

## Who Cares? Scotland Response to Consultation on Working Together for People Who Go Missing – December 2015



Who Cares? Scotland [WC?S] supports young people who have care experience up to 26 years of age, by providing independent advocacy and opportunities for participation. Who Cares? Scotland aims to provide looked-after young people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures they are often subject to solely as a result of their care experience. At Who Cares? Scotland we utilise the voice of the care experienced population of Scotland to inform everything we do as an organisation.

**In order to inform this consultation, and add clarity to our points, we have included case study examples where appropriate. The case study examples were contributed by someone who not only grew up in care in Scotland, but then went on to work as a Senior Residential Worker. This response therefore offers a personal journey of ‘going missing’ as a young person, but also the realities faced by workers in Scotland’s care system.**

### **Q1. WHAT ARE YOUR VIEWS ON THE PROPOSED PURPOSE OF THE STRATEGY?**

Who Cares? Scotland supports the aim of this strategy to raise national awareness of missing people in Scotland. We are of the view that the strategy has the potential to empower agencies to work in partnership more effectively, and to be able to provide better support due to having a greater understanding of the issue.

### **Q2. ARE WE RIGHT TO HAVE A NATIONAL DEFINITION?**

Yes, we support the use of a national definition and the shared understanding it will bring.

### **Q3. WHAT ARE YOUR COMMENTS ON THE PROPOSED DEFINITION ABOVE?**

We acknowledge that the proposed national definition is progressive, however we are concerned that it may continue to exclude some individuals from being defined as missing. National statutory definitions must not be restrictive in a way that could limit an individual’s entitlement to support. We therefore suggest that any associated guidance provides greater detail on the varying needs of those who go missing, and how unmet need can be effectively addressed.

The proposed definition of ‘missing’ is too narrow at present. As a result it does not fully reflect what being ‘missing’ can mean in relation to care experienced young people.

*‘Where the circumstances are out of character.’* This implies that the missing person’s character is fully known and understood by whoever reports the person missing, yet if the person is in care this is unfortunately not always the case. For looked after young people, placement breakdown is an unfortunate reality. For many, movement across several placements and across local authority boundaries will mean that they are continually building new relationships. With this in mind the

assumption must not be made that their character is always known and understood. In addition, going missing is, as the report itself states, symptomatic of other issues, which would have all affected the missing person's character before going missing.

*'The person is at risk of harm to themselves or another.'* Missing children are among the most vulnerable in our society and are at major risk. We are concerned that this statement does not fully highlight the level of vulnerability looked after young people experience. Research indicates that there is a strong link between sexual exploitation and children going missing, Barnardo's identified that 50% of sexually exploited young people they worked with in 2009/10 went missing on a regular basis.<sup>1</sup> Sometimes going missing is a consequence of sexual exploitation, and sometimes sexual exploitation occurs when missing. In order to highlight this we support CELCIS' ask for an inclusion of an additional category: 'The person is at risk of exploitation'. We believe that this deserves to be a separate category due to the very real risk that young people face exploitation, and that it is not an informed choice they have made but often the result of organised grooming.

However, we remain concerned that over prescription in terms of the definition may result in some situations not being assessed appropriately and some young people not being classed as 'vulnerable enough'. Often in the care system, young people are described as being 'resilient'. Perceived resilience must not be a reason for ignoring the situation that the young person is in.

#### Q4. WHAT WORKS WELL IN THE STRATEGY?

We welcome the way in which the strategy follows the path of a missing person. Structuring the strategy in this way allows professionals to envisage their role at each stage, and should help them respond to the needs of missing people. The inclusion of excerpts from several missing people's stories is welcomed as it aids understanding, however we feel readers would benefit from these being longer and expanded upon.

#### Q5. WHAT COULD WE DO BETTER OR DIFFERENTLY IN THE STRATEGY?

***"Young people are either running away from, or running to, something. I was doing both. I was running away from where I felt controlled and ran to where I felt loved. I believe that if young people are given at least one loving, supportive relationship that allows them to develop a secure attachment they will not want to run away from care. They will stay and they will thrive."***

WC?S believes that there needs to be greater detail within the **prevention** section. Care experienced young people are three times more likely to go missing than their non-looked after peers<sup>2</sup>. More research needs to be done into the needs of care experienced young people who go missing, why they do, and what measures could be put in place to prevent this from happening. The strategy would benefit from delving further into issues that prompt people to run away:

***"The first time I ran away was from my family home due to neglect, I was overwhelmed with the responsibility of looking after my younger siblings... After a year in a foster placement I was***

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<sup>1</sup> Barnardo's (2011), *Puppet on a String, The urgent need to cut children free from sexual exploitation*. Barnardo's, p.20.

