

**Inverclyde**

**Practitioner Guidance**

**Missing Children and Young People**

**Created: 2018**

**Updated: April 2024**

**Refreshed: May 202****5**

**1. Introduction**

1.1This protocol has been produced by the Child Exploitation Strategy Group in Inverclyde; a multi-agency partnership of Police Scotland, Health and Social Care Partnership, NHS Greater Glasgow and Clyde, Education Services and Barnardo’s. It is informed by the National Missing Persons Framework for Scotland that was published by the Scottish Government in May 2017.

1.2 While the Framework relates to all missing persons, this guidance relates to children and young people up to the age of 18 years and care experienced young people up to the age of 26 years, as designated by the Children and Young People (S) Act 2014 (appendix 1). This includes:

* Children and young people who are looked after at home, in kinship, foster placement or group care)
* Children who are missing from home

1.3 It also aligns with our local Getting It Right for Every Child (GIRFEC) Practice Guidance and Child Protection procedures; along with the workings of the operational Vulnerable Young Person’s Group (VYPG), which is a preventative and collaborative multi-agency response that is co-ordinated by Police Scotland. Where there is suspicion of exploitation this guidance should be read in conjunction with Inverclyde’s Child Sexual Exploitation and Child Criminal Exploitation guidance. [Information for Professionals - Inverclyde Council](https://www.inverclyde.gov.uk/health-and-social-care/public-protection/inverclyde-child-protection-committee/information-for-professionals)

1.3 The purpose of this guidance is to define the roles and responsibilities of services that support, promote and safeguard the wellbeing of vulnerable children, young people and care experienced young people through attuned, trusted and supportive professional relationships. It is recommended that this is guidance, and individual agencies will have their own practice protocol for missing persons.

1.4 All children, young people and care experienced young people are inclusive to this approach based on the Equality Act 2010, the Equality Act (Specific Duties) (Scotland) regulations 2012 and the United Nations Conventions on the Right of the Child (UNCRC)

**2. Background**

2.1Going missing is an indicator that something is going wrong in a child or young person’s life. It can be associated with vulnerability that exposes them to harm or exploitation, and is often characterised by a cycle of repeated incidents that, by their accumulation, can lead to other dangers. Episodes of going missing can begin at a relatively low level, for example a child or young person being away from home or out of school during the day time. These episodes may involve anti-social behaviour either from an individual or group, and children and young people may also find themselves involved in low level offending. It is important that services identify this behaviour at the earliest point in order to intervene and prevent things from getting worse.

2.2 The Scottish Government published a National Missing Person Framework that has four key objectives:

* To introduce **preventative** measures to reduce the number of episodes of people going missing.
* To **respond** consistently and appropriately to missing persons episodes.
* To provide the best possible **support** to missing people and their families.
* To **protect** vulnerable people to reduce the risk of harm.

2.3 Through these four objectives the Framework seeks to standardise practice by having a national:

* Definition of a ‘missing person’.
* Risk Assessment
* Return Discussion

2.3 The message of the framework is that ‘missing people’ are the priority of the Community Planning Partnership, with health, education, police, social work and third sector colleagues all having a role and responsibility to prevent, respond, support and protect children, young people and care experienced young people.

**3. Definition of a ‘missing person’**

**A missing person is anyone whose whereabouts are unknown:**

* **Where the circumstances are out of character; or**
* **The context suggests the person may be subject to a crime; or**
* **The person is at risk of harm to themselves or another**

3.1 The missing person definition has been developed to deal with, and assess who are missing people:

3.2 Anyone who has the parental responsibility for a child or young person must report their child missing to the Police and inform the Police when they return. (The exception would be where a `Not at Home’ plan has been agreed, see P.13)

3.3 Where the person is not their parent/carer but has responsibility for looked after children and care experienced young people, each agency must follow their ‘missing person’ guidelines, including risk framework and report to the Police.

