

Reducing Offending and the Criminalisation of Children in Care 2017

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Hillingdon Strategy to Reduce Offending and Criminalisation Of Children in Care

1. Introduction

- 1.1 Children in care (CiC) are significantly over reported in the youth justice system relative to their non-looked after peers, more specifically they are over represented within the secure setting. In a survey of 15-18 year olds in young offender institutions (2015), a third of boys and 61% of girls said they had spent time in local authority care. This is despite less than 1% of all children in England being in care.
- 1.2 The criminalisation of any young person can be a barrier to the transition into adulthood and their future life prospects. The principles contained within this strategy and the supporting protocol provides a framework for practice with the objective of reducing the criminalisation of CiC.
- 1.3 This strategy recognises there is balance to be reached between the needs of CiC and those of staff, carers and members of the public that may be directly affected by their behaviour.
- 1.4 This strategy and the accompanying protocol has been developed to reduce the number of offences committed by CiC by ensuring the responses to behavioural difficulties which may be viewed as criminal are proportionate, and appropriate in terms of staff/carers response and the need for police involvement and/or court action
- 1.5 The principles of this strategy and protocol will be applicable to foster placements and children's homes, both those directly managed by the London Borough of Hillingdon and Private and Voluntary Sector Provision commissioned by the local authority.
- 1.6 Hillingdon acknowledges material shared by Surrey County Council and its partners, upon which much of this strategy and the supporting protocol are based.

2. General Principles

- 2.1 The life experiences of many CiC make them particularly vulnerable to involvement in the criminal justice system and it is incumbent on professionals supporting them to recognise this and mitigate against it in their care planning and practice.
- 2.2 Children and young people who come into care having already had contact with or as a result of their contact with the criminal justice system, also need protection from escalation. Children in custody are particularly vulnerable as a result of multiple needs and risks and require integrated support from the social care, the Youth Offending Service and custodial establishments.
- 2.3 Victims and communities have a right to be protected from CiC offending and are entitled to have their needs and interests taken into account in the aftermath of challenging/offending behaviour
- 2.4 Restorative Justice processes will underpin our response to offending behaviour whether it occurs in placement or in the wider community. These approaches range from internal mediation within residential units between young people and staff to more intensive restorative work facilitated by specialist practitioners.

- 2.5 Professionals within the system should pursue an integrated approach to reduce CiC offending.

3. The Corporate Parenting Board

- 3.1 Reducing unnecessary criminalisation is an important aspect of effective corporate parenting. The Corporate Parenting Board is responsible for ensuring that children are protected from offending and criminalisation and that there is effective work between social care and criminal justice partners to achieve this.
- 3.2 The Corporate Parenting Board must be confident it has an accurate picture of local offending by CiC. It will ensure data is collated, scrutinised and agencies held to account for improving outcomes for all CiC who are at risk of or involved in offending behaviour.

4. Placing looked after children

- 4.1 It is in the best interests of young people to remain in Hillingdon wherever they can benefit from the services of their own corporate parents.
- 4.2 The prevention or minimisation of offending will be considered when placements are commissioned. The placement commissioner will, through access to the provider's "behaviour management policy" and contract development, ensure that behaviour management systems prioritise internal resolution without involvement of the police where ever possible.
- 4.3 Where CiC are placed outside the local authority they should be afforded the same protection against involvement in offending and criminalisation as those placed locally. To mitigate against the risk that decisions will be made without knowledge of a young person's looked after' status, the 'host authority' will be notified within 5 working days that a CiC is in their area.

5. Children's Social Care

- 5.1 Restorative justice principles will be incorporated into the behaviour Management Policies of all in house residential units and staff trained accordingly.
- 5.2 Placement and care plans will specifically identify how they will minimise the risk of offending behaviour by a young person. They should compliment and reinforce intervention plans developed by the Youth Offending Service.
- 5.3 Social workers will promote restorative justice processes as a response to incidents which take place within the care environment (both residential and foster placements).
- 5.4 Social workers will actively engage with police colleagues advocating diversion from the criminal justice system wherever possible for CiC.
- 5.5 For CiC in custody, planning for throughcare and resettlement should start at the point of entry into the detention system.