<sup>2</sup> Rees, G. and Lee, J. (2005) *Still Running II, Findings from the Second National Survey of Runaways*, The Children's Society. P.12.

*asked to leave and was left feeling rejected and really let down by the care system that I had once ran to for help. I was then moved into residential care where I met other young people who frequently ran away. I was soon running with them. There were many reasons why we ran; I ran away from school because I faced bullying daily because I was labelled as “mental” because I was in care, I ran away from residential care because I didn’t feel “normal” and felt controlled by the care system. I also ran away home to my Mum’s house on a regular basis because I longed to be back home with my family and where I felt I should belong even though my Mum was unable to cope.”*

In the **Response** objective, various response examples are given, yet there is no definitive solution suggested. WC?S agrees that the suitable response always depends on the situation, however a shared system across Scotland would benefit looked after children especially if they frequently move placements. Any protocols developed by Police Scotland must link with those of the local authority providing care to the young person. The following case study example explains the gaps that can exist when providing support to those who go missing from care:

*“The staff team would make a decision about going out to look for the young person; I have seen some staff refuse to go out looking for young people because they don’t know where they would be and seen it as a waste of resources, others would go out looking for the young person. The responses were very dependent on the relationships that staff had with young people and whether the young person was regarded as high risk or not. As Senior on shift I would always want to phone around to key people such as close family and friends to check if they had seen the young person and have a look around the local area I suspected they might be in as I had a duty of care to every young person whether they were high risk or not.*

*The police would then liaise with the residential house senior to judge whether the young person was high risk or not and use a Red, Amber, Green system to categorise that risk. The interesting thing about this is that there are always varying opinions on this depending on the relationship that the young person has with staff and the behaviour of the young person.”*

While protocols and a shared definition will better aid services to respond appropriately, guidance – informed by care experienced young people – will be essential in ensuring that relationships, or lack thereof, do not dictate the response.

That said, WC?S recognises the importance of relationships in the lives of young people, and feels that the strategy should realise the potential that strong, caring relationships have in all four objectives of the strategy.

The strategy would also benefit from suggesting how to better integrate ‘missing people’ back into their lives. A successful return which is supportive and personalised could prevent an individual from going missing again, and is a huge opportunity for professionals help the individual address the challenges in their life which may have prompted them to go missing in the first place.

## **Q6. WHAT WILL BE VITAL TO THE IMPLEMENTATION AND SUCCESS OF THE STRATEGY?**

In order for the strategy to benefit care experienced young people, it must first recognise the variety of placement types young people can be looked after in, such as kinship care, foster and residential care

and how the experience of 'going missing' can vary between them. This terminology must be defined alongside jargon such as 'absent' in order for the strategy to reach looked after children in all placements. For example, young people who go missing from residential care are often described as having 'absconded', whereas someone who goes missing from their home will be classed as simply 'missing'. In this context, terminology can often be used to minimise the seriousness of the situation, and therefore the response.

We acknowledge that the strategy is inclusive of information relating to those who go 'missing' whilst they are in care however; there is little mention of care leavers who go missing. A huge challenge that some care leavers face is that they don't feel they have a home in which they belong, and can always return to:

***"I remember when I "ran away" as a care leaver, living in homeless hostel accommodation at 16 years old. At the time it would have helped to have been able to return to the familiar residential house that I once called home, however I wasn't allowed because my bed was no longer available. I had no home to go to, yet when it got too cold on the streets of Edinburgh I called the Emergency Social Work Department in the hope that they would help me. I was told that because I had technically "made myself homeless" by not returning to the hostel they had provided me with they couldn't help. The hostel they provided me with, in my opinion was far from suitable for a vulnerable 16year old girl. I returned to the streets until the next day when I was offered a Bed and Breakfast in my home town in East Lothian, however this was not the supportive, nurturing environment that I needed."***