**4. Service Pathway – Prevent, Response, Support and Protect**

4.1 **Early Information sharing**

4.2 With a focus on prevention, Inverclyde have developed the KC Partnership Hub. This seeks to identify those at risk of going missing at the earliest stage, share this information with key partners and try and understand the underlying push and pull factors of a missing episode, before the person goes missing again. **NB this is not an alternative to services reporting a child or young person as missing see 4.4**

4.3 Information sharing in action:

* The KC Hub which meets Monday to Friday, compiles a list of names of children and young people who are coming to police attention but who may not yet have reached Interagency Referral Discussion (IRD) stages (potentially 3 or 4 at any one time). Names are added or deleted as risk increases of decreases. Partners can also bring names to Police at the partnership Hub meetings.
* This list is shared with the Public Protection Unit (PPU) so that it can be vigilant for any names coming through the Concern Hub.
* The Community Safety and Resilience team, The Head of Education and Community Wardens and Antisocial Investigations Team (ASIST) are made aware of the names
* Police performance support will make operational officers of the names of the children and young people whom the partnership is concerned about via an e-briefing slide encouraging the submission of concern forms following an incident.
* Partners should be alert to issues of Contextual Safeguarding, are there particular places where young people gather, are there particular locations of increased concern or risk.
* Where risk increases and there is evidence of, or it is suspected that, the child or young person is at risk of exploitation, referral should be made to the Vulnerable Young Person’s Group.

4.4 **A child or young person is reported as missing to Police Scotland** - Upon receiving a report of a missing child, young person or care experienced young person, the Police will carry out enquiries aimed at locating the child as soon as is possible.

4.5 **Child is not known to statutory services** - Where there is not a current Lead Professional (allocated social worker), a request for assistance should be made to social work duty service for information gathering and an initial assessment of vulnerability, and consideration of the referral pathway to support, promote and safeguard the wellbeing of the child, young person and their family, with the Named Person. A key link in this information gathering is a child’s school or college and this should be contacted as early as possible to ensure that any assessment of risk is triangulated. See Table 1 below:

4.6 **Child is known to statutory services** - Where there is already an allocated worker they will update or complete a multi-agency Wellbeing Assessment and Child’s Plan that promotes, supports and safeguards the child, young person or care experienced young person. This will detail the support services, who is involved and what their responsibility is (see Table below). It will also factor in the risk assessment completed by the Police (see section 4).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **To prevent child going missing and limit harm to those who have gone missing** | **Universal** | **Enhanced Universal** | **Collaboration** | **Enhanced Collaboration** |
| **Prevent** | **Child’s needs are known and met by universal services – education services record episodes of going missing from school and health services** | **Child’s needs require enhanced support** | **Child’s needs are multiple and requires multi-agency support** | **Child’s needs are immediate**  |
| **Respond** | **Child and their engaging families, and their partner agencies** | **Children with vulnerability**  | **Children with vulnerability and complex needs** | **Children at risk of continuing significant harm** |
| **Support** | **Multi-agency Wellbeing Assessment; Team around the child with the Named Person as co-ordinator of the Child’s Plan** | **Multi-agency Wellbeing Assessment; Team around the child with a Lead Professional (not social work); Advocacy**  | **Multi-agency Wellbeing Assessment with social work the Lead Professional; Graded Care Profile; Advocacy** | **Child Protection Assessment; Legal framework; Specialist health assessments; Advocacy**  |
| **Protect** | **Education - Pastoral Care and educational Psychology; School Nurse; GP; Sexual Health Service-Sandyford Clinic (Health Services track vulnerability); Social Work** | **Education - Pastoral Care and Educational Psychology; GP; Social Work; CLD-Youth Team; Sexual Health Service-Sandyford Clinic;** **Inverclyde Youth Drugs Service;** **Young Person Alcohol Team;****Barnardo’s Nurture Service; Mind Mosaic;**  | **Social Work; Police; Education; CAMHS; Youth Support Team – including Alcohol and Drugs; Barnardo’s Safer Choices Project; Children’s 1st; SNIPs; Barnardo’s Nurture Service** | **Social Work; Police; Education; Reporter; CAMHS; CPU; Archway; West of Scotland Adolescent Inpatient Unit – Skye House, Stobhill; National Child Inpatient Unit; Barnardo’s Safer Choices Project; Court;****Notra Dame Child Clinic** |

