



Surrey Police response to Surrey County Council Ofsted Report dated 16 May 2018: “Re-inspection of services for children in need of help and protection, children looked after and care leavers.”

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1. Background

- 1.1. Surrey County Council Children's Services were re-inspected by OFSTED in May 2018 and OFSTED's finding was that Children's Services in Surrey are inadequate.
- 1.2. The OFSTED report makes numerous critical observations about partner agencies, and their contribution to some of the issues that Surrey Children's Services (SCS), and specifically the Multi-Agency Safeguarding Hub (MASH), are facing.
- 1.3. In particular, there is specific mention of Surrey Police in two of its findings:
 - 1.3.1 **Finding #47 states:** "Children who have been charged with a criminal offence are regularly detained overnight in police stations because of a shortage of suitable emergency local authority accommodation. The local authority and the police are not implementing the Joint Surrey Protocol rigorously. A much larger number of children who have been arrested and not charged are also held overnight in police stations. Although the local authority has no duty to provide accommodation for the latter group, the practice of detaining children overnight to continue police investigations within prescribed timescales is highly concerning."
 - 1.3.2 **Finding #97 states:** "Partnership working is not always effective or sufficiently focused on children's needs. This has limited the ability to drive sustained improvement in relation to weaker areas of performance. For example, the ambition to reduce the number of inappropriate police referrals into the MASH has not been realised, despite repeated efforts, and this has continued to adversely impact on the timeliness and quality of decision-making at the front door."

2 Finding #47

2.1 Executive summary of response to finding #47 – children in police custody

- 2.1.1 Surrey Police accept that there have been occasions up until April 2018 where the Joint Surrey Protocol has not been implemented properly and a child has been detained inappropriately. This has generally been where Custody Sergeants have, with good intention, sought secure accommodation for remanded young people based on their offending history when in fact the serious-harm threshold which PACE requires is not met.
- 2.1.2 Since April 2018, a number of changes have been made to procedures, with increased training and awareness of PACE issues surrounding children in custody being made available and renewed guidance issued around the Joint Protocol.
- 2.1.3 Surrey Police are confident that these measures will result in significant improvements in how children in custody are dealt with, both in compliance with the Joint Protocol and in 'pre-charge' cases.

2.2 Overview and Custody changes - Finding #47 – children in police custody

- 2.2.1 Since April 2018 there has been a 15% increase¹ in the number of Children and Young Persons (CYP's) being detained within Surrey. This increase is in line with current trends across Surrey with detainee numbers overall increasing by 11% during the same period.
- 2.2.2 Since April 2018 Surrey Police have introduced a number of new measures to safeguard CYP's entering Surrey Custody Suites. These include:
 - 2.2.2.1 A Duty Inspector reviews all children upon arrival in the custody suite to ensure any arrest is proportionate and necessary, and to ensure compliance with PACE responsibilities relating to detained children.
 - 2.2.2.2 A renewed 'CYP Checklist' has been introduced as part of the NICHE Custody Record, and this checklist is completed at the point of authorising detention, again

¹ 206 CYP's detained between April – July 2018 compared to 179 in the same period last year.

following handover between shifts, and is also reviewed as part of subsequent PACE review by the Inspector.

- 2.2.2.3 Improved awareness of the 'Joint Protocol' between Surrey Police and SCS. Guidance posters are now available within all suites, briefings have been provided, and initial training is also being reviewed in relation to the way new custody sergeants are taught about CYP's and the Joint Protocol, including the 'Serious Harm' test.

