

**Response by the NSPCC to Michelle McIlveen's proposed Private Members Bill  
on Missing and Runaway Children**

**May 2010**

## Introduction

1. The NSPCC is grateful for the opportunity to respond to the Private Members' Bill Consultation by Ms Michelle McIlveen MLA on missing and runaway children. The issue of missing and runaway children is one on which the NSPCC in England and Wales has, as part of a broad consortium of organisations and NGOs, been campaigning for some time. NSPCC has supported the Private Members Bill by Helen Southworth MP, on Missing and Runaway Children, which was inspired by concerns raised by research and in the media about the dangers faced by young people when they are missing or run away from home and care. In particular NSPCC has welcomed the subsequent actions by DCSF in developing a national indicator and statutory guidance. [http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn\\_id=2008\\_0005](http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0005)
2. NSPCC NI provide a range of services to looked after children and LAC is one of NSPCC's strategic priorities. We provide an independent visiting service and a range of therapeutic services to children in the care system. We also operate ChildLine and have 2 bases in Northern Ireland that provide counselling services to children throughout NI and GB.
3. Before responding to the consultation questions, it is helpful to examine what we know from research about missing and runaway children and the relationship to abuse.

### **Key research: Northern Ireland**

4. Research conducted in Northern Ireland by the Children's Society and published in the Regional Guidance on Police Involvement in Residential Units indicated:

- Almost one in ten young people in Northern Ireland *will run away or be forced* to leave home overnight, before they are 16 , with over 2000 young people under 16 running away from home each year.
- The main reason for running away is problems at home(27%) which <sup>1</sup>often aggravated by personal problems or problems at school
- Young people who *run away repeatedly have particularly* high levels of family disruption.
- When children are missing from home or care the research found around 1 in 12 said they had been sexually assaulted. Most young people had a place to stay while away from home but 36% had slept rough which is higher than for the UK average as a whole (25%) *Raws, P. (2001) [Lost Youth: Young Runaways in Northern Ireland](#). The Children's Society*

## UK Research

5. An overview of other key research by the Children's Society on missing and runaway children and young people shows:
  - 12% of young people said experience or the threat of physical abuse or violence, emotional abuse or emotional neglect, domestic violence, sexual abuse or being scared was the reason they ran away. *Rees, G. and Lee, J. (2005) [Still running II: findings from the second national survey of young runaways\(PDF\)](#). The Children's Society, p. 16.*
  - Young people living in residential care are much more likely to run away. These young people are approximately three times more likely to run away overnight compared with young people living in families. *Rees, G. and Lee, J. (2005) [Still running II: findings from the second national survey of young runaways \(PDF\)](#). The Children's Society, p. 12.*
  - Girls are more likely to run away than boys, with 12% of girls and 8% of boys reporting they have run away overnight. Disabled children or children

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<sup>1</sup>Raws, P. (2001) [Lost Youth: Young Runaways in Northern Ireland](#). The Children's Society

with learning disabilities are 20% more likely 'than average' to run away. [Rees, G. and Lee, J. \(2005\) Still running II: findings from the second national survey of young runaways \(PDF\)](#). *The Children's Society*, p.8-9.

- 1 in 8 young people had been physically hurt and 1 in 9 sexually assaulted while they were away from home. [Biehal, N., Mitchell, F. and Wade, J. \(2003\) Lost from view: missing persons in the UK](#). Bristol: Policy Press, p.32.

- Half (52%) of young people who have run away overnight only spent one night away from home. 1 in 10 (10%) young people said they spent more than 4 weeks away from home. [Rees, G. and Lee, J. \(2005\) Still running II: findings from the second national survey of young runaways \(PDF\)](#). *The Children's Society*, p.18.

6. There is no doubt that children who go missing from home or care do so for a wide variety of reasons and that many will return unharmed. However, research shows that where children and young people run away or go missing more than once this increases their vulnerability to potentially dangerous situations and may make them more at risk of coming to harm. For some, it will be a transient one-off event and they will not come to harm, for others they will be extremely vulnerable and may be child in need or children in need of protection.
7. The SSI inspection report issued in NI in 2006 "*Our children and young people, our shared responsibility*" highlighted this concern. It stated, "Major risks and child protection concerns were evident in respect of the frequency of children and young people running away from a number of homes, their engagement in inappropriate sexual activity and the management of absconding behaviours by residential/fieldwork staff and the PSNI".
8. It is our experience that children in the looked after system in particular can be very vulnerable to abuse and exploitation. . Research from the Social Exclusion Unit (2003) shows that young people in care in the UK are disproportionately more likely to be teenage parents, end up unemployed or be homeless. There

are currently approximately 60,000 looked after children throughout the UK. Figures for 2008/09 provided by the Community Information Branch of the Department of Health, Social Services and Public Safety (DHSSPS NI) detail that, as at 31 March 2009, there were 2,463 looked after children in Northern Ireland. It is important the risks associated with situations where children and young people go missing are addressed appropriately in accordance with child protection procedures.

