

# SET Missing Protocol

(Version 3 – July 2020)



Essex Safeguarding  
Adults Board



## Document Control Sheet

<b>Title:</b>	Missing protocol - Adults missing from care homes, hospitals and mental health establishments
<b>Purpose:</b>	To provide guidance on adults that are at risk of going missing or have gone missing.
<b>Type:</b>	Guidance
<b>Target Audience:</b>	Anyone who is working with adults with care and support needs
<b>Date approved:</b>	May 2019
<b>Review Date:</b>	May 2021
<b>This replaces:</b>	Missing protocol - Adults missing from care homes, hospitals and mental health establishments 2017 V1
<b>This should be read alongside:</b>	This document is compliant with all relevant legislation at the time of publication and adheres to the current <a href="#">SET Safeguarding Adults Guidelines<sup>1</sup></a>
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<b>Date/Version</b>	Version 3 - July 2020

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<sup>1</sup> <http://www.essexsab.org.uk/professionals/guidance-policies-protocols/>

## CONTENTS

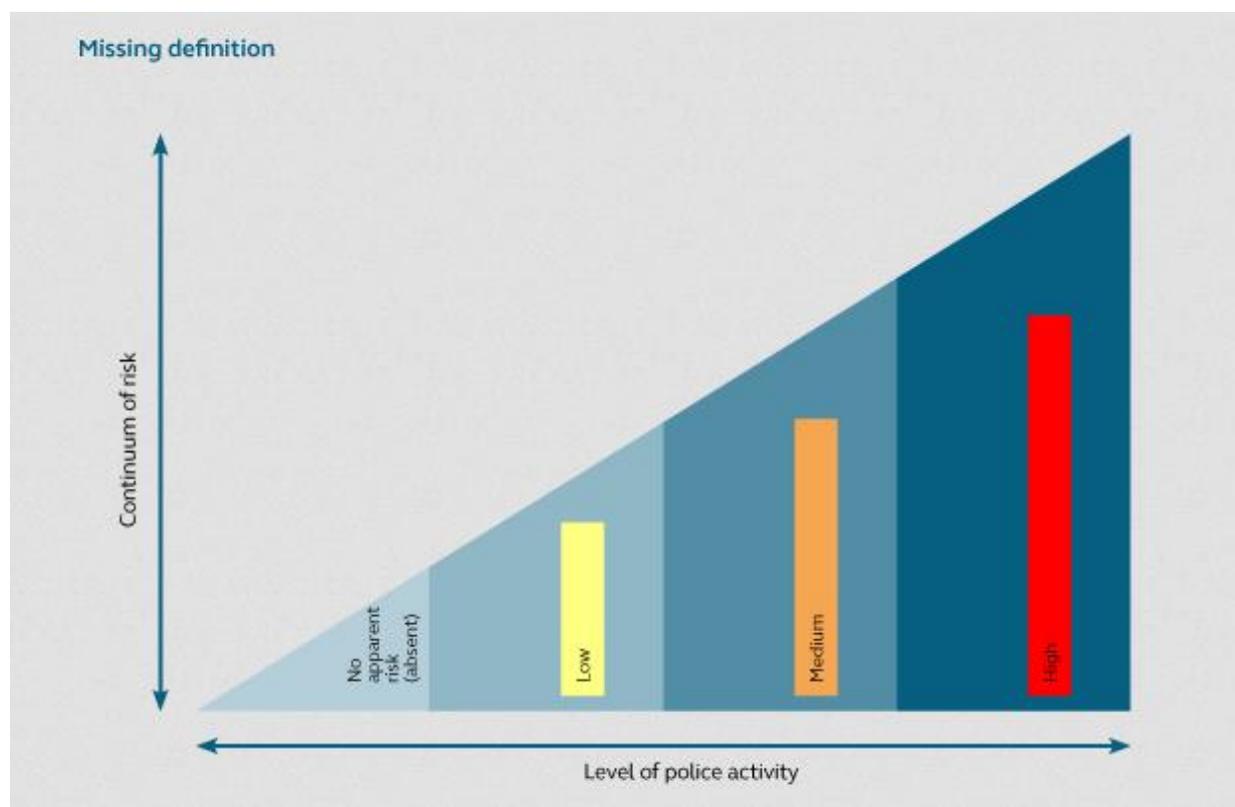
<b>Introduction.....</b>	<b>3</b>
<b>The Definition of ‘Missing’.....</b>	<b>3</b>
<b>Planning for missing and action to be taken if a person goes missing .</b>	<b>4</b>
<b>What to expect when a report is made to the police.....</b>	<b>4</b>
<b>Police expectations from partner agencies.....</b>	<b>5</b>
<b>Media Strategy.....</b>	<b>5</b>
<b>When the person is found and identified or found deceased .....</b>	<b>5</b>
<b>Missing Person found deceased .....</b>	<b>6</b>
<b>Missing Mental Health Patients.....</b>	<b>6</b>
<b>Missing Persons who may lack mental capacity.....</b>	<b>7</b>
<b>Herbert protocol.....</b>	<b>8</b>
<b>Data Protection and consent .....</b>	<b>8</b>
<b>Appendix 1 - Missing Form – Planning and preparing for missing episodes.....</b>	<b>9</b>

