

Police Powers to Protect



Police protection

The police in the UK have specific powers to protect children who are at risk of significant harm. These powers are governed by various laws and pieces of legislation aimed at ensuring the safety and welfare of children.

1 Relevant Legislation

1. Children Act 1989
2. Police and Criminal Evidence Act 1984 (PACE)

2 Police Protection Powers Under the Children Act 1989

Section 46 of the Children Act 1989 gives the police the authority to take immediate action to protect a child in situations where there is an imminent risk of significant harm. This is known as a "police protection". Police are the only public agency that can remove a child from their home without a court order.

3 Key Provisions of Section 46

- 1. Taking a Child into Police Protection:** A police officer who has reasonable cause to believe that a child would otherwise be likely to suffer significant harm can: Remove the child to suitable accommodation and Prevent the child's removal from a hospital or other place where they are currently being accommodated.
- 2. Duration of Police Protection:** The police can keep a child in protection for up to 72 hours. During this period, the local authority must be notified and an application to the courts for an Emergency Protection Order (EPO) may be considered.
- 3. Responsibilities and Welfare:** The child must be moved to a place of safety, such as foster care, a hospital, or any other accommodation agreed upon by the local authority. The police must inform the local authority and parents or guardians as soon as practicable. The child's welfare is paramount, and any actions taken should aim to safeguard and promote their well-being.
- 4. Release from Police Protection:** The child must be released from police protection if the criteria for their detention no longer apply. If an EPO is not obtained within the 72-hour period, the child must be returned to their parents or guardians unless there are other legal grounds to continue protection.

4 Summary

Police powers to protect children in the UK are essential for immediate intervention in situations of significant harm. Governed by Section 46 of the Children Act 1989 and supported by provisions in the Police and Criminal Evidence Act 1984, these powers enable the police to act swiftly to safeguard children. Collaboration with local authorities ensures that children receive the necessary care and protection following police intervention.