2.3 Post-charge accommodation requests (#47)

- 2.3.1 PACE states that responsibility for accommodating a child that has been charged and remanded for the court the next day must be passed to the local authority unless it is deemed impracticable, and this accommodation should be 'non-secure' unless there is a risk of serious harm towards members of the public in which case 'secure' accommodation should be requested. 'Serious Harm' is a specific test with a high threshold, namely death or serious injury. Impracticable relates to extreme weather or circumstance beyond the control of Surrey Police or SCS and can include those children charged and remanded during the early hours of the morning.
- 2.3.2 It needs to be noted that there is no 'secure' accommodation available in Surrey.
- 2.3.3 Analysis by the police CJ team has revealed that there have been numerous occasions where the custody sergeant has misinterpreted the 'Serious Harm' test and requested 'secure' accommodation when they could only request 'non-secure', and subsequently rejected the offer of 'non-secure' believing that accommodation was not suitable and in the absence of secure accommodation (2.3.2) have kept the child in police custody. (The local authority is able to decide that secure accommodation is needed based on a lower-level threshold.)
- 2.3.4 During 2017/18 21 accommodation requests were made to SCS under the Joint Protocol. Of these 21, 6 were for secure accommodation and subsequent review shows that only 2 of these requests were appropriate. 9 offers of accommodation were rejected by custody sergeants. Of the remaining 6, 5 of these children were accommodated (24% of the original 21).
- 2.3.5 Since April 2018 there have been only 5 children charged and remanded, and requests for accommodation have been made in every case. One of these was for secure, which was inappropriate and specific feedback has been given. Of the remaining 4, 3 met the 'impracticable criteria' and with the no suitable accommodation being available for the remaining one case.
- 2.3.6 Overall there has been a significant improvement in our compliance with the Joint Protocol since April 2018. The aim is for 100% compliance with the Joint Protocol.

2.4 Pre-charge overnight PACE prisoners (#47)

- 2.4.1 On occasions it is necessary to keep CYP's in custody overnight pre-charge due to the nature of the investigation such as the need to prevent interference with witnesses and/or evidence.
- 2.4.2 In the financial year 17/18 the number of CYP's detained overnight increased by 29% to 66 and accounted for just under 10% of all CYP's detained by Surrey Police. The increase can be attributed to changes in the Bail Act in April 2017 which restricted the ability of custody sergeants to use Police Bail to release CYP's from custody overnight to return in the Police station in the morning.
- 2.4.3 Legal advice has recently been sought around the legality of using Police Bail to release CYP's from custody overnight with a short re-bail time (e.g. the next day) and, as a result, this practice has since been re-introduced with guidance issued to all custody sergeants. Since the re-introduction of this advice the number of CYP's being detained overnight has decreased by 20% to levels near those seen prior to changes to the Bail Act in April 2017.

3 Finding #97

3.1 Executive summary of response to finding #97 - inappropriate police referrals to the MASH

- 3.1.1 Surrey Police has contacted the OFSTED Inspection Team who compiled the report and have requested clarity on this, and the specific phraseology used in finding #97 relating to “inappropriate police referrals”, requesting some clear definition and context, and any specific examples of such referrals found as part of their inspection. There has been acknowledgement of this request, but – at the time of writing – OFSTED are unwilling to provide direct feedback at this stage and have redirected Surrey Police to the local authority as per their protocol.
- 3.1.2 The MASH receives a large volume of referrals from Police and this is the first report to have identified a proportion of these were “inappropriate”. In the absence of direct feedback from OFSTED, the working assumption is that this term relates to the police assessing and submitting too many referrals, or contacts, which do not meet the threshold for intervention from SCS.
- 3.1.3 Since July 2018, there has been refreshed joint guidance issued to Police MASH officers in order to reduce the number of such contacts to SCS.
- 3.1.4 There is certainly no indication from either SCS or OFSTED that risk is *under-assessed* or missed.

