

# Police Involvement Policy

## Residential and Education Services

Document Ref:	Version No:	Summary of Changes:	Author	Release Date:	Approved By:
OR39	1	Launch	Dan Buckle	July 2016	
OR39	2	Review Minor change to drug paraphernalia search to bring in line with search policy	Dan Buckle	May 2018	QSGC
OR39	3	Full review	Dan Buckle	June 2019	QSGC
OR39	4	Full Review – No changes	Dan Buckle	July 2020	PSC

Contributors: Laming Report 2016  
Review Date: July 2021

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## Fair Ways Vision, Mission and Values

### Our vision

To build an institution that makes a difference to society and leaves a legacy greater than ourselves and our contributions.

### Our mission

Making a difference through passionate care, support and education.

### Our values

As a charity we measure our wealth by the difference we make, rather than any profit.

We believe that by embodying a culture in which every individual is valued for their own contribution, we can develop them and harness their potential, so that they may achieve great things.

Our values form the heart of the work we do, defined by Fair Ways people, for Fair Ways people. These are the values by which we operate, by which we are governed, and to which we are held accountable.

We therefore expect every individual within the organisation to *play their part*:

<b>P</b> ROFESSIONAL ATTITUDE	<b>A</b> CCEPTING	<b>R</b> EFLECTIVE	<b>T</b> RANSPARENT
<ul style="list-style-type: none"> <li>· We do what we say we will</li> <li>· We approach challenges with optimism and enthusiasm</li> <li>· We don't judge, we notice</li> <li>· We put the needs of the service before our own personal gains</li> </ul>	<ul style="list-style-type: none"> <li>· We don't give up on people</li> <li>· We value all individuals and are willing to challenge them</li> <li>· We embrace each other's differences as much as our similarities</li> <li>· We accept responsibility for our actions</li> </ul>	<ul style="list-style-type: none"> <li>· We give feedback, we invite feedback, we listen to feedback</li> <li>· We look inward before we look outward</li> <li>· We learn as much from our mistakes as from our successes</li> <li>· We listen to each other, learn from each other and grow together</li> </ul>	<ul style="list-style-type: none"> <li>· We are always willing to explain why</li> <li>· We have the courage to be open and honest</li> <li>· We earn trust through our transparency</li> <li>· We live by our values even when no-one is watching</li> </ul>

## **1 Introduction**

- 1.1 The criminalisation of young people in care is a matter of concern for everyone. Young people who are looked after away from home are three times more likely to be charged with offences than those in the general population (NACRO, 2003; Taylor, 2006).
- 1.2 It is anticipated that the principles contained within the protocol will act as a framework for ensuring best practice in dealing with children and young people across Fair Ways. The protocol aims to strike a balance between the rights and needs of the children and young people, the rights of staff and foster carers and members of the public (where offending is outside of the care setting itself) and the decision to involve the police and / or Crown Prosecution Service.
- 1.3 The policy aims to reduce the prosecution of children and young people placed with Fair Ways wherever possible, by encouraging the use of restorative justice (RJ) approaches. RJ is a process whereby the victim has an opportunity to be heard and to state the impact of the behaviour and the offender has the opportunity to take responsibility for his or her actions. Approaches can range from internal mediation within services between young people and staff without involving the police, to informal resolution such as community resolution which does involve the police, to more intensive restorative work facilitated by specialist restorative practitioners.

## **2 Key principles**

- 2.1 Every effort should be made to avoid unnecessary criminalisation of children in care and Education. This is in recognition that criminalisation can be a barrier to successful transition to adulthood and future life prospects and in recognition that the life histories of many children make them particularly vulnerable to involvement in the criminal justice system.
- 2.2 It is every professional's responsibility when working with children to strive to understand the underlying causes of a young person's behaviour.
- 2.3 Victims and communities have a right to be protected from offending and an entitlement to have their needs and interests taken into account in finding ways forward in the aftermath of challenging/offending behaviour.

- 2.4 Restorative approaches should underpin our response, whether or not this behaviour occurs 'in-house' or out in the wider community. This involves a commitment to work restoratively not only with those children but also those who they may have harmed by their behaviour.
- 2.5 Where children decline to make admissions or where the offence is serious enough to merit consideration of prosecution then Crown Prosecution Service guidance on decisions to prosecute looked after children: 'Offending behaviour in children's homes – Crown Prosecution Service guidance' should be actively applied.
- 2.6 On occasion that staff do make contact with the Police they must then be prepared to fully support the Police in securing a successful prosecution. This may mean providing witness statements, being formally interviewed and giving evidence in court.

