



**Children's Safeguarding and Family  
Help**

Child Protection Orders

## 1. Introduction

- Part 5 of the Children Act 1989 contains a number of orders that allow local authorities to intervene in children's lives on a short-term basis in order to protect them from significant harm in emergency situations or where access to the child is being frustrated.
- The orders aim to enable local authorities to respond quickly where a child is in imminent danger whilst ensuring parents have an opportunity to challenge decisions.
- Social workers should refer to the guidance in *Working together to safeguard children* and the London Safeguarding Children safeguarding procedures.

[Working together to safeguard children - GOV.UK](#)  
[London Safeguarding Children Procedures](#)

## 2. Child assessment orders (CAOs)

### 2.1 Legal framework

- Section 43 allows a local authority to apply for a CAO in order to assess the child's situation and their health and development where there are concerns that they may be suffering significant harm but parents are not co-operating with social workers and access to the child is difficult.
- It would normally be sought where there is no immediate risk but there is a lack of information or assessment needed to establish levels of harm and decide on subsequent actions needed to protect the child.
- An order will be made where:
  - there is reasonable cause to suspect that the child may be suffering significant harm
  - an assessment is needed to determine this
  - without an order, no assessment is likely to be carried out.
- The order:
  - will run from a specified date and will last up to 7 days
  - directs parents to bring the child to a specified place for assessment on a given date and allow a named person to carry out an assessment of the child
  - provides specific directions on what sort of assessment is to be carried out, by whom and how

- may allow the child to live away from home during the assessment period and make arrangements for contact if this is the case.
- The order does not give local authorities parental responsibility. The child may refuse consent to the assessment if they are thought to have a sufficient understanding of the issues in order to make an informed decision.
- During the hearing of an application, the court may decide to make an Emergency Protection Order if this is thought to be more appropriate.

## **2.2 Practice issues**

- This is not an emergency order; it should be considered where a section 47 investigation has started following concerns about significant harm and there is clear evidence that parents are blocking social work and other professional access to the child. However, in some cases frustrating access to the child in order to assess them could be grounds for an EPO.
- Before considering the order, social workers should try to engage families in the assessment process, using input from other professionals where appropriate. Details of steps taken to progress the assessment should be clearly recorded on the case record as the court will require evidence of parental non-co-operation.
- Social workers should discuss any difficulties in accessing the child with their supervisor and where an assessment order is thought to be appropriate, get authorisation to approach Legal Services for a legal planning meeting.
- Social workers should carry out enquiries with the professional network regarding the child's situation and the state of their health, wellbeing and development and to get their views on whether further assessment is needed before deciding on making an application. It is vital that where possible, and prior to any application, the child is seen by a professional who is competent to make a judgement on their welfare, but this should not in any way delay taking action to safeguard the child.
- The professional network should also meet to plan the assessment and consider the following as this information will be needed by the Court prior to making a decision:

- what assessment is needed and who will carry it out
  - what arrangements are in place to carry out the assessment, including dates, times, duration etc
  - dates that need to be covered by the order
  - who will bring the child to the assessment
  - who will co-ordinate the assessment
  - if the child is to live away from home during the assessment, what arrangements will be in place for their accommodation and contact with parents (foster or family and friends placement).
- Assessments that may be covered include specialist medical assessments, social work assessments or assessment of behavioural and emotional well-being. An assessment should not cover information that is already available in previous assessments unless that assessment is considered to be out of date.
  - All arrangements for the assessment need to have been agreed prior to the legal planning meeting before any application is made so that the information is available for the court. The wishes and feelings of the child and their parents should be sought and all attempts made to ensure their full participation in the assessment process.

### **2.3 Application**

- In support of the application, the social worker should provide a statement and an assessment plan giving details of:
  - family composition, a brief social history and any involvement with CSFH
  - details of enquiries made and how these have failed or been frustrated
  - what assessment is needed and why
  - why an order needs to be made to ensure an assessment takes place
  - how the assessment will be conducted.

### **2.4 Post assessment**

- Once assessments have taken place and the nature and extent of the child's needs are known, social workers should be able to plan interventions. These could be either working with the child as a child in need or convening a case conference.

- However, if assessment shows that the child may be at serious risk if they remain at or return home, social workers should seek legal advice on obtaining an Emergency Protection Order (see below) or issuing care proceedings.

### 3. Emergency protection orders (EPOs)

- For further information on EPOs please refer to the *Applications for Emergency Protection Orders* policy; [Applications for Emergency Protection Orders](#)

#### Practice issues

- There should be a strategy meeting or discussion with the Police prior to any decision to seek an order and all children living in the house should be considered as part of this discussion.
- The meeting should consider alternative actions, such as arranging for an adult to leave the family home and providing support to the adult to do this if appropriate or placing the child with a kinship carer, before deciding on legal action.
- Once authorisation is obtained from the service manager to apply for the order, the team manager should seek advice from Legal Services by telephone and give immediate instructions.
- This discussion should cover:
  - what evidence there is for obtaining an order
  - what other actions have been tried to avoid the need for an EPO
  - whether the application should be made without notice to parents
  - what directions are needed, for example around assessment or contact.
- If an application needs to be taken immediately because the child is in imminent danger, a strategy discussion must be held as soon as possible afterwards.