3.2 Findings and response to #97 – inappropriate police referrals to the MASH

- 3.2.1 The purpose of the MASH is to share information with a range of partners to identify risk having obtained a rounder picture of the child. Once that has been completed it is then appropriate to refer that child (or not as the case may be) to the relevant organisation for the necessary action and support. It is at that time it should be considered that a referral or contact has been sent to the relevant organisation.
- 3.2.2 The issue and commentary that has been raised about inappropriate referrals is correct in terms of there not being an effective process or mechanism for multi-agency filtering and assessment before officially sending to a partner organisation. The current system takes the initial sharing of information as a ‘contact’ or ‘referral’. Therefore there is a risk of misinterpretation of when the referral/contact is made to Children’s Services and with the lack of clarity from Ofsted then this remains unclear.
- 3.2.3 The reference guide as to levels of risk is detailed in Appendix A.
- 3.2.4 SCS are, at the time of writing, unable to provide definitive figures to quantify the proportion of police referrals that either they, or OFSTED, may consider to be “inappropriate”.
- 3.2.5 Since the 25th July 2018 work has commenced to improve the quality of the initial police triage of ‘Blue’ referrals. This is to prevent referrals being BRAG’d as ‘Green’ inappropriately. A new process (Appendix B) has been jointly agreed and trained. This will be reviewed by the MASH Detective Inspector on the 10th September 2018.
- 3.2.6 Between 25th July and 14th August there have been 850 ‘Green’ referrals [Source: Police MASH], of which 81 have been returned [Source: SCS] to police to be re-BRAG’d as ‘Blue’. This is 9.5% of the referrals and this figure will be closely monitored going forward.

4 OFSTED comment on the effectiveness of partnership working

- 4.1 As part of the OFSTED report, including in finding #97, mention is made of partnership working not being as effective as it ought to be, and that efforts should be renewed by SCS leaders to engage universal services to undertake lead professional roles and to form teams around the children and families when difficulties emerge.
- 4.2 Whilst police are included in the definition of ‘universal service’, and are defined as a ‘Safeguarding Partner’ under the Children Act 2004, there is no expectation from SCS that a

member of police staff would become a 'lead professional' for a particular case, although there are circumstances where an officer or a member of a police staff could be a member of a "Team Around a Child" and these are normally when there is some offending, or potentially criminal risk-taking.

4.3 In the current absence of this view (contrary or otherwise) it is submitted that the OFSTED feedback relating to partnership working should be taken in the round, as opposed to having any particular direction to Surrey Police.

5 Conclusion

5.1 Surrey Police remain committed to supporting SCS in their journey of improvement.

5.2 As can be seen from the changes already made in the arrangements and guidance with regard to children in custody (paras. 2.2.2, 2.4.3) and in assessing the level of risk of referrals (paras. 3.2.5 and Appendix B) Surrey Police have already taken action to improve their contribution to the safeguarding processes in Surrey.

5.3 Further review and reporting may be necessary on receipt of the requested feedback from OFSTED.

6 Decisions required

6.1 None, this paper is for information only.

Appendix A: BRAG (Blue, Red, Amber, Green) – Quick reference summary guidance.

Appendix B: Police triage of 'Blue' SCARFs.

Appendix A: BRAG (Blue, Red, Amber, Green) - Quick Reference Summary Guidance.

Risk Level	Red	Amber	Green	Blue
Definition	HIGH RISK Child or young person appears to be at risk of immediate and/or serious harm that require immediate or prompt actions. Child or young person has suffered or is at risk of suffering significant harm	MEDIUM RISK Child or young person is or could be at risk of harm, but no imminent risks or urgent safeguarding concerns and concerns less serious	STANDARD RISK Lower level concerns/vulnerabilities for the child or young person, if not addressed may lead to poor outcomes	NO/MINIMAL RISK No or very low level concerns in relation to a child or young person where no actions are required
Multi Agency Levels of Need	Level 4 – SPECIALIST (Vulnerable children and young people requiring specialist help = Children and young people who require intensive help and support from a limited range of specialist services including Children’s Social Care).	Level 3 – TARGETED & TIMELY INTERVENTION (Vulnerable children and young people requiring timely intervention = Children and young people who are not achieving the expected outcomes and require more intensive but time limited support from a range of services including Children’s Social Care).	Level 2 – EARLY HELP (Vulnerable children and young people requiring an Early Help offer = starting to or at risk of diverting from expected outcomes and likely to require additional support for a time limited time).	Level 1 – UNIVERSAL (Children and young people requiring Universal Services in the Community = are achieving expected outcomes and have their needs met with universal service provision without any additional support).
Response needed	Due to concerns about the child having suffered or being at risk of suffering significant/serious/imminent harm the concerns are likely	Whilst the concerns or risks are less serious, the child or young person and their family are in need of intervention and support.	The information is indicating some lower level concerns or vulnerabilities for the child or young person and further support is likely needed.	There are no additional identified needs or vulnerabilities and no or low risks to the child or young person. No specific

