

# Understanding What's Going On

## Child Protection Orders and Emergency Police Powers



### Keeping your child safe

Whenever there are concerns about your child's safety and wellbeing, we need to think about what action, if any, needs to be taken to help make sure your child is safe and provided with the help they need. If it is believed there is immediate danger, either a Child Protection Order may be granted or the police can make use of emergency powers to remove your child to a 'place of safety'.

A **Child Protection Order** is a court order granted by a Sheriff when it is believed a child is likely to or has suffered significant harm and needs to be immediately moved to keep them safe.

Any person can apply for a Child Protection Order if they believe a child is being ill-treated or neglected in a manner which is causing significant harm or that the child may be at risk of significant harm and needs to be moved to prevent this risk of harm. Usually it is the local Council that applies for an order.

The Sheriff will listen to those who have made the application to decide whether or not there are sufficient grounds to grant the order. The order will give authority that your child can be removed from home to a safe place, or prevent the removal of your child, from a named 'place of safety', for example, a hospital or grandparent's home. The Sheriff can attach terms and conditions to the order to ensure the protection of your child, for example, a condition that they have no contact with a particular named person or that your child must have a medical examination.

Given the circumstances and any concerns about risk, you may be consulted before we apply for a child protection order; this does not happen in every case. We can explain this to you in more detail. Whatever the circumstances, you will be notified as soon as an order is granted and you will have the right to apply to the Sheriff

to have the decision reconsidered. You should also seek legal advice. Legal Aid may be available.

Once an order is granted, a process involving the Scottish Children's Reporter Administration (SCRA) and the Children's Hearing system begins. An initial Children's Hearing will be held within two working days of an order being used to protect your child. Depending on the circumstances, the Children's Reporter can recall the order during this time if it is believed it is no longer required.

Unless there are special conditions attached to the order, you will be able to attend the Children's Hearing and the Children's Reporter will provide you with information about the advice and support available to you. The hearing will decide whether there the Child Protection Order is still needed and, if so, changes may be made to the terms and conditions.

The order may be continued by the Children's Hearing to a further hearing at which point, if necessary, the Children's Hearing can make arrangements to protect your child through other legal measures.

**Police Emergency Powers** can be used to remove your child to a 'place of safety' where the same grounds for applying for a Child Protection Order are present, but it is determined there is a need for emergency action to protect your child.

The power to remove a child lasts less than 24 hours. Thereafter the police (or another person) need to apply to the Sheriff for a Child Protection Order to secure the child's place of safety if it is still considered that one is required. You will be informed that your child has been removed but will not be given information on the location of the 'place of safety'.

If emergency powers are used, the Children's Reporter will become involved and make the same arrangements for an initial Children's Hearing to be held.

In every case before applying for any Court Order or taking emergency action, we will try to work with you to ensure your child is protected. Court Orders or emergency action will only be taken where it appears that a child may be at risk of significant harm and an order or emergency action is necessary to protect the child.

If a Child Protection Order is issued, or emergency powers used, you will be required to comply with these.

## Seeking Legal Advice

If at any time you feel that you need legal advice on what you or your child's rights are you can contact:

- A solicitor (Legal Aid may be available) [www.slab.org.uk](http://www.slab.org.uk)
- The Scottish Child Law Centre [www.sclc.org.uk](http://www.sclc.org.uk)

Your support during this process is:

NAME:

TELEPHONE:

More information about the child protection process is available from the East Renfrewshire Child Protection Committee Website:

[www.eastrenfrewshire.gov.uk/ercpc](http://www.eastrenfrewshire.gov.uk/ercpc)



All our information for families can be translated by request.