



Centre for Professional Practice

LEGISLATION

CHILD IN NEED OF PROTECTION

Please note that this is only an easy access guide to where a Social Worker can find the relevant legislation. It is not intended to be a comprehensive statement of the law, it simply guides you to where in the law specific provisions relating to the powers and duties of the LA can be found.

Local authority duty to investigate cases in which a child may be suffering significant harm: [Children Act 1989 Section 47](#)

<ul style="list-style-type: none">Duty to make enquiries when there is cause to suspect that a child is at risk of harm	S47(1), (2), (3)
<ul style="list-style-type: none">Manner in which enquiries are to be carried out is described in Working Together to Safeguard Children	
<ul style="list-style-type: none">Duty to see, and to consult, the child	S47(4), (5A)
<ul style="list-style-type: none">Duty to take action as a result of enquiries	S47(8)

Emergency Protection Order : Children Act 1989 [Section 44](#), [Section 44A](#), [Section 44B](#), [Section 45](#)

<ul style="list-style-type: none">Power to apply to Court for an EPO	S44(1)
<ul style="list-style-type: none">Power, when an EPO has been granted, to search for the child, and to remove him/her or to prevent his/her removal.	S44(4), (5)
<ul style="list-style-type: none">Power, when an EPO has been granted, to exercise parental responsibility for the child	S44(4), (5), (13)
<ul style="list-style-type: none">Duty to return child to care of parents if it is safe to do so	S44(11), (12)

Child Assessment Order: [Children Act 1989 Section 43](#)

Power to Apply to Court for a Child Assessment Order	S43(1)
Power, when a Child Assessment Order has been granted, to carry out the assessment	S43(5) – (10)

Police Protection: [Children Act 1989 Section 46](#)

<ul style="list-style-type: none">• Police power to remove a child at risk of harm	S46(1), (6)
<ul style="list-style-type: none">• Police duty to notify the local authority and arrange for the child to be removed to local authority accommodation or to a refuge.	S46(3), (4), (10)
<i>Note: The corresponding local authority duty to accommodate the child is in CA1989 S21</i>	