## Introduction

This protocol has been developed by Southend, Essex and Thurrock (SET) Safeguarding Adult Boards to provide the best possible service to adults that are at risk of going missing or have gone missing. It reflects policies and procedures within SET and Essex Police. This protocol should be reviewed every two years and in line with all SET policies to ensure consistency and accuracy.

## The Definition of 'Missing'

The College of Policing (CoP) Authorised Professional Practice (APP) places all missing persons within a Continuum of Risk ranging from 'no apparent risk' through to High Risk cases that require immediate, intensive action (see graph below).



Essex Police have adopted the CoP definition of Missing – 'Anyone whose whereabouts cannot be established will be considered as missing until located and their well-being or otherwise confirmed'.

Essex Police will not grade a person under the age of 18 as no apparent risk or a Low Risk missing person. It is recognised that a person over 18 years with mental capacity may be missing with no apparent risk through their own choice. Their right to privacy must be observed and details of their location not divulged if this is their expressed decision. If there are however concerns about the safety and well-being of the person,

a decision may have to be taken to share the details of the location with relevant agencies and within the context of statutory duties and powers to enable safeguarding actions to be taken (e.g. assessment under Mental Health Act (MHA) or Mental Capacity Act (MCA)).

### **Planning for missing and action to be taken if a person goes missing**

**The Missing Form in Appendix 1 should be completed if a person is identified as being at significant risk of going missing. This should be completed as fully as possible and kept up to date by the care provider. Out of date information can seriously hinder the investigation by the police.**

Missing person enquiries may develop into a critical incident or involve a serious crime, such as murder. The form should be retained in a safe place, that is accessible on a 24/7 basis should it become required. If a person is identified as missing, Essex Police should be informed as soon as possible by calling 999. The Missing Person's Form does not replace the normal reporting mechanism. Partners should not be dissuaded from contacting the police if someone does not meet the definition of Missing. Where there is a concern for a person's welfare, the police can still offer assistance for example; a person leaving A&E but seriously injured and still in need of treatment.

Essex Police will complete a risk assessment and this will be re-assessed at regular intervals when the risk can go up or down in accordance to the information known and the circumstances. Essex Police will grade the missing person as one of four categories:

- No Apparent Risk - There is no apparent risk of harm to either the subject or the public.
- Low Risk - The risk of harm to the subject or the public is assessed as possible but minimal. (Children and young people under the age of 18 should not be considered in this classification).
- Medium Risk - The risk of harm to the subject or public is assessed as likely but not serious.
- High Risk - The risk of serious harm to the subject or the public is assessed as very likely.

### **What to expect when a report is made to the police**

The police will ask lots of questions and some of which will be answered from the Missing Person form. This information will be loaded onto the police missing person database COMPACT, in addition, partners should consider the following:

- A recent photo is useful, this can be emailed to [CompactPhotos@essex.pnn.police.uk](mailto:CompactPhotos@essex.pnn.police.uk)
- The police will check their own systems for information about the missing person.
- Police will conduct searches of the building/s they are missing from to establish they are not present on the premises.
- The police may conduct a more detailed search of any room which is likely to contain evidence of their whereabouts or information concerning their disappearance.
- Family and friends may be contacted for more information.
- Where relevant Lasting Power of Attorney/ Deputy for Health and Welfare (if in place) should be contacted and made aware of the disappearance.
- The police may consider physical evidence of identity like DNA if not already confirmed.
- A single point of contact from the reporting establishment for the police is useful with a direct telephone line.