9. The extent to which children and young people are at risk when they run away from home or care is further evidenced in a 2007, NSPCC National ChildLine Casenote on Calls to ChildLine about running away and homelessness. Childline statistics in 2006/07 showed 2,304 children and young people called ChildLine to talk specifically about running away. Of these children, one-third of also wanted to talk about physical abuse. The most common reason they gave for running away was family relationship breakdown.

### **The legal framework in Northern Ireland**

10. The law in respect to runaway and missing children is found across a range of statutory provisions relating to criminal offences and civil law in Northern Ireland.
  - 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 Article 107 of the Children (NI) Order 1995 and therefore they must notify the Health and Social Care Trust that they are privately fostering the child/young person under The Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 2006. Failure to notify the Trust 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 Order 1995 Article 6 (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.
- Where a young person who has run away is likely to be a child in need within the meaning of s17 of the Children (NI) Order 1995, the Health and Social Care Trust, should consider whether it should provide any services for the child, and in particular, whether the child meets the criteria in Article 21 of the 1995 Order for accommodation. This will almost always entail undertaking at least an initial assessment of need in accordance with the UNOICNI guidance.
- If the Health or Social Services Trust or the NSPCC 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 of receiving this information.
- 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 Article 69 of the Children 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. 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 Article 68 of the Children Order.

- Article 4 of the Child Abduction (NI) Order 1985 creates a number of offences relating to the unlawful removal of children. This offence has been successfully used to prosecute people who entice young people to their home for the purposes of watching videos, sitting and talking, to colour pictures and in situations where something isn't just right, where there appears the potential for abuse, but no offence on the surface appears to have taken place.
- There is also a statutory requirement for registered children's homes to report certain matters to various authorities. Under Article 29(1) and Schedule 5 of Children Homes Regulations (2005) the registered person is required to notify both the police and the placing authority about children who abscond, as well as in line with any serious adverse incident procedures, as defined by Departmental guidance.
- Under Children's Homes Regulation (Northern Ireland) 2005, there is a statutory requirement under Schedule 3 for a range of Information to be included in the case records of children accommodated in children's homes. This includes "the date and circumstances of all absences from the home, including whether the absence was authorised and any information relating to the child's whereabouts during the period of absence"

## **Policy developments in Northern Ireland**

11. There has been some considerable policy development around actions that may impact on missing children. These developments have been driven by the recognition of the dangers posed to children and young people. Data collection and sharing is essential to ensure there is a complete picture in relation to all children and young people who go missing or who runaway from care or home in order to be able to respond appropriately to their needs. Regional Guidance on Police Involvement in Residential Units and Safeguarding of Children Missing from Home and Foster Care (April 2009), provides detailed guidance in relation to when the PSNI attend residential units and includes very specific

guidance on dealing with missing children including children missing in the community. This includes a red, amber and green flagging system.

12. "Care Matters: a bridge to a better future" also sets out an ambitious programme of reform for residential and foster care which includes the population of young people who are on the edge of care who are often within the Child Protection System. Unlike England however there is no specific and detailed action plan in Northern Ireland to address the particular issues which contribute to young people going missing or running away. Nevertheless we recognise it is likely that some of the measures contained in Care Matters could impact on the underlying causes of children going missing from foster and residential care in particular.
  
13. Other developments in Northern Ireland such as the use of UNOICNI, family group conferencing and increased resourcing of family support teams may also assist in providing therapeutic intervention to tackle the causes of children going missing.

### **Commentary on legal and procedural framework**

14. While there is a considerable legal framework governing children who go missing from state care and from home and the community there are a number of gaps which could usefully be addressed. In particular:
  - a. The 2005 Children's Homes regulations make reference to absconding and notifying this to the placing trust and the police. It is not defined what this means;
  - b. No such provisions exist in foster care regulations;
  - c. The regional traffic light system relates to residential care, foster care and children in families, and is superimposed over the 2005 regulations.

15. Discussions with both RQIA and front line social work staff indicates that there is the potential for recording and reporting of different metrics on missing and runaway children. Indeed, while RQIA collated statistics on missing children from Children's Homes until 2008 it is our understanding that this practice ceased because of the wide disparity in the criteria being applied by trusts which made comparisons difficult to analyse in a way which facilitated the formulation of appropriate responses. While it is accepted that not all children who run away will be at risk, definitional and recording issues mean there is the potential to miss important trend data on this issue on those children who are most at risk.

