## **MAYOR OF LONDON**

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

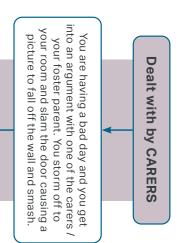
# WHAT IS LONDON DOING TO KEEP LOOKED-AFTER CHILDREN OUT OF THE CRIMINAL JUSTICE SYSTEM?

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.



**CARERS OR THE** 

POLICE

ealt with

by

the

POLICE

Either dealt with by

the area and ensure there is no glass The carer/foster parent should clean up broken frame cause someone else should be given on the floor that could 'cool down' time. an injury. You 9

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

causing them to have a cut on their argument with another child within the home and you push them over,

knee that requires stitches.

You are having a heated verbal gument with another child within

another child within the home that

You tell a carer/foster parent or

someone has

been physically

Q

sexually assaulting you.

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

apologies

through the argument and share

to move on from the

incident

parent involved.

between you and the justice approach. You

carer/foster should talk a restorative

worker external to the incident should

carer, foster

parent or social

be used to mediate a conversation

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

incident should be shown to you and

l you

ensure

an

Any incidents or placement

placement should be recorded

that occur

in the

home

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The written record of the

the daily log.

The police will begin an investigation and

work with your

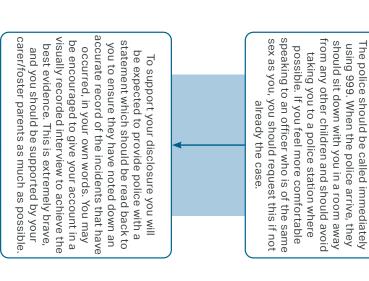
care

home/placement

ensure

are

kept



### 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.
- 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.