### **Police expectations from partner agencies**

The reporting establishment should make reasonable enquiries to ascertain that the missing person is not on the premises. If the missing person is subject to a court or hospital order, a copy of this should be made available to the police.

### **Media Strategy**

Essex Police will consider a media release, including social media for High Risk cases and this will be conducted via the Essex Police Press Office. Local authority press teams should also collaborate in media strategies. A media release will only be used for a medium risk case if there are particular exacerbating risk factors and it will assist the investigation.

### **When the person is found and identified or found deceased**

Essex Police will conduct a Vulnerability Interview with all missing persons on their return as soon as possible after their return and in any case, within 24 hours (in cases of low or medium risk this may be a PCSO). During the interview the interviewing officer will consider the following:

- If they are a victim of crime including sexual abuse
- If they are the victim of physical or mental harm
- Why the person went missing
- If they are likely to go missing again
- Details of movements during time missing

- Details of where they were found.

Where a person, aged 18 years or over, who has mental capacity, does not wish their whereabouts to be revealed, the person making the original report will only be told that the missing person has been traced and does not want their whereabouts disclosed. Particular care should be taken where there are obvious cultural and religious sensitivities.

Responses to missing persons need to be considered when the alleged person missing originates from families or communities where honour based abuse (HBA) or where domestic abuse/violence is known or suspected not to reveal the current whereabouts of the individual which could compromise their safety. Often victims can go missing in order to escape Domestic Abuse, Honour Based Abuse (HBA), Female Genital Mutilation (FGM) or Forced Marriage or (FM) Trafficking and can be at risk of significant harm if they return to their family. Some families go to considerable lengths to find the victim who has gone missing. For example, some families may falsely accuse a missing person of a crime in the expectation the police will locate the person for them. They may seek to embellish the report by exaggerating the subject's vulnerability, when in fact the person is actually trying to flee. Police officers must be mindful that when an adult missing person is located, their whereabouts must not be disclosed to others if this is against their wishes.

A synopsis of any independent return interviews carried out by social care with the individual will be sent to Essex Police from Social care to the 'Missing Person Liaison Officers' (MissingPersonLiaisonOfficers@essex.pnn.police.uk) inbox.

### **Missing Person found deceased**

Where a deceased person is found who is believed to have been reported missing, Essex Police should treat the death as suspicious until confirmed otherwise.

### **Missing Mental Health Patients**

'Missing' mental health patients are patients who are missing from a hospital where they were detained under a civil order and escapees are patients who have escaped from the custody of a hospital imposed by a court.

This section applies to a person who has been compulsorily admitted to hospital:

- for assessment under Sections 2 or 4 Mental Health Act;
- for treatment under Sections 3, 5(2), 5(4) or 37 Mental Health Act;
- detained in a place of safety under sections 135 and 136.

A person who has been compulsorily admitted to hospital for treatment or assessment as above, may be granted leave of absence for any period of time authorised by certain

members of the hospital staff under Section 17 Mental Health Act. If the person fails to return to hospital on time, or for some reason the leave has been terminated early by a responsible clinician, then they become a missing person.

Section 18 Mental Health Act provides police officers with the power to return a missing mental health patient to the hospital. However, Section 18 does not provide a power of entry. Entry to premises to enact the Section 18 arrest power is only provided by Section 17(1)(d) PACE where the officer is in pursuit of the patient. This is a limited and unlikely eventuality. However, while Section 18 provides a power for the police to retake a missing patient, it is primarily the responsibility of the hospital from which the patient is missing to make enquiries to confirm the patient's location and make their own efforts to retake the patient. The Section 18 power to retake a patient is not limited to police officers. The power is also available to any Approved Mental Health Professional, any officer on the staff of the hospital and any person authorised in writing by the managers of the hospital.

In the case of a rescinded leave of absence, an appropriate written authority signed by the responsible clinician may be requested, prior to any police action.

A patient detained under Section 18 must not be taken to a police station but to a hospital. There is no power to keep a patient at a police station, unless they have been detained under Section 135(1) or Section 136 and only in compliance with the Police and Crime Act 2017 (exceptional circumstances).

If a person is missing whilst under any other provisions of the Mental Health Act (MHA), for example under Guardianship, Community Treatment Order (CTO) or conditional discharge, and are a resident of a care or nursing home, this must also be clearly explained to the police, and all relevant authorities need to be informed including the responsible clinician and the Local Authority, to enable a coordinated approach under relevant legislation.

