



A Study of Children Subject to Child Protection Orders in Edinburgh 2006/2007



Executive Summary

The number of Child Protection Orders (CPOs) has increased in recent years. In 2006-07, 624 children were subjects of CPOs. This research was carried out to better understand the circumstances that led to CPOs being made to protect children, and also if compulsory intervention was necessary to safeguard these children in the longer term.

The study focused on Edinburgh, which has seen a recent and sharp increase in numbers of CPOs. Forty cases out of the eighty CPOs made in Edinburgh in 2006-07 were selected at random for detailed examination. The study focused on three areas:

- Family characteristics.
- Factors influencing the granting of the CPO.
- What happened at the end of the CPO – were compulsory measures necessary?

The children

- Over 60% were under twenty-four weeks old. 30% were newborn babies.
- Half were already on the Child Protection Register.
- 52.5% already had an existing open referral to the Children's Reporter and/or were subject to a Supervision Requirement.
- The grounds for 87% of the CPOs were lack of parental care.

Family characteristics

In all of the cases there was evidence of more than one problem in the family. The most common (found in over half of cases) were physical neglect of the child, violence, substance misuse, lack of a safe and stable home, mental and/or physical health problems, police involvement, estrangement between parents/family members, parents in care/accommodated as children, lack of engagement with services, homelessness/transient lifestyle, inability to care for other children, and family history of offending/imprisonment.

The process

For 80%, a Children Protection Case Conference had been held prior to the application for the CPO.

Supervision Requirements were made or continued at the end of the CPOs in 95% of cases. Three months after the CPO, only 10% of children had returned home to their parents care, 88% did not return to their parents, and for one child (2%) an alternate arrangement was made with one parent away from home.

Acknowledgements

This research study would not have been possible without guidance and assistance from a number of people. Thanks go to Malcolm Schaffer for initiating the research query and providing feedback on the draft paper and to the Practice Team and others who gave advice and guidance on the technical aspects of the paper. Thanks also go to many of the staff at the Edinburgh Office, especially Kirsty MacDiarmid, John Petrie, and Paul Karch for accommodating the research.

Introduction

The issuing of a Child Protection Order (CPO), particularly at the moment of birth, is a major event in the life of the child and those involved in his or her care. In the past four years, there has been a modest increase in the number of children subject to CPOs across Scotland (Appendix 1). The statistics alone – however, reveal little of the reasons behind the numbers or the circumstances of the children and families involved. This research reports on the review of a sample of 40 children referred to the Reporter who were subject to CPOs in Edinburgh over 2006-07. The reason for the review was: first, to gain an understanding of the circumstances of children subject to CPOs and second, to discover whether the Edinburgh experience in terms of the number of CPOs is anomalous to the national trend. The study does not make a judgement about the appropriateness of the use of the CPOs, it does however, address the following research questions:

- What decisions were made at Children's Hearings?
- Were grounds of referral established or not?
- Was a Supervision Requirement made at the end of the CPO and was this at home or away from home?
- Did the child eventually return home?
- Was the child a new born baby or an older child?
- If an older child, did he/she have any open referrals and/or already subject to a Supervision Requirement?

Compulsory measures in the Children's Hearings System

The Children's Hearings System has at its disposal a number of interventions that can be made where compulsory measures are needed to protect children and/or address their behaviour. The most common of these measures are Supervision Requirements made by Children's Hearings. 12,644 children were subject to Supervision Requirements in 2006-07 (SCRA, 2007). Supervision Requirements may require the child to be cared for away from home but, for most, the child stays at home and supports are put in place to address the child's needs. Children's Hearings can also authorise Warrants to retain the child at a place of safety away from home. In 2006-07, over 3,000 Warrants were made (SCRA, 2007). When there are immediate and high risks to a child, a CPO can be made which requires the immediate removal of the child to a place of safety. There were over 600 CPOs in 2006-07 (SCRA, 2007).

The present study highlights evidence taken from a sample of case files and shows some of the prevalent characteristics for a sample of children subject to CPOs to develop a better understanding as to why CPOs are implemented. At present little research has been conducted about children subject to CPOs in general. This study plays a small part in filling the gap and it is hoped it will foster a wider understanding of why children become the subject of CPOs.

