

## **Guidance / Notes for Police when working with a child / young person regarding how accommodation can be provided**

These notes have been created by Cumbria County Council Safeguarding Hub to assist the police in understanding the role of EDT when police protection is being considered or when they are working with a Looked After Child.

***These notes are not intended to constitute legal advice and should not be relied upon as an interpretation of the Law. Anyone reading this note should seek their own legal advice as required.***

### **Police Powers of Protection**

**If the police are concerned for the child/young person there should be some consultation (potentially via a strategy discussion) with an EDT worker before Police Powers of Protection are used.**

The EDT worker may have access to information about alternative ways to provide safety, for example via friends / families that mean that these powers are not required as there may be an alternative way to reduce the risk.

If this discussion is not possible before the police use their powers, EDT should be made aware as soon as possible.

When a child / young person is in police protection the role of EDT is to secure safe accommodation. This is ultimately the decision of the Local Authority and may mean that the child goes to stay with friends and family rather than Local Authority accommodation e.g. foster care. If they are a Looked After Child and the decision is that it is safe for the child to return to their placement, an alternative placement will not be sourced.

If the Local Authority decision is that there is no one able to safely care for a child when the police have exercised their powers, then an emergency placement will be sought.

The EDT worker has access to a list of possible placements that may be available across the County (these are placements that are provided by the Local Authority but also ones that are external to the Local Authority that are commissioned).

Placements are in high demand and it can be a challenge finding a suitable placement for a child.

If the call from the police is made later at night to EDT or through the night hours it can be more difficult to source a placement. This is because carers are contacted individually to ascertain if they can provide a placement. In these instances there may be a delay in a placement being provided.

The expectation would be that EDT keep the police updated regarding the placement search. There should be a discussion between police and EDT about practical arrangements for the child whilst the placement is being sought e.g. belongings, who will sit with them etc. **Note** – if there is only 1 worker on shift for EDT it will not be possible for EDT to provide a person to assist the police with practicalities. The decision about whether an EDT worker could physically go to the police station to support would be for the Team Manager on duty.

If there is a delay in providing accommodation it may be that the EDT worker goes off shift and a new worker comes onto shift. There will be a handover between the two workers. They would continue to try and source a placement for the child.

## **Section 20**

Section 20 of the Children Act 1989, is 'voluntary care' / 'voluntary accommodation' and parents would need to be in agreement for their child to be accommodated by the Local Authority. **This cannot be offered by another party i.e. the police.**

- Parents have parental responsibility for their child. Prior to section 20 being agreed parents would be expected to consider if there were any friends or family that could provide support to reduce the potential risk. **The police could assist by asking if they have any friends or family that could help with this.**
- Section 20 accommodation is not just about housing. It is taking a child into the care system by agreement of the parents rather than by a Court Order.
- The decision for EDT to offer Section 20 accommodation cannot be made by the EDT worker on the phone. This is a Senior Management decision

because it means that the child is entering the care system. This means that approval must be sought for this agreement to be made.

- Section 20 does not allow the Local Authority to share parental responsibility with the parents, who may remove their children from section 20 accommodation at any time.
- If a parent does not agree to section 20 accommodation and the Local Authority believe that it is unsafe for them to remain at home (and the parents have not been able to provide a safe alternative plan), there are only two lawful options available to the Local Authority to remove a child from their care: either (i) by asking the police to exercise their powers to remove for a short period of time (72 hours) or (ii) by making an application to the Court for an Emergency Protection Order or an Interim Care Order, which are both temporary Orders.

## **Court Orders**

### **The Local Authority can apply for the following orders via the Courts**

**EPO-** Emergency Protection Order (EPO) gives the applicant (Local Authority) the power to remove a child or keep a child in a safe place for a specified duration (usually 72 hours although this can be extended).

**ICO-** Interim Care Order- (ICO). This means that Care Proceedings are ongoing (a final decision about the care of the child has not been made). The Local Authority and the Parents share parental responsibility for a child. Usually any change of placement would need to be planned and the court informed.

The child could be placed at home or with a parent / friend / relative when subject to an ICO. This would be with the agreement of the Local Authority and the Court would be aware. Alternatively the child may be placed in foster care or a residential home.

The police can exercise their powers in relation to a child on an ICO however if the Local Authority believe that the child remains safe in the placement they reside in, the use of police powers of protection would not necessarily mean that a new placement was provided.

**Care Order** - This means that Care Proceedings have been completed and the final Order made was for the Local Authority to continue to share parental

responsibility. However, the Local Authority holds the authority to make key decisions, for example where the child lives.

The police can exercise their powers in relation to a child who is subject to a Care Order but as with an ICO if the Local Authority believe the child remains safe in their placement the use of police powers of protection would not necessarily mean that a new placement was provided.

### **Children Looked After who are placed in Cumbria but are not Cumbria children's (CLAE)**

**CLAE-** This is when a child/young people are placed in Cumbria by another Local Authority. The parents and the placing Local Authority hold parental responsibility for them and not Cumbria. There are usually cared for under Care Orders or section 20 by the placing Authority.

If this young person comes to the attention of the police, then a discussion would need to be undertaken with Cumbria EDT about the current concerns. (Note - If there has been an incident suggesting that the child is at risk of significant harm that has occurred in Cumbria, Cumbria EDT would host the strategy discussion).

After the discussion has taken place between police and EDT, the placing Authority will need to be contacted. The police and EDT will agree who will contact the placing Authority (this is likely to be the police if they have the child in their care). If there are issues regarding accommodation with a CLAE it is the responsibility of the Authority with Parental Responsibility (the placing authority) to make decisions.

**Cumbria County Council – 14<sup>th</sup> November 2019**

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