



Protocol for the care and transfer of children taken into Police Protection

**Essex Police and Southend, Essex and
Thurrock Childrens Service**

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1. Introduction

The power of Police Protection is an emergency power which should only be used where there is no other available means to safeguard a child from the risk of immediate and significant harm.

Removal of children from the care of their parents or carers, without recourse to the Courts, is a serious step and can have life-long consequences for family relationships and the emotional welfare of children. Inappropriate use of Police Protection can lead to emotional distress for children and young people.

The threshold for using Police Protection Powers is the same as the threshold for instigating a Section 47 child protection investigation.

2. Police Protection

Power to Remove Child (Section 46 (1) Children Act 1989)

A police officer, who has reasonable cause to believe that a child would otherwise be likely to suffer significant harm may:

- Remove the child to suitable accommodation and keep them there; or
- Take such steps as are reasonable to ensure that the child's removal from any hospital, or other place, in which they are being accommodated is prevented.

There is no specific legal definition for what constitutes significant harm¹. However, the following factors need to be considered:

- The family context;
- The child's development within the context of their family and wider social and cultural environment;
- Any special needs, such as a medical condition, communication difficulty or disability that may affect the child's development and care within the family;
- The nature of harm, in terms of ill-treatment or failure to provide adequate care;
- The impact on the child's health and development;
- The adequacy of parental care.

¹ Harm is defined as the ill treatment or impairment of health and development. This definition was clarified in section 120 of the Adoption and Children Act 2002 (implemented on 31 January 2005) so that it may include "impairment suffered from seeing or hearing the ill treatment of another" for example, where there are concerns of domestic abuse. There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and the extent of physical harm, the duration and frequency of abuse and neglect, the extent of premeditation, and the presence or degree of threat, coercion, sadism and bizarre or unusual elements. (SET Procedures 2016)

It is important to take into account the child's reactions and, whilst the wishes of the child must be listened to, they do not have to be acted upon.

It is possible to take children into police protection, without physically moving them from their present location. An example would be where a child is, at the time, being treated in hospital, and the child needs to remain there.

Unless, for example, there is an imminent threat to a child's welfare, no child is to be taken into police protection, until seen, and the circumstances assessed by the initiating officer.

The police may enter premises by force in order to protect life and limb (Police and Criminal Evidence Act 1984, section 17).

3. Threshold for Section 47 Enquiry

A S47 enquiry must always be commenced when:

- There is reasonable cause to suspect that a child **is suffering or likely to suffer significant harm** in the form of physical, sexual, emotional abuse or neglect.

The necessity to take out police protection on a child is the same threshold for instigating a S47 inquiry.

4. Role of the Designated Officer - Inspector

The role and responsibility of the designated officer (usually the duty Inspector) cannot be underestimated. The designated officer must inquire fully and thoroughly in to the case and must do what is reasonable in all circumstances for the purpose of safeguarding or promoting the child's welfare. They are also the key decision maker as to whether resorting to police protection is necessary.

5. The Key Circumstances in which Police Protection is most often used in Essex:

a) Family Breakdown/Challenging Behaviour of Teenagers

Navigating through teenage years is challenging for both parents and teenagers. The brains of teenagers are not sufficiently developed to enable them to regulate their emotions, responses or make balanced assessment of risk. They seek to push parental and societal boundaries as they try to assert their growing independence.

This can lead to child and parental disputes and allegations of assault and criminal damage which may come to the attention of Police.

b) Physical/Sexual Abuse allegations and observation of neglect and poor home conditions

Children and members of the public can report or disclose abuse by parents, family members or associates. Officers can observe children being provided with neglectful home conditions or parenting in the course of responding to other incidents or enquiries. On occasions children are abandoned or without an adult with sufficient capacity to care for them.

c) Recovery of missing children or those at risk of child sexual exploitation

Where children and young people who have been reported as missing are located by Essex Police they can voluntarily be returned to the care of their parents or designated carer where the consent of the parent has been obtained.

The power of Police Protection should only be used where the child or young person is resistant to attempts to remove them from their found location AND remaining in the found location would place them at risk of suffering significant harm.

