



# Reducing Criminalisation: Guidance & Procedure For Destruction of illegal or unidentified drugs (All Services)

This procedure forms part of the Quality Management system ISO 9001.

Procedure Owner:	Quality Assurance
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Associated Policy and supporting documents:	Safeguarding Policy and associated Safeguarding Procedures

## Introduction to Protocol and Summary of Key Principles

In November 2018, the Department for Education launched the National protocol on reducing unnecessary criminalisation of looked after children and care leavers. The document was intended to provide a set of principles, best practice and a framework to help local areas create their own protocols based on local environments and circumstances to prevent the unnecessary criminalisation of looked after children in all types of care placements and care leavers up to the age of 25.

Following this in March 2021, A Pan-London Protocol on reducing criminalisation of looked after children and care leavers was published by the Mayor's Office for Policing and Crime (MOPAC). This is similar to other protocols produced in different areas. However for the purpose of this guidance the London Protocol has been used. Therefore, whilst the protocol applies to all children living in London boroughs, and any living (placed) elsewhere by a London borough, its implementation will be across all services irrespective of geographical location.

As part of this approach this guidance and procedure on destruction of illegal or unidentified drugs has been produced for all of our services. The protocol provides the principles and tools to facilitate the co-ordinated, consistent multi-agency practice that is needed to prevent unnecessary criminalisation. This protocol sets out the roles and responsibilities of services involved in the care of looked-after children and care leavers in reducing their involvement in crime – because each and every one of these services has their part to play in protecting these vulnerable young people from a life of crime. This includes children's home carers, foster parents, police officers, the Crown Prosecution Service, health services and local authorities. The London Protocol has a central question at its heart: **“will this be good enough for my child”**. It encourages all services to ask this question when working with looked after children and care leavers who are exhibiting offending behaviours.

As corporate parents and as a society we have a responsibility to ensure we protect the children we care/have cared for from unnecessary criminalisation and provide them with the support they need to move on from the adversities and trauma they have suffered to enjoy happy, fulfilling and productive adult lives.

A strong corporate parenting ethos recognises the care system is not just about keeping children safe, but also about promoting recovery, resilience and wellbeing. This requires corporate parents to ensure that work across social care, placement providers, educational settings, health services, the police and other criminal justice partners, prevents unnecessary criminalisation. This protocol provides a set of commitments on behalf of all partner agencies.

It is based on the following principles. Click link to access [London Protocol](#).

- Every effort should be made to avoid unnecessary criminalisation of looked-after children and care leavers. This is in recognition of the fact that looked after children's experiences can contribute to behaviours that make them particularly vulnerable to contact with the

youth justice system, potentially affecting their future life prospects. A co-developed, whole system approach is needed. This should include prevention (such as addressing cause of adverse childhood experiences and mentoring), early intervention and appropriate response where children and young people do come into contact with the criminal justice system.

- Restorative and diversionary approaches should underpin responses, whether the behaviour occurs in a child's placement or the wider community.
- All professionals should pursue a child-centred approach based on a broad range of agencies providing an integrated, co-ordinated and proactive response to preventing and addressing challenging or offending behaviour. , e.g. seeing children as children and embedding collaboration with children, listening to and learning from children and young people and diversion from the criminal justice system should be at the heart of any response to offending behaviour.
- Children and young people already within the youth and criminal justice systems need protection from escalation and these principles apply equally to them. Persistent and more serious offending can indicate that the young person has significant unmet needs and responses to offending should recognise this.
- As a society we have a responsibility to ensure we protect the children we care/have cared for from unnecessary criminalisation and provide them with the support they need to move on from the adversities and trauma they have suffered to enjoy happy, fulfilling and productive adult lives.

### **Introduction to process**

In accordance with the requirements of the London protocol (click link to access) [London Protocol](#) for reducing criminalisation of looked-after children and care leavers, this document aims to provide clear guidance for all those that work in any of our services on what action to take if any illegal drugs, or unidentified substances that are suspected to be illegal drugs, are found within any of our settings.

### **Young people and drug use**

Any concerns that a child or young person may be using drugs should be documented in their local authority Care Plan/Pathway Plan/Placement Plan. It should also be included in the child or young person's risk assessment with a clear action plan to:

- support the child/young person to reduce and work towards stopping their drug use;
- encourage the child/young person to access local support services;
- manage any risks to the household/residential setting.

Signs of drug use are varied and often unspecific. Altered mood, behaviour or sleep patterns, relationship changes, changes in appetite and/or weight loss may indicate drug use or a range of other aspects of teenage development. Such concerns should be reported to the agency and discussed sensitively with the young person in a safe environment. It is important that the young person understands that drug use, and bringing drugs into the home, is unacceptable behaviour, but that they can expect the usual care and support to manage and resolve the

problem. The setting will always notify the placing local authority of suspected or known drug use.

### **Reporting possession of drugs**

There are limits in terms of what can be kept confidential when a young person is found to be in possession of drugs. The registered manager or their delegate will inform the placing local authority. However, to reduce criminalisation of young people, a young person's name will not routinely be disclosed to the police. There may be situations where police or safeguarding procedures necessitate such disclosure, and in such situations, it should be clearly reported on the young person's file why this has been necessary. The registered manager or their delegate must have oversight of this action. Consideration will need to be given as to the seriousness of the concern and whether it is a notifiable or monitoring event based on the circumstances.

### **Procedure to be followed**

If drugs are found within the setting the following guidance must be followed:

- The Supervising Social Worker/allocated Social Worker (or equivalent) must be contacted immediately. Do not act on your own.
- Staff or the Registered Manager will contact the police and confirm arrangements for the police to collect the substance as soon as practicable (Failure to do so may leave the home open to prosecution for offences under the misuse of drugs act 1971).
- The substance must be placed and sealed in an envelope or bag, and the template form (see below) must be completed and signed with date and time, also witnessed, and signed by another member of staff whilst awaiting collection. NB In a fostering situation, the foster parent will sign and seal.
- The substance must be stored in a locked cupboard or safe whilst awaiting collection by the police.
- The incident should be recorded on the child's file/record. For Fostering agencies that use Charms it must be recorded on the correct progress line and attached to the record. A copy should be shared with the Police. (You must ensure that the child/young person's details are not added to the form).
- The relevant risk assessments should be reviewed and updated. The local authority may review the Care Plan/Pathway Plan and Placement Plan.

### **Important notes:**

- The substance must not be flushed down the toilet as this may contaminate water supplies.

- Do not put substances that may be illegal drugs in the waste bin.
- Do not transport any substance to the police station. The advice is that Police should collect the substance.

### **Registered Manager/Responsible Individual oversight**

The Registered Manger or Responsible Individual will have oversight of the procedure to ensure the safe destruction of the drugs.

## Template

### Disposing of illegal drugs/unidentified substances suspected to be illegal drugs

<b>Discovery of drugs/unidentified substance</b>	
Name of person who found drugs:	
Role:	
Date and time found:	
Description of suspected illegal substance (include colour, approximate amount, and brief description):	
<b>Reporting to agency</b>	
Name of Staff Member reported to	
Date and time reported:	
Actions agreed:	
<b>Reporting to police</b>	
Police Force reported to:	
Date and time reported:	
Police reference number:	
Actions agreed:	
Date and time drugs collected by police:	

NB The child/young person's details are not added to the form – in accordance with the London protocol. Click Link to access -: [London Protocol](#)