

# Lincolnshire Police

## Policy Document



## Child Abduction Warning Notices

### PD 224

### Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Reference Number:	PD 224
Policy Sponsor:	ACC
Policy Owner:	Head of PPU, Jon McAdam
Author:	Sgt Wigham (Missing Persons Unit)
Publication Date:	Nov 2018
Review Date:	Nov 2020

Version:	Date:	Reason For Issue:
2	June 2017	Minor amendments
3	November 2018	Biennial Review

## Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

### ***Other legislation/law which this policy has been drafted to comply with:***

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

### **Security Classification**

**Policy to be published on Intranet: Yes**

**Policy to be published on Force Website: Partially – Not the Appendices**

## Authorised Professional Practice (APP)

This Policy has been checked against APP and there is none in relation to the subject matter of this Policy.

### 1. Policy Aims: (purpose)

- 1.1.
  - To reduce repeat incidents of such children being missing from the care of those responsible for their welfare.
  - To reduce risk that such children are being exposed to.
  - To set out a clear, graduated and proportionate response to such cases.
  - To set out a clear procedure for the issue and audit of Child Abduction Warning Notices so that they are evidentially viable and sound in terms of potential prosecution.
  - To aid a problem solving approach to reducing instances of missing from home.
- 1.2. **Any report of a child abduction or immediate child protection issue WILL NOT fall under this policy. Such cases must be considered a crime in action and the relevant force child protection procedures will apply and supersede this process**
- 1.3. The guidance contained within this protocol is aimed at tackling those incidents where young people under the age of 16 years (or under 18 if in local authority care) place themselves at risk of significant harm due to their associations and the forming of inappropriate relationships. Sometimes this is with individuals who are much older than themselves.
- 1.4. It is well documented that children and young persons who go missing in these circumstances can often leave themselves vulnerable in many ways including sexual and physical exploitation. It should be noted however that missing episodes **may** be an indicator and risk factor **but not the sole one**.
- 1.5. A fundamental principle of this protocol is that the issuing of a Child Abduction Warning Notice is a valuable safeguarding measure. **The effectiveness of this measure is therefore significantly reduced if there are procedural irregularities as this will mean the evidence will not be viable and sound in terms of potential prosecution.**
- 1.6. **NOTE:** The following procedure is non gender specific in terms of subjects and suspects. It does not set specific age parameters in terms of suspects or designate a significant age gap between subject and suspect as a pre-qualifier for this process.

## 2. Policy Statement: (Key information)

### 2.1. Terminology

For the purpose of the following protocol the following terms are applicable:

- Subject – child or young person
- Suspect – intended recipient of the notice

### 2.2. Child Abduction Warning Notices (CAWNs).

2.2.1. There is no statutory or other legislative provision dealing specifically with the issue of Child Abduction Warning Notices (CAWNs). Breach of a Notice is NOT a criminal offence.

2.2.2. CAWNs are part of an administrative process. If issued correctly, CAWNs can provide evidence to support the prosecution of other criminal offences and/or to support civil proceedings.

2.2.3. CAWNs are issued to individuals ('suspects') who are believed to place a young person (the 'subject') at risk of offences being committed against them under, in particular, the following legislation:

- If child is under 16 years of age – [Sec. 2 Child Abduction Act 1984](#).
- If child is under 18 years AND in local authority care under Sec 31. Children Act 1989 – [Sec. 49 Children Act 1989](#).

### 2.3. Types of Child Abduction Warning Notices

2.3.1. There are two types of CAWNs: one for any child under 16, and one for a child under 18 who is in the care of the local authority under section 31 Children Act 1989.

2.3.2. It is essential that the correct CAWN is issued. Otherwise the CAWN will lose its value both in evidential terms and as a safeguarding tool.

#### 2.3.3. *Children under 16*

To issue a CAWN in these circumstances a complainant statement from one of the parents (or whoever has full parental responsibility) is required. If parental responsibility is shared, just one statement is needed. The CAWN will be valid until the child is 16 years old. Commonly referred to as a 'sec.2 CAWN'. (Form P734).

#### 2.3.4. *Children under 18 who are in local authority care under section 31 Children Act 1989*

The local authority will have full parental responsibility for the child. The CAWN in this case will be valid until the child is 18 years old or leaves local authority care, whichever comes first. Commonly referred to as a 'sec.49 CAWN'. (Form P733)

2.3.5. **In cases of an interim care order parental responsibility can be shared.** In such cases it must be verified where the majority of responsibility lies and a statement taken from the majority holder. If this is the local authority then the statement can be obtained from the subject's designated social worker.

2.3.6. NOTE: If the parental responsibility holder lives outside the police force area then arrangements will need to be made with the local police force to obtain this statement.