The Children and Young People (Scotland) Act 2014 places statutory corporate parenting obligations on twenty four public sector bodies in Scotland. Corporate parents have to ensure that their practice does not impede on the wellbeing of care experienced young people. We believe that for the strategy to succeed all corporate parents must be informed of the strategy, and be offered guidance and support in how they, within their varying roles, can support the strategy. The police as a corporate parent play an important role in the strategy, and for this to be successful our research tells us that they must first rebuild and strengthen their relationships with care experienced young people. In our Children and Young People Act 2014 research we asked young people about their views on corporate parents they have had interaction with:

***"Police were only involved when there was trouble, not always with us but were called all the time by the extended family."***

***"Saw a lot of the Police but they never seemed to do anything."***<sup>3</sup>

One young person we spoke to earlier in the year about her contact with the police explained how it felt to be so easily identified by the police. She noted that while living in care, she would regularly run away to meet friends or stay with family members. Each time she would be reported missing by her carers and the police would find her and return her home. Over time this meant that she became very well known to the local police officers, who would stop her anytime they met her in the street and

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<sup>3</sup> WC?S (2014), Interpreting the Children and Young People Act 2014, p.42.

search her. She spoke about how embarrassing she found this and how it made her feel like she was different from everyone else.<sup>4</sup>

With young people in care already feeling different or excluded from their non-looked after peers and their communities, we must ensure that those who are there to protect them, do not further add to this feeling. We would suggest that police officers are supported to engage with care experienced young people in the most appropriate and positive manner possible in an effort to **promote better relationships between looked after young people and the police service.**

#### Q7. DO YOU SEE ANY CHALLENGES TO IMPLEMENTATION OF THE STRATEGY?

We propose that the strategy has an added focus on the attitudes of professionals who work with children and young people. From our work, we know that the relationships between professionals and young people are very important, and good relationships can mean the difference between disclosing vital information and preventing a child going missing. The All- Party Parliamentary Groups inquiry into children missing from care found that abuse is exacerbated by an attitude among some professionals that these children are “troublesome”, “promiscuous” “criminals” or “slags, who knew what they were getting themselves into” – rather than extremely vulnerable young people in need of support.<sup>5</sup> This means that signs of abuse or exploitation can go undetected – leaving children unprotected.

*Although the majority of care staff were nurturing and caring they would always become very professional and cold on my return. I was made to feel like I did something wrong, and various measures were put in place to modify my behaviour; from cognitive behavioural therapy, to being grounded, social workers being called, crisis meetings held. The more controlling measures that were placed on me I felt more and more out of control and angry, my behaviour escalated to the point where I was placing myself at serious risk. This led to me being locked up in a secure unit.*

The attitude of some staff towards young people that run can have a detrimental effect, and can push them to continue running away.

#### Q8. WHAT ISSUES ARE RAISED BY THIS STRATEGY FOR PEOPLE WITH PROTECTED CHARACTERISTICS (AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION OR BELIEF, SEX, PREGNANCY AND MATERNITY, SEXUAL ORIENTATION)?

We believe that it would be beneficial if the strategy further developed how care experienced young people could be supported in redressing their overrepresentation in missing statistics. Care experienced children and young people face disadvantage and poorer outcomes in many aspects of their lives. WC?S therefore believes that this group should have the same level of support and provision as those who have been granted ‘protected characteristic’ status within equality legislation.

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<sup>4</sup> WC?S (2015), Review of the use of Stop and Search in Scotland.

<sup>5</sup> APPG (2012), APPG Inquiry into children missing from care, p.7

## Q9. ARE THERE LIKELY TO BE ANY NEGATIVE IMPLICATIONS AS A RESULT OF THE STRATEGY, PARTICULARLY REGARDING CHILDREN'S WELLBEING?