#### EPOs and police protection

- EPOs can be sought because the child has been taken into police protection and CSFH need to take action to continue to protect the child before police protection lapses (see below). However, it is likely in some cases that the police will have acted in response to a one-off crisis that is not continuous and does not warrant an EPO, for example a child being left alone.

- Where it is likely a child will need continuing protection, a strategy discussion must be held to decide if an EPO needs to be obtained because the child remains at risk, enquiries are likely to take longer than 72 hours and it is not thought to be safe for the child to return home.
- Where incidents happen out of office hours, the Emergency Duty Team will arrange for a child to be taken into police protection and place them with an emergency foster carer. The EDT social worker will then contact CSSW when the office re-opens to notify them of the situation. CSFH can then take any necessary action.

### **Implementing the EPO**

- EPOs must be served on parents within 48 hours of being made and the social worker and team manager should decide whether Police assistance will be needed to carry out the order and remove the child.
- It is essential that the grounds for the EPO still exist at the time that the child is removed. If there is any doubt, social workers need to check with their manager for further instructions.
- Parents should be given a copy of the order and an explanation as to what will happen to the child. Social workers should have a placement available for the child to go to on removal, but should make a decision as to whether it is safe to disclose the address to parents, seeking the courts advice where appropriate.
- Social workers should convene a legal planning meeting within 3 days of the EPO being made in order to decide what further legal action is needed to safeguard and promote the child's welfare, for example extending the EPO or initiating care proceedings.

## **4. Police Protection**

### **4.1 Legal framework**

- The police have powers under the section 46 to act immediately to remove a child to a place of safety or prevent them from being removed in order to safeguard their welfare. The basis for this is where there is a reasonable cause to believe that they would otherwise suffer significant harm but there is not enough time to obtain a court order.
- Police protection may only last for 72 hours, and a designated senior officer must make enquiries during this time and return the child to their parent or carer within this timescale unless the child remains at risk of significant harm. The designated officer should also allow reasonable contact between the

child and their parents and significant others if this is in the child's best interests.

- The police officer who took the child into police protection must notify the local authority and assist in arrangements for the child to be accommodated or returned home. The officer should also notify the child's parents or carer unless it is not reasonably practicable to do so.
- The local authority should then make enquiries under section 47 and decide what action to take in order to safeguard and promote the child's welfare, and may apply for an EPO.
- Neither the police officers nor the local authority will have parental responsibility for the child but must do whatever is reasonable to safeguard and promote their welfare while they are in police protection.

#### **4.2 Practice issues**

- A local authority can ask the police to take a child into police protection if the circumstances of the case mean this is necessary. The police officer must have reasonable cause to believe that the child is at risk of significant harm. However, police protection should only be used where there is an immediate risk of significant harm to the child and there is no time for CSFH to apply for an EPO.
- A key principle of the Children Act is that children may only be removed from their parent's care without the parent's informed agreement under court order. Police protection is the only exception to this rule and should therefore be used only in exceptional circumstances.
- Powers under police protection allows a police officer to remove a child from their parent's care to a place of safety, or to prevent the child from being removed from a place of safety, for example a hospital ward.
- On being notified of a child being in police protection, social workers should ensure that the child is moved to a suitable placement, and placing the child with family and friends should be explored in the first instance.
- Social workers should convene a strategy meeting to look at the circumstances of the case and decide whether the child can return home safely. Alternatively, the meeting could decide that the child should go to live with a family member or consider whether to apply for an EPO or an interim care order.

- If the child has been found in Camden but is normally resident in another borough, the Police will notify Camden CSFH. The social worker should convene a strategy meeting and invite a representative from the home borough to negotiate transfer of case responsibility and ensure on-going protection for the child.

## 5. Recovery orders

### 5.1 Legal framework

- Recovery orders under section 50 are made when a child is removed from the care of a responsible person contrary to a court order or goes missing from their placement. Recovery orders may be sought for children:
  - who are being looked after under a care order or interim care order
  - are subject to an EPO
  - are subject to police protection.
- The purpose of recovery orders is to:
  - direct anyone who is able to return the child to the responsible person
  - allow the local authority or police to remove the child from the care of anyone who is not the responsible person
  - direct any person to provide information on the child's whereabouts
  - allow the police to enter a specific premises to search for the child.

### 5.2 Practice issues

- Where Camden has parental responsibility for a child either under a care order or EPO, CSFH will make any necessary application for a recovery order. The social worker should request a legal planning meeting to consider why a recovery order is needed and look at what information is available to help locate the child, including names of people they may be with or addresses where they may be found.
- The social worker should complete a statement for court and will need to link with the police to carry out the order to find the child and return them to their placement. Applications should be made on court form C1.
- It should be noted that a recovery order may only be used once to locate a child; if the child runs away again, social workers will need to apply for another order.