

A Protocol for London: **REDUCING CRIMINALISATION OF LOOKED AFTER CHILDREN AND CARE LEAVERS**

Staff and Carers should use the guidance below when responding to incidents, and should ask themselves 'Would this be good enough for my child?' before deciding to involve the police.

Level 1: Internal resolution

These incidents should be dealt with internally by carers.

Under this level staff and carers should use restorative approaches and explore referrals to early help support services.

Examples of **Level 1** incidents include:

- Minor criminal damage (broken crockery)
- Assaults resulting in minor injury (grazes, scratches, minor marking of skin, minor bruising)
- First occasion of possession of Class B or C drugs.

Level 2: Either way, dependent on circumstances

These incidents could be dealt with internally by carers or may require police involvement.

Under this level staff and carers should explore if restorative approaches are appropriate in consultation with the child's social workers. Wherever possible, the incidents should be dealt with internally and a referral should be made to youth offending services.

After consideration, if you feel police involvement is required then this can be reported via 111 or the MPS online reporting system.

Examples of **Level 2** incidents include, subject to the specific circumstances:

- Persistent Level 1 type behaviours
- Possession of Class A drugs
- Second occasion of possession of Class B or C drugs
- Series of minor thefts and/or of substantive value
- Minor, but not superficial, cuts of a sort likely to require medical treatment (e.g. stitches)
- Minor fractures
- Loss or breaking of teeth.

Level 3: Always report to police

Under this level staff and carers should always report to the police. Consideration will need to be made as to whether the incident requires immediate police response (999) or if police involvement can be in slower time (111).

Example of **Level 3** incidents may include:

- Immediate serious physical harm
- Substantial damage to property, e.g. deliberate fire-raising or damage over £5,000
- Significant disorder within the home or placement
- An incident has occurred that is serious in nature i.e. allegation of sexual assault or sexual exploitation (disclosure of past sexual abuse or exploitation does not require a 999 response).
- Repeated possession of Class B or C drugs
- Second occasion of possession of Class A drugs
- Possession of weapons (no aggravating features, e.g. weapon surrendered to staff)
- Supply or possession with intent to supply drugs.

FACTORS TO BE CONSIDERED:

- *Nature and seriousness of the allegation*
- *Severity of any injury sustained/ nature of threat received by the victim*
- *Wishes and best interests of the victim*
- *How much the incident was intentional or accidental*
- *Previous incidents of a similar nature by the same child or young person*
- *Previous relationship between victim and offender*
- *Previous behaviour or offending, bullying / peer pressure / duress*
- *Probability of a repeat incident*
- *Appropriateness of police action / court proceedings*
- *Future best interests of all parties concerned*
- *Message sent to other young people / confidence in being able to report crimes and in knowing they may not result in court proceedings*
- *Availability of alternative course of action e.g. restorative approaches, referral to YOS*
- *Level/value of damage caused*
- *Requirement for formal investigation e.g. insurance claim requires a crime reference.*

MAYOR OF LONDON

OFFICE FOR POLICING AND CRIME