WC?S has concerns about the criminalisation of care experienced young people who go missing. It is widely accepted that care experienced young people can be vulnerable to offending behaviour due to reasons such as lack of placement stability, poor educational attainment and negative social or family relationships. In Scotland, 50% of prisoners identified as having been in care at some point in their life.<sup>6</sup> In 2013 a report identified that a third of young offenders in Scotland had experienced living in care.<sup>7</sup>

*My experiences with the police as a young person were mainly very negative, particularly within one local authority where I was labelled as a “trouble maker”, and I was often told that “police have better things to do with their time” than run after me. I did however meet some really skilled and experienced police officers that took the time to listen to me, and did not judge me. I believe that good training and an understanding care experience is crucial to the work of the police, and that they could build far more positive relationships with young people.*

Early and frequent involvement with the police is likely to lead to a young person being labelled as a criminal and may make them feel like one. The involvement of the police with a child or young person who goes missing from care may be necessary in locating them, yet involvement with the child or young person with the police after the event, unless to assist with a case, can be unnecessary and disruptive.

## Q10. ARE THERE ANY OTHER EQUALITY ISSUES WE SHOULD CONSIDER?

WC?S believes that policy initiatives are more likely to succeed when they incorporate the views and lived experiences of the groups they aim to help. With this in mind we believe that to ensure the strategy is fully representative of all groups, and also successful in its implementation, the strategy would benefit from collaboration with care experienced people.

## Q11. WHAT ARE YOUR VIEWS ON THE PROPOSED OBJECTIVES AND COMMITMENTS?

We believe commitment 1 [**prevention planning**] to be an extremely important aspect of the strategy, and therefore feel that there could be an expansion upon this commitment and the information provided alongside it. Both push and pull factors need to be considered and in the case of care experienced young people there needs to be more detail.

WC?S welcomes commitment 5 [**return interviews**], and the development of good practice guidelines that are to be developed by the Scottish Government. However it is felt that not enough firm guidance is being given within this commitment, instead suggesting that it is up to the local authority to decide how they take place. The guidance is not clear about who should provide the interview, naming various organisations ranging from housing to the police. Research suggests that for the best outcome and most successful return interview the child or young person should have a choice of who to speak to following a running away episode, and that this includes an option to speak to an independent professional.<sup>8</sup>

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<sup>6</sup> HM Inspector of Prisons for Scotland (2009), Annual Report: 2008-09. Scottish Government; Edinburgh.

<sup>7</sup> Broderick, R, McCoard, S & Carnie, J (2014), *Prisoners who have been in care as ‘looked after children’*. 2013: 14<sup>th</sup> Survey Bulletin. Scottish Prison Service. P.5.

<sup>8</sup> The Children’s Society (2013), *HERE TO LISTEN? Return interviews provision for young runaways*, p.23

WC?S believes in listening to young people's voices and believes that the importance of a young person's voice should be included in this commitment. Return interviews provide an opportunity to place the child's needs and experiences at the forefront and importantly gives them an opportunity to talk and to be listened to, and to have their feelings and experiences taken seriously:

*On the young person's return a 'joint return interview' would take place between staff and the police. Generally this felt like a very formal process that I feel can overwhelm young people, and a lot of the time young people were reluctant to tell police where they had been. It always felt like a consequence to go missing regardless of good practice from care staff and police.*

#### **Q12. WHAT ARE THE CHALLENGES TO DELIVERING THESE OBJECTIVES AND COMMITMENTS?**

It is clear that inter-disciplinary working is central to the implementation of this strategy. In order for partnership working to be successful it is essential that information sharing is effective and appropriate. Our advocacy provision informs us that too often when a young person is in a crisis situation that information is not appropriately shared amongst professionals. This can be disruptive to the support being put in place, and can hinder the young person's progression towards a positive outcome.

Care experienced young people remind us that they have the same right to privacy as anyone else, however they can find it frustrating and traumatising to have to continually inform professionals of their circumstances and lived experiences. We would therefore propose that the strategy offers direction on how professionals can appropriately share information with others, without impeding on the privacy of those supported.

#### **Q13. WHAT ARE YOUR VIEWS ON THE SUPPORTING ACTIONS AND ARE THERE ANY ADDITIONAL ACTIONS THAT WOULD SUPPORT DELIVERY OF THE STRATEGY?**

The supporting actions have the potential to bring real public awareness about the realities of 'going missing' in Scotland today. We particularly welcome the provision of return interviews, however we would like to emphasise our stance that they should be undertaken by a known and trusted professional to be conducive. This may often be a support worker from a third sector organisation, we therefore suggest that the actions of the third sector are fully recognised throughout the strategy.

If you wish to discuss the content of this response please contact us on the following details:

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