- 5.6 CiC will be supported through the criminal justice system by the professional who is best placed as a result of their personal knowledge of the young person, to inform the process through negotiations with other professionals.

6. Youth Offending Service (YOS)

- 6.1 The YOS will ensure that assessments, intervention plans and reviews on CiC take full account of the impact of being looked after.
- 6.2 YOS intervention plans will compliment and reinforce placement and Looked after child plans.
- 6.3 Enforcement processes for court orders and post custodial licences will be sensitive to and take account of the circumstances of children and young people looked after.
- 6.4 The YOS will provide training for residential staff on restorative justice approaches.
- 6.5 The YOS will support the development and implementation of restorative justice processes, both formal and informal, for CIC.
- 6.6 The YOS will provide a single point of contact for CSC, carers, residential units and police colleagues in matters relating to looked after children.

7. Police

- 7.1 The police will provide a lead officer for LAC children who can act as a single point of contact for professionals and carers on LAC issues.
- 7.2 The police will provide a liaison officer for each residential unit. These officers will make regular visits to the units establishing constructive relationships with both the young people and the staff.
- 7.3 Following incidents these Police Liaison officers will be able to advise front line colleagues of the protocol and with their knowledge of the young people and units, inform decision making.

**Reducing Offending and Criminalisation of Children in Care
Inter-Agency Protocol
2017**

1. Recording incidents

- 1.1 It is necessary for all incidents within placements to be accurately recorded to provide informed histories of those in care and to enable the Corporate Parenting Board to review the impact of the interagency strategy and protocol.
- 1.2 All incidents must be recorded in the child's personal file and for children's homes following standard recording procedures under the Children's Home Regulations 2015.
- 1.3 Each unit will have a system for recording incidents where the police have been in attendance and the outcome. A similar mechanism will be in place for recording incidents where children are placed in foster care.

2. Responding to Incidents

- 2.1 Caring for and managing young people with difficult or challenging behaviour is an integral feature of work within placements. There should be a presumption that staff and carers will generally manage problematic situations 'in-house'. However to assist carers/staff in their decision making the CiC Gravity Matrix should be used (Appendix A).
- 2.2 The majority of incidents that can be resolved without the recourse to police involvement and restorative responses will ensure that the young person will be encouraged to take responsibility for their actions, understand the harm caused and 'make good' (practically if appropriate) for the harm caused. Involvement in restorative activity can often be a more effective alternative to police involvement.
- 2.3 Each individual case will be risk assessed by the placement/carer and police called at the time of the incident when necessary to do so. This does not necessarily mean that police will arrest. When an officer decides that a young person is a suspect for an offence, there should be a presumption to interview out of the custody suite unless there is a need to arrest in order to use another power such as to secure evidence i.e. obtain intimate samples, or to impose bail conditions due to seriousness of offence.
- 2.4 In the cases where the situation does not pose any immediate risk or any further risk of harm, the CiC gravity matrix and the victims' own wishes will inform whether or not the matter needs to be reported through the appropriate management lines within Social Care for advice on appropriate action and /or seek support for staff/carers who may have been harmed. It may be considered appropriate to report the incident to the police.
- 2.5 For the level 2 and 3 offences detailed in the Gravity matrix, preservation of evidence may be necessary in order to secure evidence as part of the investigation. Staff and carers will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegations or police investigations. In cases of doubt the police should be consulted immediately

