

## **Identifying the need for emergency powers to protect**

### **Seeking Emergency powers to protect children or assess their needs**

Section 55 of the Children (Scotland) Act 1995 sets out the [grounds](#) under which the local authority can make application to the Sheriff for a Child Assessment Order.

A **Child Assessment Order** gives the local authority the legal power to carry out an assessment of:

- the child's health or development, or
- the way in which the child has been or is being treated or neglected.

The assessment must:

- begin no later than 24 hours after the order is granted, and
- not exceed 3 days.

The order can if necessary, for the purpose of the assessment:

- give the local authority the power to take the child to a specified place and keep the child in that place, or another place, for the duration of the order.
- require any other person having the child in their care to produce the child to the local authority officer.
- include specific directions for contact between child and any other person.

Practitioners must consider the best interests of the child in making any recommendation to the Sheriff with regard to such contact and feasible arrangements to enable safe contact.

Section 57 of the Children (Scotland) Act 1995 sets out the [grounds](#) under which the local authority can make application to the Sheriff a Child Protection Order.

A **Child Protection Order** is an order doing one or more of the following—

- requiring any person in a position to do so to produce the child to a specified person,
- authorising the removal of the child by the specified person to a place of safety and the keeping of the child in that place,
- authorising the prevention of the removal of the child from any place where the child is staying (whether or not the child is resident there),
- authorising the carrying out (subject to section 186) of an assessment of—
  - the child's health or development, or
  - the way in which the child has been or is being treated or neglected.

Grounds for both Child Assessment and Child Protection Orders hinge on assessments of the significance of harm being suffered, or likely to be suffered, under current, or foreseeable circumstances.

With regard to assessment of the likelihood of significant harm, practitioners should consider guidance in respect of [Child Protection Risk Assessment](#).

Practice steps are set out in [National Guidance for Child Protection 2014](#).