**If the holder is currently in prison then liaison needs to be undertaken with the relevant multi agency safeguarding team.**

2.3.7. Procedural guidance is available in Appendix A.

#### 2.4. **Additional considerations**

2.4.1. It is important that all police personnel are aware of the use and purpose of CAWNs, not just those who may be working in public protection or missing persons. All personnel should know how to check if a CAWN has been issued, and determine if it is appropriate for the suspect to be associating with any children they may be found to be with. Checks should be completed, for example, if an individual is being considered for appointment as an Appropriate Adult.

#### 2.5. **Role of the Missing Person Co-ordinators**

2.5.1. The Missing Person Coordinators are part of the Missing Person Unit within Lincolnshire Police. They also form part of the SAFE Team and as such they work closely with the police CSE team and our partner agencies who manage vulnerable children. They will act as the central point for recording the use of Abduction Notices. Their responsibilities will be to:

- Ensure the SAFE team are aware that a notice has been issued
- Check PNC to ensure that the fact that the form has been issued is recorded
- Check NICHE to ensure that the correct documentation is attached to the occurrence (The notice, the Parental Responsibility Statement, the officer's statement and the exhibited photograph of the subject)
- Maintain a database/spreadsheet of issued notices
- Ensure any Prisons holding Abduction Notice Suspects are informed
- Ensure a six month review is carried out
- Ensure the PNC marker is removed when the subject reaches 16/18

### **3. Other Related Documents/Appendices:**

- 3.1.
  - Appendix A - Child Abduction Warning Notice SOP
  - Appendix B - SOP Flowchart
  - Appendix C - East Midlands Regional Flow Chart
  - Appendix D - Child Abduction Warning Notice S49, (P733)
  - Appendix E - Child Abduction Warning Notice S2, (P734)

### **4. Monitoring/Review:**

- 4.1. This policy will be monitored by the Missing Persons Unit and reviewed Biennially.

### **5. Who to contact about this policy:**

- 5.1. This policy is owned by the Head of PPU, Jon McAdam. Any enquires about this policy should be directed to Sgt Wigham (Missing Persons Unit) 01522 9(47076), [gareth.wigham@lincs.pnn.police.uk](mailto:gareth.wigham@lincs.pnn.police.uk).

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### PRO-FORMA FOR THE INITIAL EQUALITY IMPACT ASSESSMENT (EIA)

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review,
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (Where appropriate)
- Equality and Diversity

<b>Department:</b>	CRIME	<b>Section:</b>	MISSING PERSON UNIT	<b>Person responsible for initial assessment:</b>	SGT 1254 GARETH WIGHAM
<b>Name of the Policy to be assessed:</b>	<b>CHILD ABDUCTION WARNING NOTICE</b>	<b>Date of Assessment:</b>	6/07/16	<b>Is this a new or existing policy?</b>	EXISTING
1. Briefly describe the aims, objectives and purpose of the policy.		<b>Why is the policy in place, what is change being explored?</b> The aim is to update the existing policy to ensure it is in line with the Regional Policy and to incorporate the role of the Missing person Unit (who will be the focal point for the procedure)			
2. Are there any associated objectives of the policy? Please explain.		<b>Are there any other objectives like money saving?</b> No			
3. Who is intended to benefit from the policy and in what way?		<b>Service users? Officers? OPCC? Partner?</b> Officers and Partner Agencies involved with Missing Children – primarily Children’s Services			
4. What outcomes are wanted from this policy?		<b>Improved services? Improved access? Legal requirement?</b> A more focused and organised approach to the issuing of these notices ensuring that the force complies with national guidelines regarding retention, recording and reviewing.			

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<p>5. What factors/forces could contribute/detract from the outcomes?</p>	<p><b>Adverse publicity? Doesn't save money?</b>                  The issuing of a CAWN is a deterrent aimed at reducing the number of times a person is reported missing and/or discouraging someone from housing a person when missing which in turn would encourage them to return home. There is no criminal offence relating to breaching a warning – it is just to warn a person that they are in danger of committing a child abduction offence. Reducing missing episode will save the force money/resources. Adverse publicity could be generated by the inappropriate use of these warning s- something this policy as aimed at reducing.</p>	
<p>6. Who are the main stakeholders in relation to the Policy?</p>	<p>Lincs Police                  Lincs Police Missing Person Unit                  Lincs Police PPU dept                  Lincs Children's Services</p>	
<p>7. Who implements the policy and who is responsible for the activity?</p>	<p><b>Missing Persons Unit</b></p>	
<p>8. Is there any likelihood the policy <b>could</b> have a differential impact on racial groups? (including Gypsies and Travellers)</p>	<p><b>N</b></p>	<p><b>Please explain</b>                  Is there any monitoring of the service? If so do different racial groups access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience? Is Service open to all or is it for specific groups?                  The service is open to all and the experience of the MPU so far is that no particular minority group are over represented in the area of missing persons in Lincs.                  The safeguard of having an Insp or a MPU/CSE Sgt authorise a warning is aimed at removing the disproportionate use of these warnings</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p><b>Is there any other data (National research, British Crime Survey, Institute for Race relations?)</b>                  None known – one aim of this policy is centralise the recording of the use of these warnings which would improve the monitoring of their use and provide evidence of any adverse impact it might be having</p>	
<p>9. Is there any likelihood the policy <b>could</b> have a differential impact due to gender?</p>	<p><b>N</b></p>	<p><b>Please explain</b>                  Is there any monitoring of the service? If so do different gender groups access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?                  Is Service open to all or is it for specific groups?                  As above</p>