- 2.6 For children in a residential placement (and in non urgent situations) contact should be made with the dedicated Police Liaison Officer for the Unit in the first instance. When the Police attend they will seek to reach agreement with the carer on the appropriate course of action. These options may include a local resolution based on the unit's behavioural management policy and restorative justice practices, referral to the Youth Offending Service to consider an out of court disposal, following interview or, in occasional cases, arrest (see 2.9). Alternatively the case could be signposted to other services /partners e.g. Targeted Programmes Service.
- 2.7 Any communication between a residential unit, or a foster parent, and the police must be clear and factual if responses/decisions are to be appropriate to the situation.
- 2.8 In cases referred to the YOS an assessment will be undertaken and a decision made as to the most appropriate outcome. In all cases where it is appropriate the YOS will deliver a triage programme which will allow the young person to be dealt with outside of the formal criminal justice system. The focus is on supporting young people to repair harm resulting from an incident, including consideration of a restorative justice intervention, and addressing other un-met needs that will reduce their susceptibility to further offending. (See Appendix B – Restorative Justice Intervention)
- 2.9 Speed of response in moving forward with restorative work will potentially be important in addressing the incident/ issues of concern and reducing the risk of further offending.
- 2.10 Police should be called to incidents where there is an unacceptable level of risk to personal safety and where it is deemed unlikely that order will be restored without police assistance. Incidents graded 3 of the CIC Gravity Matrix will require a police response, and an immediate response for incidents of serious violence or serious dangerous disorder where children, staff or carers are at risk of immediate serious physical harm. In such situations, carers/placement providers should contact the police, via the 999 system.
- 3. Staff/carers as victims of crime**
- 3.1 Where staff or carers experience direct harm or loss as a result of incidents then their needs as 'victims' of crime will need to be acknowledged and addressed. LB Hillingdon Care Services have a duty of care to their staff to offer support, particularly when frightening or abusive incidents have significantly impacted upon staff/carer wellbeing. The absence of such support not only risks failure in 'duty of care' but may leave affected staff/carers feeling they have little alternative than to pursue 'justice' through formal process which could compromise engagement in alternative non-criminalising responses. Support for staff could take the form of access to the Local Authority's employee assistance programme or learning and development training opportunities.
- 4. Intelligence / Data Sharing:**
- 4.1 The Crime and Disorder Act 1998 Section 115 ensures that all agencies involved in preventing offending have the power to disclose information for the purpose of preventing crime and disorder. It is vital in the prevention of offending, and protection of vulnerable young people that agencies develop an environment of information

sharing that demonstrates to young people agencies working together, and keeping each other informed.

In addition to the statutory guidance following from the Children Act 2004, the key legal concepts, legislation and terminology relevant to information sharing are contained in:

- The Data Protection Act 1998;
- The Human Rights Act 1998;
- The common law duty of confidence.

4.2 Intelligence that should be shared between agencies with respect to criminal behaviour will include the following:

- Young people believed to be criminally active
- Those young people identified as criminally active being monitored including recording their clothing, times in and out of the homes and any property appearing without formal recognition or identification.
- A young person's associates with whom they are believed to be offending. Good information includes full names, nick names, telephone numbers, addresses and car registrations etc.
- Areas identified as used by drug dealers in the locality of the homes
- Sex offenders living in or near children's homes if relevant (including notification by police by way of an annual letter to inform children's home Location Review Risk Assessments)

4.3 Young people believed to be criminally active may also be open to abuse and exploitation by others and the information above will inform any vulnerability and/or CSE assessments being undertaken, particularly if known associates are believed to pose a risk to children and young people.

5. Minimising the risk of further Offending Behaviour

5.1 Practical steps can be taken to reduce the risk of offending/re-offending;

- Use restorative principles to ensure any issues within the home are addressed and moved on rather than allowing matters to fester.
- Consider if the young person's health needs are being met, particularly those relating to their emotional well being. Are they anxious, worried, nervous, experiencing grief or feeling low and how is this impacting on their behaviour? Are there any services you can help them access?
- Consider their educational needs and circumstances and how these are being met. Do any special educational needs impact on their behaviour or understanding the consequences of it?
- What are the young person's strengths and how can these be celebrated and developed further?
- What constructive leisure activities can the young person be engaged in, reducing the opportunities for boredom or associating with other young people who may be involved in offending behaviour?

- Identify opportunities to raise awareness with the young person of the dangers of risk taking behaviours.

6. Crown Prosecution Service (CPS) Response:

- 6.1 This policy is implemented in conjunction with the CPS guidance on decisions to prosecute looked after children. This should be read in conjunction with Appendix C – Offending Behaviour in Children’s Homes – Crown Prosecution Service Guidance.

7. Monitoring the Protocol:

- 7.1 To evaluate compliance with the protocol regular monitoring and review will be undertaken by the Corporate Parenting Board.

- 7.2 Information on incidents requiring police involvement and the outcomes will be used in monitoring the impact of the Protocol Agreement. Verbal feedback will also be requested regularly on both a formal and an informal basis from the key stakeholders.