 Key Contacts: Social Work Duty Team Police - Public Protection Unit Glasgow & Partners Emergency Social Work Service

 Tel No: 01475-715365 Tel No: 0141-357-6159 Tel No: 0141 305 6930

**5. Risk Assessment and Risk Management**

5.1 Upon receiving a report of a missing child, young person or care experienced young person, the Police will carry out enquiries aimed at locating the child as soon as is possible.

5.2 **Levels of notification**; where children or young people who are care experienced people missing for **48 hours** the service manager for resources must be informed. The Head of Service for Children’s Services and Criminal Justice must be informed at **72 hours**. The ‘missing children’ template should be used for discussion with the Head of Service for Children’s Services and Criminal Justice (appendix 2).

5.3 When a child, young person or care experienced young person is located or has returned, the Police will carry out a ‘Safe and Well check as soon as is reasonably practical.

5.4 When a child or young person is reported missing (and a `Not at Home’ plan has not been agreed, see section 7), a risk assessment will be undertaken by the Police and thereafter categorised as high, medium or low. Police officers have been issued with an aide memoire consisting of 21 questions to assist in determining the most appropriate risk category – the questions are in appendix 2.

5.5 The risk category is detailed below:

**Missing Person Low Risk Status**

Low Risk is where the apparent threat of danger to either the missing person or the public is low (Nb a child should not be graded as low risk)

**Missing Person Medium Risk Status**

Medium Risk is a missing person that is likely to place themselves in danger or they are a threat to themselves or others.

**Missing Person High Risk Status**

High Risk is a missing person where the risk posed is immediate and there are substantial grounds for believing that the Missing Person:

1. Is in danger through their own vulnerability; and / or

2. May have been the victim of a serious crime; and / or

3. The risk posed is immediate and there are substantial grounds for believing that the public is in danger.

5.6 Recording - the Police must log each occasion when a child, young person or care experienced young person is reported missing. The initial call to Police is recorded on the Police Command and Control system and once the missing person investigation is initiated officers record the missing episode on the National Missing Persons database. In addition to this, to facilitate the recording the missing episode for sharing purposes, the officers record the incident and concerns on a system called Interim Vulnerable Persons Database (ivpd). Once the Police complete a “Safe and Well Check” the officers electronically send the ivpd log to the Concern Hub Team of the PPU to allow for background checks and sharing with social work.

5.7 Sharing Information – Once the ivpd is with the concern hub this allows Police checks to be conducted and relevant information to be forwarded to Inverclyde social work, Children’s services team on childcare.operations@inverclyde.gov.uk In respect of High risk or urgent missing episodes the Police may make contact with social work via telephone, prior to the ivpd being sent to gain information which social work will hold that may lead to tracing the individual faster.

5.8 **Child Care Box** – Business Support staff will put this on the contact tab, summarise the information under drop down Missing Person, and pass to the allocated Lead Professional (social worker) or pass to the duty team for assessment and planning.

5.9 **Missing Person Box** – where this is a child or young person under 18 who lives out with the area and is reported missing. Business Support staff will check SWIFT to see if they are known on SWIFT, and record this new information as a contact and in notes under the headline Missing Person. The outcome will be no further action. This note will be deleted on SWIFT after 6 months or, if the missing person is a pregnant young person, after 8 months.

**6. Safe and well check and Return Discussion**

6.1 Every child, young person and care leaver who returns after going missing will receive a **safe and well** check via Police Scotland. This is a brief check in at the time of return to establish there is no immediate risk, for example whether the missing person has been the victim of a crime.