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What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission) As above	
10. Is there any likelihood the policy <b>could</b> have a differential impact on due disability?	N	<b>Please explain</b> Is there any monitoring of the service? If so do different disability groups access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  As above
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information on disabled people's access to services). As above	
11. Is there any likelihood the policy <b>could</b> have a differential impact on people due to sexual orientation?	N	<b>Please explain</b> Is there any monitoring of the service? If so do LGB (lesbian, Gay and Bisexual) groups access it or are they affected by it disproportionately? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  As above
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information on access to services). As above	
12. Is there any likelihood the policy <b>could</b> have a differential impact on people due to their age?	N	<b>Please explain</b> Is there any monitoring of the service? If so do different age groups access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  As above

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12a Is there any likelihood the policy <b>could</b> have a differential impact on Young People and Children?	Y		<b>Please explain</b> Is there any monitoring of the service? If so do young people and children access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  A CAWN can only be issued to a person housing an under 16 year old of an under 18 year old previously in social care. The aim is to prevent them visiting or contacting an address or person where they have been staying when missing previously. As such it could be said, in the eyes of the child, this would have a differential impact on them compared to a missing adult under the same circumstances. However, this is negated by the need to obtain parental authority to issue a warning
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information access to services)  As above		
12b Is there any likelihood the policy <b>could</b> have a differential impact on Older People?		N	<b>Please explain</b> Is there any monitoring of the service? If so do Older people access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  As at 12a
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information access to services) May link to disability information.  As at 12a		
13. Is there any likelihood the policy <b>could</b> have a differential impact on people due to their religious belief?		N	<b>Please explain</b> Is there any monitoring of the service? If so do religious groups access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience?  Is Service open to all or is it for specific groups?  As at 12a

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What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information access to services) May link to racial groups? As at 12a	
14. Is there any likelihood the policy <b>could</b> have a differential impact on people due to them having dependants/caring responsibilities?	N	<b>Please explain</b> Is there any monitoring of the service? If so do carers access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience? Is Service open to all or is it for specific groups? As at 12a
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission, information access to services) May link to disability information and children and young people. As at 12a	
15. Is there any likelihood the activity <b>could</b> have a differential impact on people due to Marriage or Civil partnership?	N	<b>Please explain</b> Is there any monitoring of the service? If so do married or civil partners access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience? Is Service open to all or is it for specific groups? As at 12a
What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission –information access to services) As at 12a	
16. Is there any likelihood the policy <b>could</b> have a differential impact on people due to them being Transgender or Transsexual?	N	<b>Please explain</b> Is there any monitoring of the service? If so do Transgender people access it or are they disproportionately affected by it? If not any reasons why not either factual or based on experience? Is Service open to all or is it for specific groups? As at 12a

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What existing evidence (either presumed or otherwise) do you have for this?	Is there any other data (National research, British Crime Survey, Equality and Human Rights Commission – Transgender review, information access to services)		
	As at 12a		
17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?	N	<b>Please explain</b> The aim of this policy is to disrupt the activities of missing children by warning anyone housing them whilst missing that they are liable to be committing an offence of Child abduction in the future. The authority of a parent or someone with parental responsibility is required to issue a warning. As with many issues with parents and children, the authority of parental responsibility overrides the authority of the child. The purpose of the policy is to assist in safeguarding these children from carrying out activities that many do willingly but against their parent's wishes.	
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	N	<b>Please explain for each equality heading (question 8-16) on a separate piece of paper</b> Can any adverse impact found be justified on the grounds of promoting equality for another group for example access to disabled people? Can the adverse impact identified be mitigated in any way? Should the practice, policy or project be monitored for it's impact?  No adverse impact	
19. If Yes, is there enough evidence to proceed to a full EIA? Is there enough concern about a policy or practice to do an in depth assessment.			NO
20. Date on which Full impact assessment to be completed by.			18/10/16

Signed (completing officer)\_G Wigham\_\_\_\_\_

Signed (Lead officer) \_\_\_\_\_

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### Groups Affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
<b>Disability</b> - Physical ,Sensory, Learning Disability, Mental Health, Carers	x		
<b>Gender</b> - Male , Female	x		
<b>Transgender</b>	x		
<b>Race</b> - Traveller and Gypsy etc	x		
<b>Sexual Orientation</b> - Lesbian, Gay , Bisexual	x		
<b>Religion and Belief</b>		x	
<b>Age</b> - Young and Old	x		
<b>Marriage and Civil Partnerships</b>		x	