Background - Child Protection Orders

SCRA figures from 2003-04 to 2006-07 show changes in the volume of CPOs in Scotland with some regional variations (Appendix 1). The change in the number of children subject to CPOs in Edinburgh over these four years is comparable to the general trend in other local authority areas, in that, the change is quite mixed (Appendix 1). The data shows that the number of children subject to CPOs in Edinburgh rose in 2004-05 and then fell in 2005-06. Increases in 2006-07 however, represent a change of 40.4% from the previous year (Table 1).

Many local authorities, including Edinburgh, have an established process of pre-birth case conferencing – which involves a multi-agency assessment, planning and decision making regarding a child to whom a CPO may be considered. Local authorities, including Edinburgh, also have systems of Child Protection Case Conferences to identify children at risk and the actions needed to protect them. This study considers whether such conferences were held prior to the CPOs being made but does not assess the impact of pre-birth case conferencing and Child Protection Case Conferences on the number of CPOs made, as to do so would require a larger sample.

The application of the Child Protection Order (CPO)

The rules governing the application of the CPO are set out in sections 57 to 62 of the Children (Scotland) Act 1995. The granting of a CPO follows stringent criteria and allows for the retention of a child in place of safety if there are urgent concerns about a child's wellbeing and protection.

The life of the Order begins with an application to the Sheriff. Once the order has been granted by the Sheriff, the Children's Reporter is notified of the implementation of the Order and must arrange a Hearing on the second working day after implementation (sections 59(2)(3)(4) of the Act). This Hearing's role is to consider whether the CPO and any directions should be continued or varied (section 59(4)). If the Order is continued and compulsory measures of supervision are seen to be necessary, then grounds of referral must be put before a further Hearing on the eighth working day after the Order has been implemented (section 65(2)). Further information on the CPO process is provided in Appendix 2.

Methodology

This study involved a review of SCRA case files of Edinburgh children who were subject to CPOs in 2006-07. Edinburgh was chosen as the area for this study as it represents a large and demographically mixed population. Edinburgh also saw a large increase in the number of CPOs in 2006-07.

Case file analysis

Sampling

A sample of 40 files held by SCRA of children subject to CPOs in Edinburgh was reviewed. The files were randomly selected from a list generated from SCRA's Referrals Administration Database (RAD). SCRA case files hold a variety of reports from social work, police, health professionals, etc. that are used by Reporters and Children's Hearings to make decisions on children referred.

The sample represents a range of ages – from newborn babies to older children, of which 25 were boys and 15 were girls. The files reviewed were selected from the year 2006-07. This was to allow cases to be followed for a period after the CPOs had been made to determine what had happened to the children involved.

The review identified three broad but related themes for the purpose of the analysis:

- i. Family History
- ii. Child Subject to CPO – intervening factors
- iii. Post CPO referral – what happened next?

Case files:

Specific information relating to the three themes above was extracted from the case files. The information was analysed by identifying the relationships between the various characteristics that were recorded as prevalent in the child environment. Having said this, it is important to caution against over generalisation or assume causation, given the small number of cases used in the study. The social research software SPSS was used in the analysis.

CPO data – Scotland

Additional data was obtained from the SCRA data warehouse in relation to the volume of CPOs by local authority area. These figures were aggregated to provide a picture of the number of CPOs across Scotland (Appendix 1).

Findings

Case file analysis

In presenting the findings from this study it is important to keep in the foreground the principle that is at work. This is the principle of *significant harm* which lies at the heart of the CPO application process which recognises a threshold of harm to the child. In order to determine what constitutes *significant harm* to the child and if the threshold has been breached, it is necessary for child care practitioners to consider the child's environment and this may include the family, and social background. Together, factors within the child's environment can present as a risk to his or her safety and wellbeing. The Department of Health (2000) makes reference to the following factors as shaping the definition of *significant harm*: (1) immediacy of the harm, (2) degree of risk (3) frequency of any incidence of harm (4) nature of the harm (5) severity of the harm (6) co-operation of carers (7) ability and knowledge of carers (8) vulnerability of carers (9) reliability of carers (10) culpability of carers (11) vulnerability of child(ren) (12) child's networks (13) past history (14) all alternatives failed.