6.2 Every child, young person and care leaver who returns after going missing is entitled to a **return discussion** (in addition to the Police Safe and Well check). This will form a key part of the initial assessment and determine the pathway of support. The person carrying out this interview should be a trained practitioner who is trusted by the child or young person. Allowing the young person to choose who they wish to carry out the return discussion may encourage better engagement and ultimately better understanding as to why the young person has gone missing, allowing staff and partners to look at how we prevent future missing episodes. If the child or young person identifies someone who is not trained to conduct the return interview, the practitioner should be supported and coached by someone who has received the return discussion training. Over time we aim to train all relevant practitioners in the return discussion approach.

6.2 When undertaking the return discussion it is important that practitioners make the child or young person aware that information discussed will inform an assessment of vulnerability and a Child’s Plan. This similarly, must be discussed with parents/carers if the child is under 16 so that it is compliant with Inverclyde’s Information Sharing Code of Practice.

6.3 The trained practitioner must make contact with the child, young person or care experienced young person within 72 hours of them returning and meet with them, where possible within a week.

* 1. The aim of the Return Discussion is to find out:
* How is the person feeling;
* What he or she thought about their experience when missing;
* The reasons for going missing;
* What happened, including where they went, and who with;
* Whether any harm was experienced;
* What the person feels could help prevent them going missing again.
	1. This will inform:
* Additional support, that may be helpful;
* Assessment of vulnerability;
* Child’s Plan;
* Local intelligence of potential risk factors.

6.6 Some reasons of why children and young people go missing can include:

**Push factors**

• Problems at home – ranging from arguments with parents to long-term abuse / maltreatment to bereavement;

• Problems in school – struggling with peers relationships, underperforming, truancy:

• Family break-up – young people drawn into their parents' conflicts are less likely to do well at school and more likely to truant or to run away from home;

• Mental health problems – a disproportionate number of young people who run away from home have mental health problems;

 • Bullying – children who are being severely bullied are more likely to run away from school and home or care;

• Personal Problems – running away to escape a relationship, teenage pregnancy – some young women run away or are forced to leave home because they become pregnant, or fear that they may be pregnant. Those working with them will need to ensure they have access to sexual health services.

**Pull factors**

• Children may run to be near friends or family – especially when a young person is in care and there are problems in contact arrangements with family and friends;

• Grooming and criminal and/or sexual exploitation - young people may run away or go missing following grooming by adults or peers who are exploiting them.

 • Consider whether these young people are gang associated, being used to carry or sell drugs, carry out violence, and/or being coerced into sexual activity.

A Return discussion proforma can be found in appendix 4

**7.1 Not at Home Protocol**

`Not at Home’ is to be used by Local Authorities and other providers in cases where there are grounds to believe that the child’s current circumstances involves no apparent risk, or the level of risk is a tolerable one not meeting the threshold for a police-led missing person investigation. An example might be a child living in residential care failing to return from time with family, staff/carers knowing the child is still in the family home or the child being or staying with others without consent and where there are no concerns for their wellbeing or safety. In these types of circumstances it is permissible to have a single-agency response, in this case and there is no need for the police to be contacted.

A child should usually only be considered as ‘Not at Home’ if previously agreed within the Prevention Plan. If the child is ‘Not at Home’ then the carer/residential staff will take whatever action has been previously recorded in the Prevention Plan and there is no requirement to contact the Police. Relevant parties must record decisions and actions.

All episodes of being ‘Not at Home’ must be recorded and form part of the regular risk assessments which should be created in partnership with the child/young person. The use of ‘Not at Home’ can only be applied where it is deemed appropriate by the Local Authority and other providers.