8. Signatures:

Appendix A: Children in Care Gravity Matrix

When to report matters to the Police

The table below classifies the most common offences on a scale of 1 (low gravity) up to 3 (high gravity) based on the seriousness of each individual offence. The classifications are there to **assist** decision making, but are not a definitive guide.

The impact on those involved and the risk to others and the community will always need to be considered. A report to Hillingdon Police does not necessarily mean that a police crime report will be created or that a young person will be dealt with through the criminal justice system.

Options

- 1: No notification required, unless aggravating factors then treat as a 2
- 2: Notify Police usually by the Police Liaison for the Placement, unless aggravating factors then treat as a 3
- 3: Always contact Police via 999 or 101

Our current policy is designed to prevent unnecessarily criminalisation of young people therefore we ask the Children's Homes or Foster carers to try and resolve most low level matters in house, as the corporate parents. However, we are aware that sometimes offences can take place that do not sit comfortably within the category of low risk. Using the attached matrix, matters may be referred to the police to determine if further action is necessary.

Appendix 1

Offence	Action	Aggravating Factors	Mitigating Factors
Serious injury (GBH)	3	Weapon Used More than one blow Unprovoked Premeditated Group action	Impulsive action Provoked Nature of injury
Medium injury (ABH)	2	Weapon Used More than one blow Unprovoked Premeditated Group action	Impulsive action Provoked Nature of injury
No or small injury (Common Assault)	1	Deliberate aggression without provocation Vulnerable victim Weapon used Premeditation Group action	Trivial nature of action Impulsive action Injury very minor
Threats	1	Words used History between subjects Ongoing issue	
Damage	1	Damage deliberate, not reckless Group offence High value damage Offensive to others Ongoing issue	Low value damage
Arson	2	Damage deliberate, not reckless Group offence High value damage Risk to others	Low value damage No risk
Articles to cause it (e.g. spray paint)	1	Ongoing issue	Potential low value damage
Drugs: Supply/possess with intent to supply	3		
Drugs: Possess	2		
Hoax call	2		
Firearm or Explosive	3		
Throwing stones at train	1	Ongoing issue	
Trespass on a railway	1	Ongoing issue	
Possess offensive weapon (made, adapted or intended for harm)	3		
Possess Sharp Pointed Blade	3		
Threaten another with a blade or point or offensive weapon	3		
Abusive language	1	Group action Ongoing issue Motivated by hate (e.g. racial, homophobic, etc.)	
Sexual Offence	3		
Theft	1	High value Group activity Pre-planned Ongoing issue	Low value Insignificant item

Appendix B: Restorative Justice Intervention

What is it?

A Restorative Justice Intervention allows **victims who have been affected by a crime and those young people who are responsible, a chance** to communicate about what has happened and to find a positive way forward. Its use is dependent upon the young person's acceptance of responsibility for any wrongdoing and their willingness to make amends. It is sensitive to the needs and wishes of victims and there is a strong commitment to keeping them fully informed throughout the process.

What are its benefits?

- It creates an opportunity at an early stage for harm to be repaired
- Victims report an increased satisfaction with the process.
- It can reduce re-offending
- It delivers value for money by reducing the need for and use of formal court proceedings
- It reduces the number of 'first-time entrants' into the criminal justice system

How does it work?

Once suitable cases have been identified they are case managed by trained Restorative Justice Practitioners who work with those affected towards developing a bespoke agreement as to how the harm can be repaired. Reparation can take many forms but may include an apology or practical activity, either direct to the victim or to the benefit of the wider community.

The offender is expected to adhere to the agreed actions and for the matter to be recorded as successfully resolved. In these circumstances they do not attract a criminal record for the offence in question. However, it is made clear that any failure to comply could lead to the use of formal sanctions in the future. The rationale for this is to ensure that all young people have the best possible prospects of making a successful transition to adulthood, uncompromised by criminalisation.