These factors were implicit in the three broad themes identified in the case files sampled. In looking at the child's family background for example, it was necessary to explore the degree of risk, frequency of any incidence of harm and so forth. Understanding the relationship between one factor and the decisions made at Children's Hearings is important. Tables 3 to 11 show the prevalence between some of these key variables within the child's living environment and the decisions made at Hearings.

Trend in Children Protection Orders in Edinburgh

Table 1: CPOs 2003-04 to 2006-07 – Edinburgh

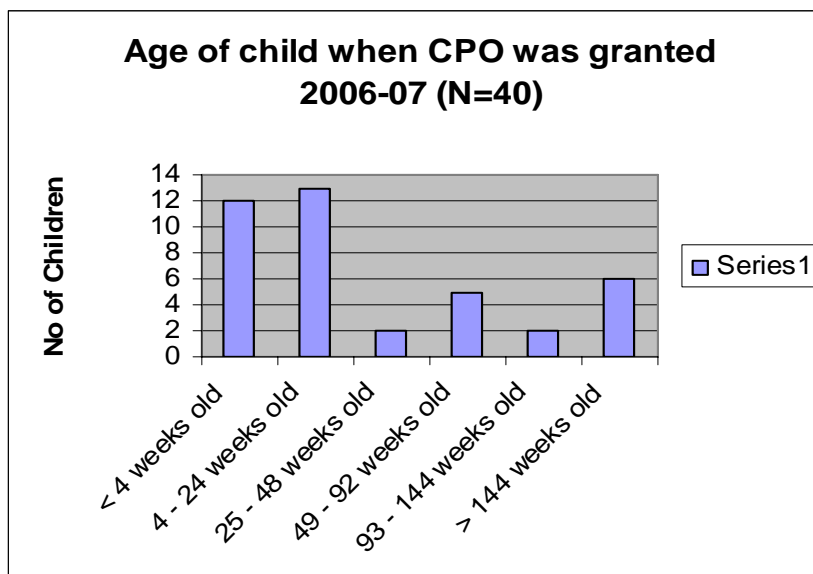
Year	Number of CPOs in Edinburgh	
2003-04	62	-
2004-05	67	+ 8.1%
2005-06	57	- 14.9%
2006-07	80	+ 40.4%

Table 1 shows the numbers of CPOs from 2003-04 to 2006-07 in Edinburgh. The increase in 2006-07 represents a change of 40.4% from the previous year¹.

Children Protection Orders in Edinburgh 2006-07 (40 cases)

For the 40 case files covered in this study, there were twice as many boys (63%) referred than girls (27%). Lack of parental care (section 52(2)(c) of the Act) was the most common ground considered by Children’s Hearings in making Supervision Requirements at the end of the CPO (87%). This applied to both sexes.

Figure 1:



The ages of the majority of children subject to CPOs were between eight weeks and twenty-four weeks old (Table 2 and Figure 1). Newborns, defined for the purpose of this study as 4 weeks old or younger, made up the second highest age group at 30% of CPOs. The mean age was 10.9 weeks. The median age was two months.

Table 2: Age of child at time of CPO and decision made at the 8th working day Hearing

Age of child at the time of the CPO		Number of CPOs		
		8 th working day hearing		
		Grounds ultimately established and made/varied	and SR	Abandoned before evidence led
< 4 weeks old	10		2	12
4 – 24 weeks old	13		0	13
25 – 48 weeks old	2		0	2
49 – 92 weeks old	5		0	5
93 – 144 weeks old	2		0	2
> 144 weeks old	6		0	6
Total	38		2	40

At the second working day Hearings, all the CPOs were continued.

At the 8th working day Hearing, the Reporter frames the statement of facts that informs the Hearing on the grounds for referral if the decision has been made at the second working day Hearing to continue the CPO. Table 2 shows that in 95% of the cases, the grounds presented at the 8th working day Hearing were ultimately established and compulsory measures were also made or existing Supervision Requirements were continued and varied. In all cases, the grounds were referred for proof and in all but one case, warrants were issued to keep the child in a place of safety until the subsequent Hearing took place.