A pre-filled document known as the Philomena Protocol should be completed by care support staff as part of the risk assessment planning around a young person who is likely to go missing and can be read at appendix 5

**8. Media Strategy**

In some cases, particularly where a missing child, young person or care experienced young person is felt to be especially vulnerable, it is necessary to publicise through the media. Each case is to be treated on its own merits. Such an approach is not routine but is usually a response to very serious concerns for the child's safety. Either carers or the Police may suggest such an approach. Normally, such decisions to publicise will be jointly made, and where appropriate, in consultation with parents and Children's Services. However, for operational reasons primacy over such decisions must lie with the Police. Authorisation should be by Senior Investigating Officer, ratified by the Duty Commander. The Police may also utilise media platforms such as Face Book, Twitter and other relevant social media. This lets the missing person know that we care for their safety and want to help and encourages them to get in touch, thus contributing towards statutory safeguarding requirements and duty of care to young people.

**9. Conclusion**

This protocol should be read as guidance only that supplements individual agency procedures. It cannot anticipate every situation, and anyone working with children in a professional capacity should use their professional judgement to take whatever action is deemed necessary to protect and safeguard the child, young person or care experienced young person based on an assessment of risk. Our chief aim is to prevent children going missing and limit the harm to those who have gone missing through a consistent and coherent collaborative response.



**Appendix 1**

Definition of a child, young person or care experienced young person:

|  |  |
| --- | --- |
| **Child/Young Person** | Anyone who has not yet reached their 18th birthday.  |
| **Missing Child** | A child as reported missing to the Police by their family and carers as defined in section 3. |
| **Looked After Child** | A child who is looked after by the Local Authority through a compulsory supervision order or under s 25 Children (S) Act 1995.  |
| **Missing from Care** | A Looked After Child who is not at their placement or the place that they are expected to be (e.g. a school). |
| **Care Experienced Young Person** | An eligible child/young person as defined by Part 9 of the Children and Young People’s (S) Act 2014. |
| **Unauthorised Absence**  | Whereabouts are **known** but the child or young person is not where they are expected to be or required to be. A child **cannot** be categorised as missing if their whereabouts is known.**Report to be Police if there is Child Protection concerns** |
| **External local authority** | Children placed by an external local authority in an independent foster placement in Inverclyde. |
| **Child Sexual Exploitation (CSE)** | CSE is a form of child abuse in which a person(s), of any age, takes advantage of a power imbalance to force or entice a child to engage in sexual activity in return for something received by the child and/or those perpetrating or facilitating the abuse. As with other forms of child sexual abuse, the presence of perceived consent does not undermine the abusive nature of the act. |
| **Child Criminal Exploitation (CEE)** | Missing episodes are the highest risk indicator of exploitation, and a common consequence of both criminal and sexual exploitation. Many of the risk factors apply to both forms of exploitation. For more information, please see our report on children who go missing from care and exploitation.[Exploitation-report-FINAL.pdf (missingpeople.org.uk)](https://www.missingpeople.org.uk/wp-content/uploads/2022/03/Exploitation-report-FINAL.pdf).  |
| **Trafficking** | Any child transported for exploitative reasons is considered to be a trafficking victim. Children may be trafficked both internally within the UK and externally, from or to abroad. |

**Appendix 2**

**Missing Person template**

*This form should be completed by the allocated social worker, with oversight from their line manager to provide the relevant information to allow the Head of Service to make decisions after the child or young person has been missing for 72 hours. This Form should be read in conjunction with the Missing Person Protocol.*

|  |
| --- |
| SWIFT |  | DofB/Age: |  |
| Child/Young Person’s Name: |  |
| Current Address: |  | Legal Status: |  |
| Allocated SW and SSW: |  |
| Missing since Date and Time: |  |
| Summary of the incident/circumstances of going missing: |  |
| Key events connected to and of relevance to going missing:  |  |
| Actions being undertaken: |  |
| Key issues for the Head of Service: | **Risk:***Vulnerability:**Influences:**Past Behaviours:***Assessment:**Is at risk through their own vulnerability (low, medium, high):Is the child or young person a victim of a crime (low, medium, high):The risk posed is immediate: |
| Outstanding/Planned Further Actions: |  |
| Comments by Head of Service: |  |
| **Check list of other key actions to be completed:**\*Media Strategy to be considered |
| Other Partner Agency Notification: | Date:Date:Date: |
| To be passed to the Chief Officer by the Head of Service: | Yes/No | Head of Service Decision:Date: |
| To be passed Chief Executive by the Chief Officer  |  Yes/No | Chief Officer Decision:Date: |
| Care Inspectorate Incident Notification Required: | Date: |
| Key Contact -Service Manger -Team Lead Residential -Team Lead Fostering -Senior Social Worker  |  | Ext:Ext:Ext:Ext: |

