

South Lanarkshire Multi-Agency Child Protection and Adult Support & Protection Summary Guidance (2021)



Responding to Young People involved in County Lines Activity

(Young People from out of Authority aged up to 18yrs)

1. Introduction

Tackling the criminal and sexual exploitation of children and young people is a key priority for South Lanarkshire Child and Adult Protection Committees. This summary guidance deals specifically with the multi-agency response to young people aged up to 18yrs who are suspected to be involved in County Lines activity from another Local Authority area. The Child and Adult Protection Committees recognise the vulnerability and risk posed to, and potentially from young people involved in County Lines and aims to provide a response which ensures the safety and wellbeing of all involved. This includes the young person themselves, members of the public and staff across partner agencies.

Under the UN Convention on the Rights of the Child (1989), the rights of children and young people must be considered up to the age of 18 years. The welfare of the child or young person should remain paramount at all times.

The law in Scotland determines that a child becomes an adult at 16yrs. However, under the Children (Scotland) Act 2014, agencies have a responsibility to provide a service to any young person up to the age of 18yrs (should the young person request it) and a young person subject to a Compulsory Supervision Requirement – Children’s Hearing (Scotland) Act 2011 - remains a child for those purposes until 18yrs. For those young people in Scotland who are not subject to such a requirement it must be borne in mind that the parental right to regulate residence does not continue beyond 16yrs. As such the legal position, and decision making capacity of the young people involved in county lines activity may not always be straightforward in that a young person who is not subject to Children’s Hearing processes is likely to be able to make decisions about their residence from 16yrs. The situation may not be the same for young people who have arrived from other jurisdictions and any queries should be addressed to legal services. This must always be clarified.

In some circumstances a young person aged 16yrs and over may be considered an adult at risk of harm as defined in the Adult Support and Protection (Scotland) Act 2017. In these cases, consideration of the use of South Lanarkshire Adult Support and Protection legislation should be discussed with Adult / Children’s Social Work Teams (in line with the age of the young person and identified risk. Further information can be found in the Joint SLAPC & SLCPC Transitions Guidance (2020) available by emailing us as shown below.

2. Preparation and Planning

Where there is intelligence that a young person is in South Lanarkshire and is known to come from another area, Police Scotland should seek to discuss these individuals with South Lanarkshire Social Work Resources **prior to young people being picked up and taken to a Police station**. This includes planned operations where it is known that young

people are located within an address the Police intend to search or visit to detect or disrupt criminal activity. Any links to Health or Education services in South Lanarkshire must be established.

Effective preparation will ensure that any welfare issues can be considered in advance and plans to transport young people back to their local area arranged at the earliest possible stage. Where young people are located within an area where they do not usually live, or it is unknown which area they originate from, this Operating Procedure aims to provide guidance for partners.

3. Young Person is Arrested and Charged with specific offences

Where young people are arrested and charged, usual Police Scotland welfare principles will apply. In all cases, consideration of the health, wellbeing and safety of the young person should be considered.

4. Young Person (up to 18yrs) temporarily in the care of Police Scotland but not charged with an offence.

In these circumstances, it is important to note that the young person is an adult and has not been charged with any offence. The key priorities are to ensure the immediate needs of the young person are met, risks to wellbeing considered and safe onward travel arranged as appropriate. It is also important to establish any formal orders/compulsory measures of supervision which may be in place in relation to the young person and how these may impact on decision making. This may differ in different parts of the UK and specific arrangements should be discussed with the receiving Local Authority.

The following information outlines the actions to be taken in these circumstances:

- a) **IMMEDIATE WELFARE ISSUES** - Any concerns should be discussed with local Health and Social Care services to ensure any emergency treatment, advice and support is provided as required.

- b) **INITIAL REFERRAL DISCUSSION** - Where the young person is deemed to be at risk of harm, consideration of the use of South Lanarkshire Child Protection Guidance / Adult Support and Protection legislation should be discussed with Adult / Children's Social Work Teams (in line with the age of the young person and identified risk). In most cases for children and young people, an IRD will be deemed appropriate.

- c) **CARM** - Care & Risk Management processes should also be considered as part of child protection processes.
- d) **ESTABLISHING STATUS** - Police Scotland and Social Work Resources should agree who will make contact with the Local Authority in the area the young person has come from to establish the status of the young person and discuss any specific needs.
- e) **STATUTORY INTERVENTION** - If the young person is subject to any formal orders/compulsory measures of supervision, agreement for return to their own Local Authority should be reached and arrangements made for them to be collected or returned as soon as possible. Police Scotland should agree who will make these arrangements.
- f) **PLANNING A RETURN** - Where young people are not subject to any formal orders / compulsory measures of supervision, arrangement of onward travel should be made via public transport or alternative methods determined between Local Authorities. It is important to note that if the young person is not charged with an offence and not on any compulsory measures of supervision, immediate arrangements for their transportation onwards should be made.
- g) **TRANSPORTING YOUNG PEOPLE** - To ensure the safety of staff, no individual member of staff from any agency should be asked to transport a young person to another area. Any transportation arrangements should be risk assessed and agreed between Police Scotland, South Lanarkshire Council and the receiving Authority (where appropriate).
- h) **WAITING FOR COLLECTION** - Whilst there should always be consideration of suitable alternatives for young people to wait for collection, there should be no request for young people to be removed from the Police station until a suitable alternative is identified, risk assessed and agreed by South Lanarkshire Council.
- i) **POLICE ACCOMODATION** - In exceptional circumstances where young people are subject to formal measures and no alternative options are available, it should be made clear they are not detained and should not be held in a Police cell. These exceptional circumstances should only include where the young person would be placed at risk of harm out-with the Police Station or may pose a risk to others. The young person should be made comfortable in a suitable space within the station. As a minimum, Social Work Resources will ensure young people receive a welfare visit a minimum of once every 12 hours. This will include provision of food, drink and any other supplies the young person may need to wait.

- j) **CHILD / ADULT PROTECTION GUIDANCE** - Managers and practitioners responding to concerns that a child or young person may be at risk of harm must always refer to their Child Protection / Adult Protection Guidance in the first instance.

5. Associated Transport Costs

Transportation costs should be met by the Local Authority the young person has come from. To ensure immediacy of return travel, South Lanarkshire Social Work Resources may arrange transport and recharge the receiving Local Authority as appropriate.

6. Where a young person does not want to return to their local area / wishes to remain in South Lanarkshire

Please note, no agency can forcefully remove or detain any young person, including those who may be deemed 'at risk' from County Lines activity. Where a young person is not on an order, has not been charged with any offence and wishes to remain in South Lanarkshire, they must be allowed and supported to do so (where required). This may involve advice and support from a range of partners to ensure young people are aware of their rights and entitlements should they choose to remain in South Lanarkshire.

Likewise, if a young person chooses to leave the Police station or other location, they are free to do so.

7. Supporting Young People

Agencies should always act in the best interest of the child or young person. Professionals involved with the young person must consider the provision of appropriate support services. This can include independent advocacy services, helpline support or inclusive communication services to support the young person to have their views heard. Where the young person is deemed to have a mental disorder, Police Scotland are responsible for initiating the Appropriate Adult Scheme.



REMEMBER - Child and Adult Protection procedures must always apply.