	<p>to meet the Local Authorities duties under Section 47 of the Children Act 1989.</p> <p>Therefore, it is likely that a Strategy Discussion is needed to decide if Section 47 Enquiries are required.</p> <p>If the criteria is not met for a Strategy Discussion, a Child & Family Assessment under Section 17 of the Children Act 1989 will be required.</p>	<p>Two forms of intervention may be required:</p> <p>1. Early Help Targeted support via the completion of an Early Help Assessment and convening of a Team Around the Family (TAF) meeting involving the family and relevant professionals or agencies to agree a plan of how the risks or the child and/or family's needs will be met and addressed.</p> <p>2. Child & Family Assessment The nature of the concerns and risks require a Local Authority social worker to complete a Child & Family Assessment under Section 17 of the Children Act 1989 (Child in Need).</p>	<p>However, this falls below the level requiring Local Authority intervention under Section 17 or Section 47.</p> <p>The family may need advice or signposting to appropriate support services within the community.</p> <p>Alternatively, partner agencies may need to provide preventative services via an Early Help Assessment and Team Around the Family (TAF).</p>	<p>intervention is needed by the Local Authority or partner agencies. The child or family's needs can be met by universal services that the family can access.</p>
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Appendix B: New Process for the Police triage of 'Blue' SCARFs

1. Surrey Police operate a colour-coded risk level indicator method known as 'RAG' (Red, Amber, Green – Red being the highest risk level). We have introduced a 4th level of risk – the lowest – denoted by the colour Blue, turning the method into the 'BRAG' grading system.
2. When Police officers and staff refer children and adults into the MASH they are submitted with a BRAG rating reflecting the level of risk as perceived by that submitting member of staff.
3. On receipt of this information from colleagues into the MASH (usually by way of a Single Combined Assessment of Risk Form, or 'SCARF') the Police MASH Officers will reassess the risk level. 'Reds' are submitted to the relevant partner agency within 4 hours, 'Amber' within 24 hours, and 'Green' 72 hours.
4. 'Blue' SCARFs are not sent to SCS unless a third SCARF relating to the same child is received within a rolling 90 day period. In those circumstances, that SCARF is automatically 'BRAG'd' to 'Green' and submitted to SCS.
5. The Triage Criteria for BLUE's is as follows:
 - 5.1. MASH Officer will check Social Services system to ascertain if a child is OPEN, PREVIOUSLY KNOWN, or NOT KNOWN to Children's Social Care
 - 5.2. If OPEN then the information is forwarded by email direct to the relevant Area Duty Team (not via the SCS team in the MASH)
 - 5.3. If PREVIOUSLY KNOWN the information is 'BRAG'd' as GREEN and sent to MASH Social Care
 - 5.4. If NOT KNOWN and the following factors are evident then it is 'BRAG'd' as BLUE and held by Police:
 - 5.4.1. **Children witnessing road rage (parents are not perpetrators) / public order offences perpetrated by strangers / neighbourhood disputes**
 - 5.4.2. **Child victim of crime – robbery, assault** (non-sexual) – perpetrator is not a significant other / family member
 - 5.4.3. **Bullying** – school and parents aware and are dealing with
 - 5.4.4. **Child wandering off** – no evidence of parental neglect
 - 5.4.5. **Possession of cannabis – 16 / 17 year olds** – recreational use and parents aware
 - 5.4.6. **Shoplifting** – low level in terms of cost and goods
 - 5.4.7. **Low level acrimony between separated / divorced parents** – dealt with by police and no evidence of pattern of DA
 - 5.4.8. **Adolescent under the influence of alcohol** – parents aware and no other concerns reported