



# **OFFENDING AND ANTI-SOCIAL BEHAVIOUR POLICY**

**CRYSTAL CARE SOLUTIONS LIMITED**

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## Scope of this Policy

This policy is applicable to all staff:

The purpose of this policy is to:

- Provide guidance on when to call for Police support
- Give staff an understand of what constitutes police involvement
- Give an understanding on offending and anti-social behaviour
- Set out the reporting mechanisms in place
- Detail the process and protocols in place for young people

## Underpinning Knowledge and References

### England

CQC, (2018), Statement on CQC's roles and responsibilities for safeguarding children and adults  
Children and Families Act 2014  
Children and Social Work Act 2017  
Children and Young Persons Act 1933  
Serious Crime Act 2015  
Digital Economy Act 2017  
The Sexual Offences Act 2003  
The Police Act 1997  
The Care Act 2014  
Children Act 1989  
Children Act 2004  
Equality Act 2010  
Human Rights Act 1998  
Public Interest Disclosure Act 1998  
Safeguarding Vulnerable Groups Act 2006  
HM Government, (2018), Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children  
[ACPO Self taken Images](#)  
Malicious Communications Act 1988  
Management of Health and Safety at Work Regulations 1999  
Health and Safety at Work Act 1974  
Use of unregulated and unregistered provision for children in care, Gov.UK, 2020  
Ofsted Letter dated Feb 2017  
The Care Act 2014

### Wales

The Social Services and Wellbeing Act (Wales) 2014  
All Wales Child protection Procedures  
Children and Families Act 2014  
Children and Social Work Act 2017  
Children and Young Persons Act 1933  
Serious Crime Act 2015  
Digital Economy Act 2017  
The Sexual Offences Act 2003  
The Police Act 1997  
The Care Act 2014  
Children Act 1989  
Children Act 2004  
Equality Act 2010  
Human Rights Act 1998  
Public Interest Disclosure Act 1998  
Safeguarding Vulnerable Groups Act 2006  
[ACPO Self taken Images](#)  
Malicious Communications Act 1988  
Management of Health and Safety at Work Regulations 1999  
Health and Safety at Work Act 1974  
Use of unregulated and unregistered provision for children in care, Gov.UK, 2020  
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## Requirement for Police Involvement

In line with the procedure on Positive Relationships and Behaviour Management, young people will be helped by staff to develop skills and strategies to manage their own conflicts and difficult feelings through developing positive relationships with staff. Staff will set clear, consistent and appropriate boundaries for young people.

Staff will practice conflict management and the appropriate use of restorative practices to improve relationships, increase a young person's sense of personal responsibility and reduce the need for formal police intervention.

Proactive and effective working relationships between the staff at the provision and the police aim to support and protect young people, with staff working with the police to protect the young people living at the provision from any unnecessary involvement in the criminal justice system.

The staff at the provision maintains effective working relationships with local youth justice and police services where young people have targets to achieve in reducing offending or socially unacceptable behaviour.

The House Manager should agree with the local police, procedures and guidance on police involvement with the provision. The aim should be to reduce unnecessary police involvement in managing behaviour and avoiding the criminalisation of behaviours within the provision whenever possible. Young people should not be charged with offences resulting from behaviour within the provision that would not similarly lead to police involvement if it occurred in a family home.

A decision to contact the police can be taken by a House Manager, unless a serious incident has occurred, in which case, staff may contact the police immediately then inform a manager.

The following situations are the most common ones in young people's homes where police involvement might be requested:

### **Missing Young people**

If a young person becomes Absent, or Missing it will be necessary to follow the procedures as set out in Absent / Missing Young people Procedure.

### **Violence by a Young Person on Another**

This section should be read in conjunction with Dealing with Aggression and Violence policy.

These are incidents between young people within the provision ranging from minor disagreements through to serious assaults where physical injury is caused. Such incidents can be complicated by having two vulnerable parties. Staff will need to ensure that health and safety reporting procedures are followed.

Attendant factors for this category of offences are listed below and this list does not reflect any order of priority:

- Wishes of the victim;
- Severity of the injury sustained/nature of threat received by the victim;
- Probability of a repeat incident;
- Previous relationship between victim and offender;

- Potential impact on the child/young person following formal police involvement;
- Effectiveness of police action/court proceedings;
- Future best interests of both parties;
- Message sent to other young people;
- Availability of alternative causes of action, e.g. restorative approaches with the consent of the victim;
- Previous behaviour or offending, bullying/peer pressure/duress.