### **Missing Persons who may lack mental capacity**

A person who lacks mental capacity and is deprived of their liberty under the Mental Capacity Act Deprivation of Liberty Safeguards (DoLS) in a care home or hospital, can be returned where they should be accommodated for the purpose of receiving care and treatment in their best interests. The law enables the Authorities to act upon the DoLS authorisation to bring the missing person back. However, this decision will need to be taken on balance, having assessed the risks to the person. The Local Authority will take the lead in making the decision, and if necessary the Police will assist in bringing the missing person back. Providers need to have copies of the legal documents available, should it be necessary to verify the legal status of the person (DoLS standard or urgent authorisation, MHA documentation).

In some circumstances, an urgent Court of Protection order may have to be sought in relation to a person who lacks mental capacity and is at immediate risk and where there is no other legal framework that can be relied upon. Equally, in relation to a person who is under coercion and/or duress, a High court order can be made to allow public authorities access to the person or to order their removal from a certain place. The Police will assist in executing the court order if necessary.

### **Herbert protocol**

The Herbert Protocol is a national scheme which encourages carers to compile useful information which could be used in the event of a vulnerable person going missing. Carers, family members and friends can complete in advance, a form recording all vital details, such as medication required, mobile numbers, places previously located, a photograph etc. In the event of the person missing, the form can be easily handed to the police to reduce the time taken in gathering this information. In a care setting, the care provider, the person at risk or their family can fill in the form. Please seek permission from the person at risk or their next of kin. If neither is possible, the care provider should make a 'best interests' assessment. The form should be completed and regularly updated, so that all the information is as relevant as possible. For more information see <https://www.essex.police.uk/notices/af/herbert-protocol/>.

### **Data Protection and consent**

Any information relating to an identified or identifiable living individual recorded as a consequence of this procedure will be processed in accordance with the Data Protection Act 2018 and General Data Protection Regulations. Where possible and practical the adult should be informed and asked for information to add to the form. They should also be told that it will be kept in the event that they go missing (people with fluctuating capacity) and that it will only be shared with the staff in the establishment and the police and other relevant partners concerned with finding them.

## Appendix 1 - Missing Form – Planning and preparing for missing episodes



This form should be completed as soon as the relevant party suspects that a person may be at significant risk of going missing or collated at the time they are discovered to be missing but should not delay reporting the incident to the police. The reporting establishment should make reasonable enquiries to ascertain that the missing person is not on the premises. This form will enable the police to risk assess the person accurately and have all the necessary information to assist during the search and investigation.

### 1) Organisation details

Name of organisation:	
Full address/location the person is missing from including postcode:	
Name of person completing this form and position held:	
Name of social worker if applicable:	

### 2) Details of person missing or at risk of going missing:

First name (and any other known by name):	
Surname:	
Date of birth:	
Address if different from above incl. postcode:	

### 3) Description of missing person or at risk of going missing and circumstances

Physical appearance – ethnicity, height, build, hair (include last known clothing they were seen in and any identifying marks/scars/tattoos):	
Do they have mental health issues, disabilities or learning difficulties; are there concerns about their mental capacity? Has their mental capacity been assessed in relation to being accommodated in the place they are missing from? please detail:	
Do they have access to cash/bank cards (with whom)?	
Have they been missing previously and if so, where were they found?	
Does this episode coincide with a memorable date/time?	

Do they have access to a vehicle? Make, model and registration:	
Does the person have a mobile phone/social media account? Please provide details:	
Does the missing period appear to have been planned (notes left, clothing taken etc.)?	
Do they have any physical health issues? Do they take medication? Do they have this with them and when was it last taken? What is the implication of not taking medication?	
Passport details, location and access to passport?	

#### 4) Details of close family member or next of kin

Name:	
Relationship:	
Address:	
Contact details:	
Is there any reason not to inform them?	

#### 5) Other useful information?

Missing people often go back to places important to them, their family, their career, childhood or are connected to important events in their lives.

Are there any known places that the service user may visit, friends, relative?	
Any other useful information (GP/Dentist)?	
Any other information which may be useful in locating the person (use of social media)?	
Are they subject of an order or any legal framework? Please give details (e.g. MHA or MCA DoLS, or court order). Please specify the expiry date if known or applicable? Please be prepared to provide a copy to the police.	

#### 6) Free Text box: just in case there is anything else

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