**Appendix 3**

**Risk Assessment Determination**

**Vulnerability**

1. Is there any identified risk of suicide?

2. What are these vulnerabilities?

3. What are the effects of failure to take medication that is not available to them?

4. Does the missing person have medical or mental health conditions, physical illnesses or disabilities?

5. Can the person interact safely with others when finding themselves in unfamiliar circumstances?

6. Is there a dependency on drugs, alcohol, medication or other substances?

7. Do the current/previous weather conditions present additional risk? Consider all circumstances including age & clothing.

**Influences**

8. Are there family/relationship problems or recent history of family conflict and/or abuse?

9. Are they the victim or perpetrator of domestic violence?

10. Is there an on-going personal issue linked to racial, sexual or any cultural issues?

11. Were they involved in a violent and/or hate crime incident prior to disappearance?

12. Are there any employment or financial problems?

13. Is forced marriage or „honour‟ based violence an issue?

14. Are they the victim of human trafficking or Child Sexual Exploitation? Are they a victim of Child Criminal Exploitation? If so, is going missing likely to place them at risk of

considerable harm.

**Past Behaviour**

Behaviour that is out of character is often a strong indicator of risk.

15. Are the circumstances of going missing different from normal behaviour patterns?

16. Is there a reason for the person to go missing?

17. Are there any indications that preparations have been made for absence?

18. What was the person intending to do when last seen? Did they fail to complete their intentions?

19. Has the person disappeared previously and were they exposed to harm on such occasions?

20. Is the missing person a risk to others? And in what way?

21. Are there other unlisted factors which the officer or supervisor considers relevant in the assessment of risk?

**Appendix 4**

**Return Discussion Best Practice**

After a missing person has been located the underlying causes need to be identified and addressed. There may be multiple complex reasons that lead to an individual going missing and these issues do not simply disappear after a missing person has

been located. Individuals who return to circumstances that are unchanged from when they left may be at risk of harm, or may be driven to further incidents of going missing and these will have a negative impact on them and their families. A return discussion with a person who has been missing is an opportunity to help and support them. It provides a platform to identify, recognise and acknowledge underlying issues so that these can be addressed in an appropriate way to prevent future missing episodes. It is essential to be aware of the fact that a missing person is a vulnerable individual and they may have been exposed to harm and exploitation while missing. Therefore all discussions need to be taken forward with tact and consideration. Current statistics from the National Crime Agency suggest that around one third of missing people have been missing previously.

**WHO should be invited to participate in a discussion?**

Ideally, a discussion should be available to everyone after being missing, whether from his or her own home or from a formal care setting. The appropriate agency interviewing should be identified by local partnership. If an initial discussion is declined further attempts should be made to engage the person. When declined the reasons for this should be recorded by the leading agency and where appropriate reviewed by that agency and with partners to identify any changes required to the discussion process.

**WHAT is the purpose of a discussion?**

The purpose of a return discussion is to:

* support the individual who has gone missing and identify the underlying causes so that these can be addressed;
* provide an opportunity for them to talk about the circumstances that prompted them to go missing;
* provide an opportunity for them to talk about their experience when missing and their feelings following their return;
* use relevant information gathered to help prevent further missing incidents for that person by;
1. determining any on-going risk of harm and relevant local risk information;
2. referring the individual to appropriate support services.

