect the child or young person's age, vulnerability and past involvement in high-risk activity. The risk assessment should also include information on when the police should be informed and action to be undertaken in seeking to find the child or young person. The assessment should be reviewed regularly and updated to reflect changing circumstances.

- Encourage children and young people's residential units, in partnership with the police, to consider what protective action should be taken to ensure that vulnerable children in their care are not targeted by adults (or other children and young people) in the community who might wish to exploit them or involve them in high- risk or criminal activities. Consideration should also be given to appropriate action to be taken if there are concerns about a child or young person's associates. It may be helpful to include children and young people in this discussion to help them to take responsibility for their own safety.
- Include information on when a child or young person in substitute care who has gone missing should be defined as having run away. This may differ according to the age and vulnerability of each child and should be considered when assessing the risk of running away.
- Include guidance on when the police should be notified about the child or young person's absence. This may differ according to the risk assessment for each child or young person but once a certain period of time has elapsed all unauthorised absences should be reported to the police.
- Confirm who else should be informed about a child or young person's absence, such as parents, other family/social worker.

Immediate safety

If a child or young person goes missing the primary focus of any response must be to ensure the immediate safety of the child or young person. If a child or young person goes missing from home then parents or carers are more likely to report the child or young person as missing to the police than to any other agency. The police and outreach teams may also come into contact with children and young people who have run away from home but have not been reported as missing.

Local protocols must:

- Recognise that children and young people who run away will need somewhere safe to stay. For many children and young people this will involve staying with friends or family. However, this will not be an option for some children and young people and consideration should be given to the provision of refuge for children and young people. The decision to run away is often spontaneous and children and young people often leave without suitable clothing, money or a plan about where to stay. It is important therefore that children and young people are able to access support, notably somewhere safe to stay, outside normal working hours.
- Recognise that not all parents will inform the police or other statutory agencies that their child has run away and other professionals will need to be aware of the need to pick up changes in the child's behaviour which may indicate that he/she is at risk.
- Include guidance on actions once a child or young person is located. This should include information on who should be informed of the child or young

person's return. It should also address the question of who should have responsibility for returning the child or young person to their home (if return is considered to be in the child or young person's best interests). If a child or young person has run away from home this will generally be a member of the child's family. However, consideration should be given to who has responsibility in situations where this is not possible or where it is not appropriate for the child or young person to return.

- Include guidance on the needs of young runaways normally resident outwith the local authority area. Where necessary the local authority in which the child or young person is found should provide overnight accommodation for a young runaway prior to discussion with the child or young person's home local authority about responsibility for the child or young person's return or accommodation.

Specifically, protocols for children or young people being looked after away from home must also:

- Outline the responsibilities of individual agencies and clarify the responsibilities of different agencies in attempting to locate the child or young person and return them to their home or care placement. Generally the initial responsibility for children and young people in substitute care will lie with the local authority acting in *loco parentis* but any risks to the child or young person or the worker will need to be considered before any action is undertaken.
- Clarify the format and type of information to be provided by local authorities to the police. Information to be provided could include a photograph of the missing child or young person; an indication of the priority attached to this case and an outline of the action already taken.

Support for the child

Local protocols must:

- Confirm that every child or young person who runs away should have the opportunity of discussing with a professional the reasons for their running away, the risks of it occurring again and what action needs to be undertaken to reduce the risk. Ideally, discussions should be held before the child or young person is returned to their care placement (if return is judged to be in the child or young person's best interests) and should not be held in the presence of the child or young person's parents or carers. Children and young people should have the option of discussing their reasons for absconding with someone independent. If a child or young person is looked after, responsibility for ensuring that this opportunity is provided, will rest with the local authority. Where children and young people remain at risk within their homes or their communities, the police and social work services should ensure that enquiries are made about the risks and action is taken to protect the runaway. This may require a criminal investigation, child protection enquiries or discussions with other professionals who are involved with the child or young person. It may not always be possible to resolve all of the child or young person's concerns, however, it is important that the issues are explored and fully considered.
- Recognise that the interview with the child or young person may identify child protection issues or a need for information on sources of support or advice. Where children or young people remain at risk within their homes or their

communities, the police and social work services should ensure that enquiries are made about the risks and action is taken to protect the runaway. This may require a criminal investigation, child protection enquiries or discussions with other professionals who are involved with the child or young person. It may not always be possible to resolve all of the child or young person's concerns, however, it is important that the issues are explored and fully considered.