### **Violence to Staff by a Young Person**

This section should be read in conjunction with Dealing with Aggression and Violence Policy.

Violence towards staff can vary from verbal threats to physical acts amounting to assault. Whilst staff have a duty of care towards the young people their welfare needs to be balanced with the rights of staff not to be subjected to violence in the course of their duties.

Such incidents are affected by factors similar to those listed above, and staff should be encouraged to report any incidents that cannot be dealt with through alternative means. Where there is no immediate continuing threat of violence it is in the best interests of the staff member to take time to discuss and consider possible options.

This can include a referral to the Youth Offending Team/Service, via the relevant social worker, which will give consideration to the necessary intervention. This however, does not remove the individual's right to involve the police. Following such incidents it is important that staff utilise standard de-briefing processes.

Staff should also ensure risk assessments are updated or completed in relation to the risk of violence or injury to themselves or colleagues. A professionals meeting could be a useful method by which to assess these risks and look at ways this risk could be reduced.

### **Criminal Damage within the provision**

The majority of criminal incidents involving Police relate to damage to the young people's home. It is important to see these in the context of the needs of the young person and whether involving the police is an effective and proportionate response. Factors to consider are listed and the list does not reflect any order of priority:

- Level/value of damage caused;
- Previous incidents of a similar nature by the same child or young person;
- Suitability or effectiveness of Police involvement;
- Impact of Police involvement of the young person's plan of support
- Message sent to other young people if applicable;
- Availability of alternative courses of action, for example referral to the Youth Offending Service, via the relevant social worker.

Staff must also remember to take into account the fact that young people are part of a shared tenancy therefore this must be taken in consideration by staff when an incident occurs. Staff must consider;

- Whether the damage was caused in a communal area
- Was personal property of staff damaged
- What was damaged that belongs to the company

Any damage to property that includes the following will warrant a formal warning in accordance with the licence agreement;

- Damage of staff personal property
- Damage of property in communal areas of a significant value (usually over £1000)
- If anybody was injured as a result
- If the social worker deems it appropriate to do so
- Damage to the staff office

### **Theft within the provision**

Most offences of theft within the provision are likely to be of low value, but the possible start of criminal behaviour, although it should be emphasised that value is a subjective issue relative to the victim. Factors to be considered include (this list does not reflect any order of priority):

- Wishes of the victim;
- Nature and seriousness of the allegation;
- Requirement for formal investigation, e.g. insurance claim requires a crime reference report;
- Availability of alternative courses of action, e.g. restorative approaches.

### **Criminal Damage to Staff Cars or Property**

Factors for consideration should be similar to those in Section Criminal Damage within the Provision, and again this list does not reflect any order of priority:

- Nature and seriousness of the allegation;
- Requirement for formal investigation, e.g. insurance claim;
- Wishes and best interest of the victim;
- Availability of alternative courses of action, e.g. restorative approaches.

### **Disorder in or Around the provision**

The area of disorder is subjective and requires judgement by staff to avoid unnecessary Police involvement for minor infringements of discipline. The main factors that should be considered are:

- Nature and seriousness of the disorder;
- Risk or threat of violence;

- The wishes of and impact on the immediate community;
- The availability of alternative courses of action.

### **Substance Misuse**

Please read this section in conjunction with Drugs and Substance Misuse policy.

The misuse of controlled drugs within the provision is a serious issue and it is essential that the response is prompt and effective. In response to incidents staff will be guided by the Government Tackling Drugs Strategy, which has four main aims:

- Help young people to resist drugs use in order to achieve their full potential in society;
- Reduce the acceptability and availability of alcohol and other drugs to young people;
- Minimise the health risks and other damage associated with substance use by young people;
- Increase the safety of communities from drug related crime.

Staff will need to balance these principles with their duty of care for the young people in the provision and their role in managing young people's behaviour as part of their responsibilities as well as their responsibilities to the wider community.

### **Hate Crime (Racist, Religion, Homophobic, Gender, Disability)**

- All possible steps should be taken by the police at local level, in consultation with local government and other agencies to encourage the reporting of racist incidents in crimes;
- It is important that the agency that receives reports of racist incidents is well equipped to deal with them and no one should be given the task without adequate training;
- It should be made clear that all behaviour policies held within Homes should cover the areas as indicated as hate crime and it be made clear how staff, staff and residents should deal with it. Homes and placements should themselves handle low level daily occurrences and their management of this aspect of discipline should be subject to inspection;
- A multi-agency approach to such incidents can ensure that help is provided to victims of these incidents providing them with a range of options for reporting and ensuring that the young person is sufficiently supported;
- When dealing with the incidents outlined as Hate Crime in relation to racist incidents, whether or not the incident amounts to a crime, the person reporting should be asked to consent to the disclosure of this information to other agencies for the sole purpose of prevention or detection;
- In the recording of racist incidents the minimum data content required should be as follows:
  - Reported to: (The person receiving the report such as House Manager, Provision staff, Police Officer);
  - At: (Location reported at): (i.e. Home, Police Station, etc.);
  - Referred by: (the Agency or other person referring the victim to the Police if the incident is being referred);

- Time and date of report and nature of incident.