**Return Discussion Pro Forma**

**RETURN DISCUSSION**

**POLICE SCOTLAND**

**Young persons choice of who completes the return discussion** Choose an item.

**CHILDRENS HOUSE:**

**DATE:**

**CHILD/YOUNG PERSON:**

**AGE/DOB:**

**No: of missing Episode Discussion relates to:**

|  |  |  |
| --- | --- | --- |
| **KNOWN ASSOCIATES** | **PLACES FREQUENTED** | **CONCERNS** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Date/Time** **Recorded Not at Home** | **Date/Time** **Returned** | **Method of Return** |
|  |  |  |

**RETURN DISCUSSION**

|  |  |  |
| --- | --- | --- |
| **DATE/PERSON(S) CARRYING OUT RETURN DISCUSSION**  | **INFORMATION OBTAINED** | **DATE FORWARDED TO POLICE** |
| **Date:** **Name:**  | **Please consider the:** [Missing Person Aide Memoire.pdf](https://spi.spnet.local/policescotland/guidance/Documents/Missing%20Person%20Aide%20Memoire.pdf#search=missing%20person%20aide%20memoire) **when carrying out the return discussion.** **Key areas to cover:****Reason for disappearance****Circumstances whilst away****Circumstances of return****Health/Vulnerabilities/Suicide Issues****Other relevant information****Concerns raised –** **Intelligence Gained –** **Plan to reduce Missing Episodes –**  | **Date:****Name:**  |

**Please send this form, once completed, to the address below.**

**RenfrewshireInverclydemissingpersons@scotland.police.uk**

**Andrew.Whiteford@scotland.police.uk****David.Cameron-5@scotland.police.uk**

Missing People can provide emotional support to missing adults, children and young people before, during or after a missing episode. Consider signposting the returned person to Missing People’s free, confidential Helpline on 116 000, adults to [www.missingpeople.org.uk](http://www.missingpeople.org.uk) , or children and young people to <https://www.runawayhelpline.org.uk/scotland>

**Storing and Sharing of Information**

Once completed, this information should be stored and shared in line with local policy. PLEASE INSERT LOCAL ARRAGEMENTS FOR THE STORING AND SHARING OF INFORMATION IN THIS SECTION.

It is advised:

* Information should be stored in the person’s casefile.
* Relevant information should also be shared with appropriate agencies.
* Relevant information pertains to any information relating to safeguarding, or other intelligence which may help to protect and support the person or other persons.
* Appropriate agencies will be dependent on the circumstances but may include the person’s allocated social worker, care home, Police Scotland’s Missing Persons Operational Coordinator for the local area, the person’s school, the person’s GP, any local operational working groups)

It should be explained to the person (both before and after the Return Discussion) with whom the information from the Return Discussion will be shared and seek their views.

Views of the person on information being shared:

**Appendix 5 Philomena Protocol**

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[https://www.scotland.police.uk/what-s-happening/missing-persons/the-philomena-protocol/](https://eu-west-1.protection.sophos.com?d=scotland.police.uk&u=aHR0cHM6Ly93d3cuc2NvdGxhbmQucG9saWNlLnVrL3doYXQtcy1oYXBwZW5pbmcvbWlzc2luZy1wZXJzb25zL3RoZS1waGlsb21lbmEtcHJvdG9jb2wv&i=NjIyOWM5ZWE3YzA2ZDIxZDM1MWE0ZWVh&t=SkdYWkFpVDh1SC9GdTF2Smlnd2xCaDZHZ2ZpMmdlSlhJVjNMa0tQN291MD0=&h=120df78d4f1a4551badc3925114b6196&s=AVNPUEhUT0NFTkNSWVBUSVZDFg8Hbu0b-paP6lLqOaqicuyepgltezkoOPbfH9InhcwyF6WSQn6YNYbeq4XL-2E)

**Appendix 6 Legislative Framework**

**Civil Government Act (Scotland) 1982**

s 52 makes it an offence to take, allow or make any indecent photograph, film or other digital image if a child.