Appendix C: Crown Prosecution Service Guidance - Offending Behaviour in Children's Homes

1. The decision to prosecute looked after children for offences committed within a children's home is a major decision and should be taken by a youth specialist, who, wherever possible, will be a volunteer who has attended the CPS Youth Offender Specialist Course and is a Senior Crown Prosecutor.
2. This guidance is intended to assist youth specialists in determining where the public interest lies when it is alleged that a looked after child has committed an offence in the children's home where he or she lives. It is not intended to apply to all offences committed by looked after children; although some of the principles may be helpful when applying the public interest test to offences committed outside the home.
3. This guidance should be considered in conjunction with the Code for Crown Prosecutors, CPS policy statements and legal guidance.
4. Children and young people who live in children's homes are at a high risk of offending behaviour because:
 - Many looked after children are between the ages of 14 and 17, which is regarded as the peak offending age range
 - In some children's homes they are likely to be living with young people who have been remanded to local authority accommodation, and may be susceptible to group offending behaviour
 - They may be living in accommodation far from their home, so may lack support from friends and family
 - Many looked after children display challenging behaviour, which may be a reaction to past experiences of abuse and neglect; and/ or have been diagnosed as experiencing Attention Deficit and Hyperactivity Disorder and Oppositional Defiant Disorder. Their offending behaviour may be caused by or otherwise linked with the disorder.
 - Their behaviour is likely to be more challenging and demanding because of their family experience, the breakdown of foster placements and frequent moves from other children's homes.
 - Living in a group with other challenging and demanding children of the same age gives rise to greater potential for conflict, bullying and peer group pressure
5. The police are more likely to be called to a children's home than a domestic setting to deal with an incident of offending behaviour by an adolescent. Specialists should bear this in mind when dealing with incidents that take place in a children's home. However, where offending behaviour occurs in a family context, the CPS Domestic Violence Policy would apply wherever a partner, sibling, parent or other family member experiences violence at the hands of a youth. It is important that all people feel safe in the place that they live, whether that is in a family home or children's home and that they have confidence in the criminal justice system to intervene and protect them where this is necessary.

6. A criminal justice disposal, whether a prosecution, caution or conditional caution, should not be regarded as an automatic response to offending behaviour by a looked after child, irrespective of their criminal history. This applies equally to Persistent Young Offenders and adolescents of good character. A criminal justice disposal will only be appropriate where it is clearly required by the public interest.
7. Informal disposals such as restorative justice conferencing, reparation, acceptable behaviour contracts and disciplinary measures by the home may be sufficient to satisfy the public interest and to reduce the risk of future offending.

Behaviour Management policies

8. All children's homes, whether they are run privately or by the local authority or voluntary sector must comply with the Children's Home Regulations 2001, which are mandatory, and the National Minimum Standards, which are issued by the Secretary of State under section 23 Care Standards Act 2000. These are minimum standards, not examples of good practice, and Homes should aspire to exceed them. Copies of these documents are available at www.doh.gov.uk

Note: These are now replaced with the Children's Homes Regulations 2015, which introduce the new Quality Standards and the new Guide to the Regulations all of which replace the National Min Standards

9. Each home must have a written "behaviour management policy" that sets out the measures of control, restraint and discipline which may be used in the children's home and the means whereby appropriate behaviour is to be promoted in the home. A copy of this policy and a statement from the home setting out how the policy has been applied to this incident should accompany any request for advice on charging.
10. Each home should have a clear written policy, procedures and guidance for staff based on a code of conduct that sets out control, discipline and restraint measures that are permitted and must reinforce positive messages to children for the achievement of acceptable behaviour. The consequences of unacceptable behaviour should be clear to staff and children and must be appropriate to the age, understanding and individual needs of the child. It must also be recognised that unacceptable or challenging behaviour may be the result of illness, bullying, disabilities such as autism, ADHD or communication difficulties.

Regulation 11 sets out The Positive Relationships Standard for Children's Homes and requires children to be helped to develop positive relationships based on mutual respect and trust, an understanding of acceptable behaviour and positive responses to children and adults. Control and disciplinary measures should encourage reparation and restitution.