Under normal practice, a child with an existing Supervision Requirement who has become subject of a CPO will trigger the early review of his or her case. At the 8th working day Hearing, the decision to continue or vary the SR will depend on grounds for the CPO being established. The Hearing will also consider whether or not the existing SR still meets the child's needs in light of the evidence detailed in the CPO (see section 65(3) and 73 of the Children (Scotland) Act 1995. There were six children in this study who were already subject to a Supervision Requirement and in all cases, the supervision requirements were varied after the new grounds had been established.

A small proportion of about 5% of cases, were abandoned before evidence was led in court. This small number represents cases where new evidence required to progress the Order had not been found. The files show that in such cases, the Reporter considered the evidence presented by the local authority and had decided not to proceed further. The Hearing in one particular case was requested to dispense with the need for a CPO on the basis of the "no order principle". The overriding reason was the compelling turn around in circumstance of the family involved.

Table 3: 8th working day Hearings' decisions on newborn and older children

Was the CPO application in respect to newborn or an older child?		Number of children		
		Was the Hearing at 8 th working day – a unanimous decision or by majority		Total
		Unanimous	majority	
Newborn - < 4 weeks old		12	0	12
Older child - above 4 weeks but < 16 years		26	2	28

N=40

In 95% of cases, the 8th working day Hearings reached unanimous decisions of the three Panel Members (Table 3). In 5% of the cases the outcome was arrived at by a majority decision. For most of the files reviewed, the view of the Hearings was essentially that there was a likelihood of harm continuing or being repeated.

In one example, the Hearing's decision cited a number of failed attempts to get the parents to comply with the local authority care plan. The conditions that warranted the CPO in the first instance had continued – in this case, this involved threats made by one of the parents regarding the placement of the child in foster care. The parent in question was noted as being violent, with a long history of offending and incarceration. Both parents had substance misuse issues and had a transient lifestyle. Older children had also been taken into care. The Hearing upheld the grounds of the CPO and decided on supervised visitation for the non-violent parent.

Issues in the child's living environment

Children subject to CPOs had multiple problems in their lives. Table 4 shows the frequencies of main factors recorded in the SCRA case files analysed. It should be noted that this section of the study reports on only a sample of the issues encountered, and focuses on those that were recorded most often in the 40 case files examined.

Table 4: Common characteristics in the living environments of children subject to CPOs

Characteristic	Frequency	
	Count	Percentage
Is there evidence of risk of physical neglect?	35	88%
Parent(s) either/or unable to provide a safe and stable environment	34	85%
Parent(s) investigated by police	34	85%
Is there an established pattern of estrangement?	32	80%
Parent(s) noted as violent	32	80%
Parent(s) substance misuse noted	31	78%
Parent(s) record of domestic violence	30	75%
Parent(s) history as a child in care/accommodated	29	72.5%
Parent with physical/mental health problems	28	70%
Extended family non-supportive	28	70%
Parent(s) lack of engagement with agencies/reluctance to do so?	27	68%
Parent(s) homeless/transient lifestyle	25	62.5%
Parent(s) consistently failed rehab/parenting assessment?	24	60%
Parent(s) inability to care for previous children	23	58%
Parent(s) have a history of offending/incarceration	21	52.5%

40 case files. More than one factor appeared in each case file.

Parental substance misuse

Parental substance misuse represents a significant risk of harm to the child when either or both parents are dependent and the continuous use of drugs or alcohol impair the parent's ability to appropriately care for or provide a safe environment for their child. In many cases the use of drugs and alcohol is associated with unstructured and often chaotic lifestyles. Evidence of substance abuse as a significant risk and a contributing factor in the CPO being made (i.e. the immediate removal of the child from the home) represented 77.5% of files surveyed (Figure 2). In three of the sampled files, the decisions to make the CPOs were recorded as not attributed to parental substance misuse.

