

Emergency Police powers

In an emergency situation, where a police constable has reasonable cause to believe that the conditions for making a Child Protection Order are satisfied and it is not practical in the circumstances to make such an application to the Sheriff, then the constable may remove the child to a 'place of safety' S61 (5) Children (Scotland) Act 1995.

The power to remove the child only lasts 24 hours, thereafter the police (or another person) need to apply to the Sheriff for a Child Protection Order to secure the child's place of safety.

Before applying for any Court Order or taking emergency action agencies will try to work with families to ensure the child is protected. Court Orders or emergency action will only be taken where it appears that a child may be at risk of significant harm and an Order or emergency action is necessary to protect the child.