Standard 22 National Minimum Standards for Children's Homes requires staff to respond positively to acceptable behaviour, and where the behaviour of children is regarded as unacceptable by staff, is responded to by constructive, acceptable and known disciplinary measures approved by the registered person. Control and disciplinary measures should encourage reparation and restitution. Corporal punishment, deprivation of food and drink and punishing a group for the behaviour of an individual may not be used as a disciplinary measure, and financial penalties are restricted to the imposition of a reasonable sum, which may be paid by instalments, by way of reparation. (Rule 17 CHR 2001)

12. Unless the registered person can show it is inappropriate, the home should also have procedures and guidance on police involvement in the home, which have been agreed with the local police. Staff should know about the agreement with the police and should be clear when the police should be involved.

The Decision to Prosecute

13. Specialists are reminded of the need to consider all the circumstances surrounding the offence and the circumstances of the youth before reaching a decision and to apply all relevant CPS policies and documents. Failure to do so may result in proceedings for judicial review: ***R v Chief Constable of Kent and Another ex parte L, R v DPP ex parte B (1991) 93 Cr App R 416***. Factors that should be considered include:

- The disciplinary 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 CAHMS worker on the effect of criminal justice intervention on the youth, particularly where the youth suffers from an illness or disorder.
- Any explanation or information about the offence from the looked after child
- If the looked after child wishes it to be considered, information about the local authority's assessment of his/her needs and how the placement provided by the Home is intended to address them. 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.

14. Specialists should consider all of the aggravating and mitigating features when deciding on the appropriate outcome:

15. Aggravating features include :

- 1 The offence is violent or induces the genuine fear of violence in the victim
- 2 The offence is sexual
- 3 The offence is motivated by hostility based on the gender, sexuality, disability, race, religion or ethnicity of the victim.
- 4 The victim is vulnerable
- 5 The damage or harm caused is deliberate and cannot be described as minor
- 6 The offence forms part of a series of offences
- 7 Informal measures have been ineffective in preventing offending behaviour

16. Mitigating features include :

- 1 The damage or harm caused is at the lower end of the scale and has been put right
- 2 Appropriate action has already been taken under the disciplinary procedure or other informal disposal
- 3 Genuine remorse and apology to the victim
- 4 The behaviour is a symptom of a disorder or illness that cannot be controlled by medication or diet. Care should be taken where it appears that the youth has deliberately refused medication or deliberately consumed a substance knowing that his or her behaviour will be affected
- 5 Isolated incident or out of character
- 6 The young person is under extreme stress or appears to have been provoked and has overreacted.

17. The reasons for the charging/diversion decision should be clearly recorded and show the factors that have been considered by a youth specialist to determine how the public interest is satisfied.

Appendix D: Application of Protocol to Foster Care Placements.

1. The main principles of this policy are applicable to foster placements as explored below. However the main difference will be in the practicalities of interaction with the police.
2. This protocol recognises all the good practice and professionalism of foster carers and fostering social workers in providing young people in care with stable and appropriate placements. It recognises the positive relationships and professionalism between foster carers, fostering social workers and police officers. This protocol is designed to reinforce and extend good practice and provide a standardised approach, which will act as an additional framework for managing negative behaviour, balancing the needs of young people in foster care and the rights of carers and staff.
3. The main principle of this policy is to ensure that responses to behavioural difficulties, which may be viewed as criminal, of children in foster care are proportionate and appropriate and due consideration is given to the reasons for and impact of the consequences. Appendices A & B provides guidance on dealing with offences, which is applicable to foster care situations.
4. It is accepted that there are likely to be less responsible adults on hand to deal with incidents in a foster placement than in a children's home and as such thresholds for calling the police to manage a situation maybe lower. However if no immediate danger is presented the expectation would be that foster carers would take time to consider the available options and call their fostering social worker or the Emergency Duty Team if out of hours to discuss the most appropriate course of action if necessary. If there is no immediate danger consideration should be given to what is the purpose of calling the police, what action is wanted from them and what will be the consequences and impact on the young person's behaviour as a result of their involvement.
5. Internal resolution within the foster home or with support of the fostering social worker may prove to be the most effective method of managing and changing a young person's behaviour. Training on restorative approaches will be made available for fostering social workers and information and awareness will be provided to foster carers.
6. Foster carers should be aware of their local beat officer and that they are able to offer support and advice in prevention of offending behaviour. Relationships between foster carers and the police do not only have to be in response to serious incidents or immediate danger.
7. The Youth Offending Service is also available to support or provide a restorative justice process if that is felt to be appropriate.