

# Policy on Emergency Protection Orders

## Policy statement

Children's Services policy is to utilise appropriate measures under the Children Act 1989 to protect children who are suffering or likely to suffer from significant harm.

## Policy status

Children Act 1989

## Key points

1. This order only applies to children where there is reasonable cause to believe that the child is suffering, or is likely to suffer, significant harm if they are not removed to accommodation provided by, or on behalf of, the applicant or if it is considered they should remain in the place in which s/he is presently being accommodated i.e. if child is at hospital.
2. It can be used by a Local Authority if the LA is being frustrated from carrying out an investigation under section 47 of the Children Act 1989.
3. An Emergency Protection Order can last for up to 8 days and, in exceptional circumstances, extended for a further 7.
4. A parent or person with parental responsibility may apply for a discharge of the Emergency Protection Order after 72 hours, providing that they were not present at the original hearing.
5. The parent should not be given notice of the application if to do so would put the child at further risk.
6. It is good practice to advise parents or those with parental responsibility to seek immediate legal advice when a decision has been made to apply for the order, or when serving an EPO that has been granted ex-parte.
7. The decision to make an ex parte application (which would only be in exceptional circumstances) must take account of the human rights of the parent/s, as well as the child. However, it is the human rights of the child which are paramount. Ex parte applications will only be sought in exceptional circumstances.

## Standards

1. The Social Worker should consult with the Team Manager / Service Manager before contacting Legal Services.
2. A decision to apply for an Emergency Protection Order should be taken by a Service Manager.
3. The child's wishes and feelings must be ascertained as soon as possible.

4. The child's parents, anyone with parental responsibility, and anyone with whom the child was living prior to the Emergency Protection Order being made, should be notified that the child is subject to an Emergency Protection Order unless it is not in the child's best interests to inform them.
5. Contact with people outlined in the above standard, plus anyone with an order allowing contact, should be arranged providing that it is reasonable and in the child's best interests.
6. The Social Worker applying for the order must have clear plans regarding the duration of the order.
7. All tasks and decisions must be clearly recorded and placed on the child's file.
8. Any Social Worker making an application for an Emergency Protection Order shall take such steps as  
are reasonably practicable to ensure that notice of the application is given to:
  - a. the child's parents,
  - b. any person who is not a parent but has parental responsibility,
  - c. any other person caring for the child,
  - d. any person in whose favour a contact order is in force with respect to the child,
  - e. any person who is allowed to have contact with the child by virtue of an order under section 34,
  - f. the child,
 before the hearing of the application, providing to do so would not place the child at risk of significant harm.

Number	Task	Responsible officer	Record	Timescale
1.	Discuss with Team Manager, who will seek authorization from a Service Manager.	Social Worker / Team Manager	Case record	Immediately
2	Contact Legal Services clarify that legal grounds exist to obtain an order, and decide whether application should be ex-parte and whether the notice period should be dispensed with.	Social Worker / Team Manager	Case record	Immediately
3	Consider whether it is necessary to have	Social Worker / Legal	Case record	Immediately.



	police assistance for staff or child safety or to assist in removing the children in the event that the order is granted. If so it may be necessary to apply for a warrant at the same time as the Emergency Protection Order. (See EPO Warrant Policy)	Services		
<b>4</b>	Complete application form for Emergency Protection Order with legal representative. Compile additional evidence to accompany application, as appropriate, e.g. immediate plan for child, Core Assessment, Case notes, minutes of meetings etc.	Social Worker / Legal Services	Application form.	Immediately
<b>6</b>	Check whether there would be a suitable placement for the child within the family network or local network.	Social Worker	Case record on child's file	Immediately
<b>7</b>	If no family placement available contact family placement team for suitable placement.	Social Worker	Placement Request Form	Immediately
<b>8</b>	Copy of order to be placed on file	Social Worker	EPO	Immediately.
<b>9</b>	Serve a copy of the Emergency Protection Order on the parents or person with current charge of the child.	Social Worker	Case notes	Immediately
<b>10</b>	Relevant LAC documentation is to be completed and provided to person charged with care of child by the Local Authority.	Social Worker	LAC paperwork	As per LAC timescales
<b>11</b>	Any decision to return	Children's	Case	As appropriate

	the child home whilst the Order is in force needs to be made by a Children's Services Manager	service manager	record	
<b>12</b>	Following the granting and execution of an EPO, consideration must be given to the how the continuing care / protection of the child will be met. This may include the convening of a Child Protection Conference, or an application for a legal order, for example.	Social Worker / Team Manager	Case Record	Within 2 working days of the making of an EPO