Where a young person over the age of 16 years refuses to return to their parent or carer and there is no evidence that they would be at risk of suffering immediate harm there are no grounds for removing them using the power of Police Protection. For example, a 16 year old young person chooses to stay with school friends rather than return home as requested by their parents.

6. Within the legal framework for protecting children Essex Police and Southend, Essex and Thurrock Childrens Services agree that we want to:

- Intervene in the lives of children and families at the lowest appropriate level
- Work together, before Police Protection is taken, to share information and agree what action would best meet the needs and safety of the child.
- Only take children into Police Protection where there is no suitable alternative and their immediate safety is at risk
- Be clear about the difference between children who have suffered some harm and those who have suffered, or are at risk of, significant harm
- Engage with parents and families so that they can access appropriate services to support them to adequately care for their children and mitigate the need for Police Protection
- Negotiate alternative private care arrangements for children with the extended family and friends where it is not safe for them to remain with their primary carer / parent so that Police Protection is not required.

- Reduce the number of teenagers who are removed from their family home by Police because there has been a family dispute.
- Reduce the number of teenagers who are made subject to Police Protection after they have been removed from the family home because their parents will not agree for them to return.
- Reduce the number of teenagers who are arrested and charged with assault and criminal damage offences within their home and against their parents.
- Provide support and information to teenagers and their parents about services which can help strengthen their relationships and keep teenagers at home
- Ask adults within families to identify their own solution to secure a 'cooling off' period within their own family and friend network e.g. step-father could go and stay with his parents or teenager could spend the night with their grandparents.

7. Escalation Policy

If a case has been referred to social care and they disagree with the police decision to take the child in to police protection then the duty Inspector will contact the duty social care manager for that area. If out of office hours this will be the Emergency Duty Team (EDT).

Before police protection it would be beneficial for the duty Inspector to discuss the case with the duty social care manager. This is to ensure that all avenues have been explored around the welfare and safeguarding of the child before having to resort to taking out police protection. This allows for a professional conversation to be held and to assist in joint working and information sharing with social care professionals thus ensuring whatever decision is made is the best in the interests of the child.

8. Where Police Protection has been taken

Police will:

In all cases, the attending officer should take all reasonable steps to contact social care before exercising the power of Police Protection. This enables the sharing of relevant information and joint planning as to how the child's needs' can best be met.

Officers are expected to discuss and negotiate with parents/carers of the child an alternative private arrangement with extended family or friends which will afford the child a place of safety.

Where possible, children should not be taken to Police stations and should be conveyed by the attending Officer to an identified place of safety.

On all occasions where a child is taken into Police protection a PP57 must be completed and emailed to Childrens Social Care for that area. **Remember that the grounds for taking Police Protection are the same as commencing a Section 47 child protection investigation.**

Social Care will:

Share known information with the Police about the suitability of a proposed place of safety.

Consider whether a statutory assessment of the child and their circumstances is required.

Provide advice and guidance to the Police about the need for a child to be taken into Police Protection or alternative places of safety available to the child from within their family and friends network.

Where there are no alternative places of safety for the child AND social care agrees that the child requires police protection from their primary carer they will make immediate arrangements for a placement to be established so the child can be transferred from the protection of the Police to an officer of the Local Authority.

Within daytime hours (8.45am to 5.30pm Monday – Thursday and 8.45am – 4.30pm on Friday) the Local Authority will aim to transfer care of the child from Police to the Local Authority within 2 hours of contact being made with the Local Authority. Outside of these hours and on Public Holidays the Emergency Duty Service will aim to transfer care of the child from Police to the Local Authority within 4 hours of contact being made.

Where social care do not agree that Police Protection of a child is required because the risk posed by their primary carer is not significant and/or immediate or that there is suitable alternative family arrangements available the Police are responsible for conveying the child/ren to their primary carer or place of safety.

It is not acceptable for children to remain under Police Protection at a Police station because Police disagree with the decision of social care. Social Care is able to use their discretion to return a child to their parent / primary carer during the period of Police Protection.