### **Policy Development in England and Wales**

16. Policy developments in England have focused on the need to identify patterns of vulnerability and provide locally based services to keep young people safer in their communities. On 1<sup>st</sup> April 2009, National Indicator 71 (NI71) was introduced in England which required local authorities to share information with the police and other relevant organisations in relation to missing children and young runaways. National Indicator 71 was introduced to create a focus on the provision of services to this vulnerable group of young people. It was designed to ensure the right data was collected at local level to inform the development and improvement of services. The indicator was intended to support and evaluate joint-working between the police and children's services and other relevant bodies, to support local strategic partnerships and children's trusts in establishing the scale of running away in their local area, and to put services in place to respond accordingly and effectively.
17. The indicator asks local areas to assess whether appropriate systems, procedures and protocols are in place to identify the levels of running in their area, and whether the response to instances of running is appropriate to the needs of young people who run away. The intention was not to ask local areas

to provide information about the level of running, or the detail of their service provision, but to provide a picture of the extent to which appropriate services are provided. Such information could also be used to assist local Safeguarding Children's Boards and Children's Trusts to improve local service provision for runaways, and support them in achieving the five Every Child Matters outcomes.

18. Further to this in June 2009, DCSF issued Statutory Guidance to support local authorities in the implementation of National Indicator 71. The Guidance outlines detailed actions local authorities must put in place to safeguard those who run away from home or from care. This included greater emphasis on early intervention and multi-agency working as well as outlining the importance and need for greater clarity in collection of data to improve and develop services.
19. These policy developments have been driven by an All-Party Parliamentary Group on Missing and Runaway Children and Young People chaired by Helen Southworth, MP and supported by ACPO, the Association of Directors of Social Services and a coalition of 30 leading children's charities including NSPCC. The first set of results available from implementation of National Indicator 71 has raised a number of concerns. As there remains no statutory duty to collect relevant statistics and local authorities self-assessed how far they met the criteria, it is still difficult to identify patterns and trends. This has resulted in questions being raised about its effectiveness without a statutory duty to collect information. Consequently, despite these policy developments, the all-party group continues to campaign for a statutory duty to gather statistics.

### **NSPCC Comments on the Bill and policy intents**

20. The Bill seeks to create a duty to collate information and through this, the development of an action plan and the focus of NSPCC's concern is on ensuring that vulnerable children who go missing are protected. Both concepts are interrelated and one flows logically from the other. It is also clear the research evidence establishes that while many children who go missing will not

come to harm, some are very vulnerable and some will be at risk of abuse. Having a regional overview as to the overall extent, impact and trends relating to missing children in NI and which identifies the risks would be very useful in terms of informing service development.

21. From our analysis of the current legislation and policy context a number of issues are apparent: firstly that information is gathered on missing and runaway children both under the 2005 regulations by Trusts and under the 2009 Protocol by the PSNI but there are definitional differences between these. There is also some potential inconsistency of reporting between residential and fostering sectors. It may be very helpful whether by regulations or guidance for the Trusts to use agreed common definitions of missing and runaway children that apply equally to residential, fostering and children living at home.
22. NSPCC would also advocate that trusts should be reporting on this data in their six monthly quarterly parenting report to the HSC Board who in turn should report to the DHSSPS under their Children Order returns. It would also be helpful for the Department to highlight a range of Children Order issues relating to children missing from care in their annual statistical bulletin. The Regional Guidance is very comprehensive in terms of reporting to the police using a traffic light system but there does seem to be a gap around regional figures and ensuring policy development, service delivery and aggregating the effectiveness of the legislative framework relating to missing children are informed by these. In particular it would be helpful to know how any incidences of missing and runaways reported to the police are categorised as Red or Amber alert.
23. The issue of the development of an action plan is also a sensible and laudable concept for children most at risk and one which could be informed by the proposed improved data analysis. Much more work has been done on the development of a policy framework in England and Wales by DCSF and while the extent and nature of the problem in Northern Ireland may be different we would suggest some mapping of developments in England against trends arising from a regional analysis in Northern Ireland would be a helpful

comparison. In addition “Care Matters, a Bridge to a Better Future”, provides a helpful policy context in which to deal with any regional issues for impacting on both children in care and those on the threshold of care. DHSSPS in their continuing planning for the implementation of Care Matters may wish to consider specifically the risks faced by missing or runaway children after an analysis of regional trends has been undertaken and agree possible actions required with the relevant HSC and other organisations to safeguard children e.g. PSNI.

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