It is also an offence to distribute or publish such an image, or to process with a view to distributing. (The image may be a copy or file stored on a computer or other storage device).

**The Children (Scotland) Act 1995**

The Act contains a clause related to ‘harbouring’ which can prosecute anyone who:

(a) Knowingly assists or induces a child to abscond in circumstances which render the child liable to arrest under subsection (1) or (3) of section 82 of this Act;

(b) Knowingly and persistently attempts to induce a child to abscond;

(c) Knowingly harbours or conceals a child who has absconded; or

(d) Knowingly prevents a child from returning

**Criminal Justice (Scotland) Act 2003**

s22 of this Act prohibits trafficking for the purpose of prostitution or making or producing obscene material including any child under the age of 18.

**Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005**

Concept of grooming is recognised “meeting a child following certain preliminary contact” i.e. where a person arranges to meet child under 18, having communicated with them on at least one occasion (in person, via the internet or other technologies) with the intention of preforming a sexual activity on the child.

**Sexual Offences (Scotland) Act 2009**

s 6 makes it an offence to cause another person, without their consent, to look at sexual image.

* If it is done for the sexual gratification of the alleged offender or
* to humiliate, distress or harm the other person

s23 makes it an offence to for anyone to show such an image of to a child under 13 years whether they consent or not.

s33 makes it an offence to for a person over 16 to show such an image to a child aged 13-15 whether they consent or not.

**Criminal Justice and Licensing (Scotland) Act 2010**

Section 99 of this Act allows the closing down of premises associated with human exploitation.

**The Children and Young People (Scotland) Act 2014**

The Act covers a variety of areas relating to the wellbeing of children and young people. Its provisions include the following:

permanence planning for looked after children by giving all young people born after 1st April 1999 and looked after in foster, kinship or residential care the entitlement to stay in their care placement until their 21st birthday, extension of aftercare support available to young people leaving care for longer (up to the 26th birthday), introduction of a clear definition of corporate parenting and the bodies to which it applies, and support for the parenting role of kinship carers.enshrining elements of the Getting it Right for Every Child (GIRFEC) approach in law, provisions to ensure there is a single planning approach for children who need additional support from services, as well as, a single point of contact (the Named Person) for every child, and, a holistic understanding of wellbeing;

**Human Trafficking and Exploitation (Scotland) Act 2015**

Legislation has recently been passed by the Scottish Parliament which clarifies criminal law around trafficking, and introduces a human trafficking offence, punishable by a sentence of up to life imprisonment.

Under the new legislation, a person commits the offence of trafficking if the person recruits transports or transfers another person; harbours or receives another person; or, exchanges transfer of control over another person, with the intent or knowledge that another person will be exploited. This offence can be committed within and throughout Scotland and/or across UK, European or international borders.

With regard to child sexual exploitation, if a young person is transferred, moved, harboured, received, or control of them is exchanged, for any of the following offences, then the offence of human trafficking may be libelled:

* Sections 9-12 of the Protection of Children and Prevention of Sexual Offences (Scotland) 2005 (sexual services of children and child pornography)
* Part 1 of the Sexual Offences (Scotland) Act 2009 (rape)
* Part 4 of the Sexual Offences (Scotland) Act 2009 (children)
* Part 5 of the Sexual Offences (Scotland) Act 2009 (abuse of a position of trust)

**Appendix 7 Relevant guidance**

[**National Missing Persons Framework for Scotland (SG, 2017)**](http://www.gov.scot/Resource/0051/00517676.pdf)

[**Children missing from Education (Scotland) (SG, 2015)**](http://www.gov.scot/Topics/Education/Schools/cmescotland)

[**Missing Persons (SG, 2016)**](http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/police-scotland/missingpersons)

[**Missing Out: Young Runaways in Scotland**](https://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/missing_out_young_runaways_in_scotland.pdf)