### **3 Suspected Drug Use**

- 3.1 Fair Ways adopts a zero tolerance approach to young people possessing, or taking drugs on any site. If young people are suspected of having, or taking drugs on site, or in Fairways school then the police will be called.
- 3.2 If there is reason to believe the young people have drugs on site or in Fairways school, then staff on duty will complete a room search and call the police if anything has been found. If the young person is on site and refuses the search, police assistance may be needed. Within Fairways school the Head Teacher has the power to search a pupil if they suspect any drugs or weapons, if the young person refuses to cooperate the police may be called.
- 3.3 In the event of prohibited and restricted items being taken, they must be stored in a secure place and all necessary members of staff/foster carers informed, and a decision to be made on how to dispose of these by a manager. This also covers the storage of illicit substances, drug paraphernalia and offensive weapons.

### **4 Criminal Damage**

- 4.1 If a young person breaks an item, or causes criminal damage to property, our first response would be to carry out some restorative and reparation work and consider reducing the young person's pocket money to contribute towards the damage. If this behaviour continues, or escalates showing that the restorative and reparative approach is having little effect, the manager will make a decision whether to call the police.

- 4.2 If the damage is serious, considered malicious, or purposeful then the police may be called in the first instance – particularly where this involves older young people or young people for whom it has been agreed with the local authority that this is an appropriate intervention.
- 4.3 All calls to the police for criminal damage will be decided and authorised by the on call manager, not the staff on shift. This is due to the staff on duty potentially being emotionally driven and not making decisions objectively due to being involved in the incident.

## **5 Assault on Peers and Staff / Discriminatory and Racial Abuse**

- 5.1 Fair Ways adopts a zero tolerance approach to staff, or young people being assaulted, racially abused, or discriminated against for their disability within the home, or a public place. The decision to call the police will be made by the person in question. Whilst Fair Ways will support them regardless of their preferred method of addressing the behaviour, we will make all reasonable attempts to address the matter “in house” and if possible through use of a Restorative Justice approach. There may be times that Fair Ways decides to call the police on behalf of the abuse, or violent situation, however this will be done in conjunction with the local authority (Social Worker and / or YOT Officer).
- 5.2 No member of staff is expected to tolerate physical violence, therefore we would always expect that there be a consequence for all instances of such behaviour. If any individual staff member is personally the victim at the hands of a resident or pupil we would ask that they do not call the police until 24 hours after the incident and until after they have spoken to their line manager. This is not a contractual expectation rather a request in order to allow time to reflect and for other sanctions to be considered.

## **6 Anti-Social Behaviour**

- 6.1 It is the primary role of the staff on duty to support the young people to manage their own behaviour or if necessary to take charge and manage their behaviour using TEAM TEACH (where appropriate).
- 6.2 Where it is not safe to do so, or where the local authority have agreed that this is not appropriate (i.e. with older teenagers) staff on duty may require police assistance for incidents within the home, school or in the community where there is a serious risk to staff or other young people.

## **7 Any other Criminal Activity**

- 7.1 If the young people are involved in any other criminal activity – i.e. theft / arson / sexualised behaviour then Fair Ways will assess on a case by case basis whether the activity warrants calling for police assistance. Whilst it is our preference to deal with matters in-house the severity of some cases may mean that this is not appropriate.

## **8 Information for the Police and CPS**

- 8.1 If young people are arrested and charged for any of the mentioned offences, the charge will not be withdrawn and the following information will need to be provided to the police, so that they can inform the Crown Prosecution Service:

### **8.2 CHILDREN IN CARE HOMES - THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH PROSECUTION FILES WHEN THE OFFENDER IS A RESIDENT AT A CARE HOME:**

- The behaviour management policy of the Home
- An explanation from the Home regarding their decision to involve the police, which should refer to the procedures and guidance on police Involvement
- Information from the Home about the recent behaviour of the youth, including similar behaviour and any incidents in the youth's life that could have affected their behaviour, any history between the youth and the victim, any apology or reparation by the youth, history of the incident and any action under the disciplinary policy of the Home
- The views of the victim, including their willingness to attend court to give evidence and / or participate in a restorative justice or other diversionary programme
- The views of the key worker, social worker, counsellor or CAMHS worker on the effect of criminal justice intervention on the youth, particularly where the youth suffers from an illness or disorder
- Information about the local authority's assessment of his / her needs and how the placement provided by the home is intended to address them and what measures have been put in place to deal with this recent behaviour
- Any explanation or information about the offence from the looked after child
- If the looked after child wishes to be considered, information about the local authorities assessment of his / her needs and how the placement provided by the Home is intended to address this. The local authority should be able to provide this information as it should be an integral part of the Care Plan for the looked after child.

Further reading:

Lord Laming review 2016

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf>

Howard League of Penal Reform – Children’s homes and criminalizing children

<https://howardleague.org/publications/criminal-care/>

Independent Children’s Homes association – Police Involvement, Offending and missing behavior

<https://www.childrenshomesqualitystandards.org.uk/media/1567862/icha-analysis-of-police-involvement-offending-behaviour-and-missing-episodes-and-childrens-homes-090916final.pdf>