## *Notifications and Categories of Response*

It is recognised that supporting and managing young people with difficult or challenging behaviour is an integral feature of our service. Staff will generally manage problematic situations except where they are so severe that immediate police involvement is essential in order to avoid physical assault or damage. The Protocol identifies these categories:

- Serious Incidents;
- Not serious Incidents;
- Liaison;
- Internal Incidents.

### **Serious Incidents**

Incidents of violence requiring an immediate police response where young people or staff are:

- At risk of immediate serious physical harm;
- Where there is a risk of substantial damage to property; or
- Risk of significant disorder with the provision.

In such situations the most senior staff member on duty should contact the police using the 999 system.

If the Support Manager and House Manager on Shift has not been consulted/informed prior to contacting the Police, s/he should be notified without delay:

- If the Police are called to the home, the Service Manager must also be notified
- if a serious offence is committed, the Service Manager must also be notified

It will also be necessary to notify the social worker and remainder of the professional network as per the incident reporting procedures.

### **Not Serious Incidents**

This is an incident where no immediate police response is required for example where assaults or damage has occurred and there is no risk of recurrence/significant harm to people, or incidents of theft. These incidents should be reported to the House Manager and Support Manager who then has the responsibility of identifying the appropriate course of action.

It is important to avoid any unnecessary reporting of incidents to the police. Should the House Manager or Support Manager decide and/or the victim wishes that formal police involvement is necessary, where possible this should be through the Local Policing Team.

When a situation involving a young person is to be discussed with the Local Policing Team then the Social Worker and professional network should be informed and they may wish to join or have input into the discussion.

If the discussion needs to be held sooner the member of staff should arrange for a member of the Local Policing Team to visit the provision as soon as possible. If there is a specific officer who frequently liaises with the provision (usually the Single Point of Contact or SPOC) and this officer is unavailable the staff should contact the Police Control Room to request a delay or scheduled response visit by another Officer.

In certain circumstances preservation of evidence may be an issue and staff will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegation or police investigation.

A referral to the Youth Crime Prevention Panel for the area should be considered for those cases considered not serious or internal - via the social worker

### **Liaison**

Police involvement should be on a risk assessment basis. If there is no risk, then the involvement will be with staff team or at a low level of involvement.

The primary police involvement in our provisions should be through a member of the Local Policing Team, meeting staff on a regular basis. Whilst some officers may already perform this duty it must be emphasised that a good working relationship is the most effective way to respond to young people with difficulties, and it is in this area that consideration should be given for joint agency training.

A regular liaison meeting ideally on a four weekly basis between a member of the Local Policing Team and House Manager would provide for discussion of not serious incidents within the home to identify the appropriate method of resolution, including:

- Internal action by Staff with no police involvement;
- Formal police investigation primarily by the member of the Local Policing Team and any resulting action.

This liaison meeting will also provide an opportunity to share more general views and co-operation and develop a better understanding of each Agencies responsibilities and practices.

It is not the intention of this Protocol to restrict the options available to Staff and Local Policing Teams but to emphasise the importance of flexibility in determining the most suitable option for dealing with young people. Additional advice and support could be sought from the social worker.

### **Internal Incidents**



It is anticipated that relatively minor incidents will be addressed by using routine internal policies and procedures.

As stated a referral to the Youth Crime Prevention Panel for the area should be considered.

## Recording and Reporting

The following records must be completed:

- Incident Report
- Daily log
- Update to the Support Plan if needed
- Update to the relevant Risk Management Plans
- Update to the Behaviour Support Plan if needed
- Accident/injury form if required
- Update to the Health and Wellbeing plan if required

Any incident forms must be sent to the House Manager on shift in the first instance to be checked. This should then be circulated to the Support Manager, Service Manager and Professional network ideally within two hours (but no later than the end of the shift). Social Workers must be advised by phone of any serious incidents immediately or when safe to do so.