- Recognise that children and young people who run away are often experiencing serious problems in their lives. Research has suggested that children and young people who run away are more likely than other children and young people to become involved in substance misuse, are more likely to have been in trouble with the police or to be experiencing difficulties at school. Some children and young people who run away may also be experiencing abuse and it is important that consideration is given to the provision of support for these children and young people and/or their family to help to address these underlying issues.
- Recognise the need to consider whether any support is required for the child or young person or the wider family. The importance of welcoming a child or young person back into the home should be stressed to the parents and family. Consideration should be given to developing with the child or young person a plan to reduce the likelihood of further episodes of running away. Family support may also be required to address the underlying issues which may have resulted in the child or young person absconding.
- Remind professionals of the need to be aware of signs that the child or young person may have been involved in high-risk activity or abuse during their absence.
- Emphasise the importance of information both in identifying children or young people at risk and in building up a profile to help determine the priority rating for an individual child or young person in substitute care should they abscond again. It is important that statutory agencies share information about children and young people who run away to ensure that children and young people in need are identified. Information may also help to identify any area-wide patterns in absconding. Aggregate information will also be helpful in service planning.
- Recognise that for some children and young people running away will be a transition to independent living.
- Stress the importance of welcoming a child or young person who returns to a residential establishment having previously run away.

Annex C

OBJECTIVES OF THE YOUTH HOMELESSNESS STRATEGY – REPUBLIC OF IRELAND

Taken from the Youth Homelessness strategy (published by the Department of Health and Children in 2001)

http://www.hse.ie/eng/Staff/FactFile/FactFile_PDFs/Other_FactFile_PDFs/Youth_Homelessness_Strategy_2001.pdf

Preventive Measures

1. Family support and other preventive services will be developed on a multi-agency basis for children at risk of becoming homeless. In particular, this will incorporate a generic* out of hours crisis intervention service and where necessary multi-disciplinary teams to target at risk young people.
2. Schools will actively support children at risk of homelessness e.g. truanting children and those who leave school early using the structures proposed under the Education Welfare Act, 2000.
3. Local communities will be supported to assist children at risk of becoming homeless and their families.
4. Aftercare services for children leaving foster care and residential care, and other services provided by a health board such as supported lodgings and for those leaving centres for young offenders, will be strengthened so that children are supported in making the transition to living independently or returning to their families.

Responsive Services

5. Emergency responses will be provided promptly to children who become homeless; these services will be accessible and acceptable to this client group. Specialised 24 Hour Reception Services will be provided in cities where appropriate.
6. A comprehensive assessment of children who become homeless will be carried out as the basis for individual action/care plans for case management/key working with the young person where necessary.
7. A range of accommodation arrangements will be provided for children who are unable to return home as part of an integrated response to the child's needs.
8. A range of supports will be provided to meet children's health, educational and recreational needs based on each child's action/care plan and aimed at reintegrating the child into his/her community as quickly as possible.

Planning/Administrative Supports

9. Health boards are responsible and will take the lead role in implementing the Youth Homelessness Strategy in their area; effective arrangements for co-ordination with both statutory and voluntary service providers will be put in place.
10. Each health board will facilitate ease of access to its youth homelessness services through the development of multi-access information points.
11. Effective information systems on homeless young people will be developed including a database accessible to both voluntary and statutory service providers.

12. Ongoing evaluation will be conducted at both local and national levels of the effectiveness of interventions to prevent homelessness occurring and of the services to assist and support young people who become homeless.