

Keeping London's looked-after children and care leavers **out of the criminal justice system**

WHAT IS LONDON DOING TO KEEP LOOKED-AFTER CHILDREN OUT OF THE CRIMINAL JUSTICE SYSTEM?

The Mayor of London's Office for Policing and Crime brought partners from across the criminal justice system and care system to develop a guidance document to help reduce the likelihood of children in care engaging negatively with the police and criminal justice system (i.e. risking criminalisation).

The protocol outlines how professionals and carers should treat children in care and their roles and responsibilities in keeping children out of the criminal justice system.

The protocol is designed to empower and equip young people to know their rights.

This document is aimed at children and young people within the care system to ensure you know your rights and understand how incidents should be handled.

Dealt with by CARERS

You are having a bad day and you get into an argument with one of the carers / your foster parent. You storm off to your room and slam the door causing a picture to fall off the wall and smash.

The carer/foster parent should clean up the area and ensure there is no glass or broken frame on the floor that could cause someone else an injury. You should be given 'cool down' time.

A carer, foster parent or social worker external to the incident should be used to mediate a conversation between you and the carer/foster parent involved. This is a restorative justice approach. You should talk through the argument and share apologies to move on from the incident.

Any incidents that occur in the home or placement should be recorded in the daily log. The written record of the incident should be shown to you and you should ensure this shows an accurate record of what occurred.

Either dealt with by CARERS OR THE POLICE

You are having a heated verbal argument with another child within the home and you push them over, causing them to have a cut on their knee that requires stitches.

A carer should separate you and the other child and seek medical assistance for the injury immediately. You should be given 'cool down' time.

Carers should take a restorative justice approach. This means creating a space for you and the other child involved to talk about the incident in the presence of an adult who is impartial. You will have the opportunity to reflect on the impact of your actions and you should work to resolve your differences to reduce the risk of the incident occurring again.

In this case police were not called by the carers as they managed the risk and controlled the situation. However, considering the level of injury, the police may have been called if the risk of further harm remained or if there were other aggravating factors.

Dealt with by the POLICE

You tell a carer/foster parent or another child within the home that someone has been physically or sexually assaulting you.

The police should be called immediately using 999. When the police arrive, they should sit down with you in a room away from any other children and should avoid taking you to a police station where possible. If you feel more comfortable speaking to an officer who is of the same sex as you, you should request this if not already the case.

To support your disclosure you will be expected to provide police with a statement which should be read back to you to ensure they have noted down an accurate record of the incidents that have occurred, in your own words. You may be encouraged to give your account in a visually recorded interview to achieve the best evidence. This is extremely brave, and you should be supported by your carer/foster parents as much as possible.

The police will begin an investigation and work with your care home/placement to ensure you are kept safe.

WHAT DO I NEED TO KNOW?

WHAT ARE MY RIGHTS?

- You have the right to **voice your opinions**, share your ideas freely and for your opinions to be listened to and actioned upon where possible.
- Any search involving the removal of more than a jacket, outer coat, gloves, headgear or footwear, may **only be made by an officer of the same sex as the person searched and out of public view**. Where the search requires the removal of headwear that is worn for religious reasons the item should be removed in the presence of an officer, where practicable of the same sex, and out of public view.
- If you are arrested, you have the right to **free legal advice**. Solicitors are independent of the police and you should ask a police officer for legal aid. You also have the right to choose your own solicitor, who will also be free of charge.
- If you are taken to a police station, **you should have an 'Appropriate Adult' present with you** for your biometric samples (fingerprints, photos, DNA), interview and bail/charge. You can speak to your Appropriate Adult at any time and they will support you through this experience. This could be your social worker or key worker. The police should not hold you within custody for more than 24 hours. The officers should try to release you as soon as possible. .
- You can watch YouTube videos produced by 'Just for Kids Law' on young people's rights here:

<https://www.youtube.com/user/JustforKidsLaw>

KEY MESSAGES FROM THE PROTOCOL

- All professionals working with you should ask themselves 'would this be good enough for my child?'
- If you're involved in an incident within the children's homes or in your foster placement, this should be dealt with by your carers wherever possible. The police should only be called as a last resort.
- The police should not presume that you're at fault. They should seek your side of the story too. If you're involved in an incident, carers should always ask you for your views on the incident and why it happened. This should be included in any incident reports.
- Placements should be closely monitored to ensure they are supporting you correctly.
- If you have any issues or concerns with the relationship with your social worker, you should voice your concerns and the pairing should be reviewed.

RESPONSES TO INCIDENTS IN CHILDREN'S HOMES AND FOSTER PLACEMENTS

If you're involved in an incident, this should be dealt with by carers whenever possible and the police should only be called as a last resort. The guidance for professionals sets out which type of incidents should be dealt with by carers and which may need police involvement.

On the right are some examples of incidents categorised within the protocol, which offers carers guidance on responding appropriately. While this provides a structure, it does not guarantee that carers will not involve police. It is important to remember that there are boundaries and that incidents of unacceptable behaviour will have consequences, some of which can and will be dealt with by your carers

through internal measures. Repetition of incidents will increase the possibility of police involvement.

Incidents that should be dealt with by carers:

- Verbal conflict or arguments
- Minor criminal damage, e.g. breaking a plate
- Assaults resulting in minor injury (grazes, scratches, minor marking of skin, minor bruising)
- First occasion of possession of Class B or C drugs.

Should be dealt with by carers or the police, depending on circumstances:

Your carer should consider the situation and consider if the police need to be involved:

- Repetition of incidents handled by your carer.
- Possession of Class A drugs
- Second occasion of possession of Class B or C drugs
- Series of minor thefts and/or of large value
- Minor cuts that need medical treatment (e.g. stitches)
- Minor fractures
- Loss or breaking of teeth.

If there is no risk of the incident happening again, an immediate response from the police is not required.

These incidents should always be dealt with by the police and a 999 response is always required where you, other children, staff or properties are at risk:

- Immediate serious physical harm
- Substantial damage to property (over £5,000)
- Significant disorder within the home or placement
- An incident had occurred that is serious in nature i.e. allegation of sexual assault or sexual exploitation.