Figure 2: Parental substance misuse – children subject to CPOs in Edinburgh 2006-07
(N = 40)

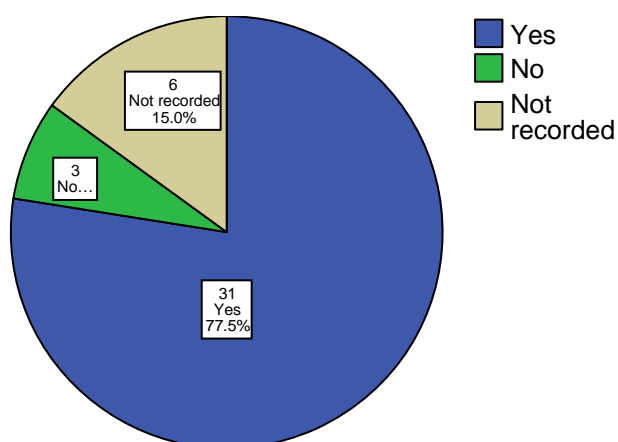


Table 5. Parental substance misuse and Child Protection Case Conferences (CPCC)

Parent(s) substance misuse	Age of child at time of CPO	Number of children		
		Child subject to CPO - was there a CPCC?		Total
		Yes	No	
Yes	< 4 weeks old	9	2	11
	4 – 24 weeks old	9	1	10
	25 – 48 weeks old	1	0	1
	49 – 92 weeks old	3	0	3
	93 – 144 weeks old	2	0	2
	> 144 weeks old	3	1	4
	Total	27	4	31
No	< 4 weeks old	0	0	0
	4 – 24 weeks old	0	0	0
	25 – 48 weeks old	0	1	1
	49 – 92 weeks old	1	1	2
	93 – 144 weeks	0	0	0
	> 144 weeks old	0	0	0
	Total	1	2	3
Not recorded	< 4 weeks old	1	0	1
	4 – 24 weeks old	3	0	3
	25 – 48 weeks old	0	0	0
	49 – 92 weeks old	0	0	0
	93 – 144 weeks old	0	0	0
	> 144 weeks old	0	2	2
	Total	4	2	6

N=40

In 87% of the cases reviewed where the parent has been identified as having problematic substance misuse, a CPCC had been held with respect to the initial application for a CPO. 29% of these cases were for newborn babies, and CPCCs were held for 82% of newborn babies made subjects of CPOs (Table 5).

Supervision Requirements

In making a decision at the end of the period of a CPO, the Hearing may decide that compulsory measures of supervision are necessary in the interests of the child and a Supervision Requirement will be made. This is generally because the issues for which the CPO was initially granted had not improved but were continuing.

Table 6. Parental substance misuse and provision of a safe environment

Parent(s) substance misuse	Number of children			Total
	Parent(s) unable to provide a safe and stable environment		Supervision Requirement	
	Yes	No		
Yes	At home	0	1	1
	In care	27	3	30
	Total	27	4	31
No	At home	0	0	0
	In care	1	2	3
	Total	1	2	3
Not recorded	At home	0	0	0
	In care	6	0	6
	Total	6	0	6

N=40

Table 6 shows that in all of the files where the parent/carer had been identified as having a substance misuse problem and recorded as not been able to provide a safe and stable environment, the child was made subject to a Supervision Requirement away from home.

Table 7. Parental substance misuse and their other child(ren)

Parent(s) substance misuse	Supervision Requirement		Number of children			
			Parent(s) inability to care for their other child(ren)?			Total
			Yes	No	Not recorded	
Yes		At home	0	1	0	1
		In care	14	12	4	30
	Total		14	13	4	31
No		At home	0	0	0	0
		In care	2	1	0	3
	Total		2	1	0	3
Not recorded		At home	0	0	0	0
		In care	5	1	0	6
	Total		5	1	0	6

N=40

For parents where it was recorded that that they had been unable to care for their other children, the child subject to the CPO was cared for away from home in 100% of cases (Table 7). The parents of 67% of these children also had problems with substance misuse.

Table 8. Parent(s) domestic violence and ability to provide a safe environment

Parent(s) record of domestic violence incidence(s)	Supervision Requirement		Number of children		
			Parent(s) unable to provide a safe and stable environment		Total
			Yes	No	
Yes		At home	0	0	0
		In care	28	2	30
	Total		28	2	30
No		At home	0	0	0
		In care	4	2	6
	Total		4	2	6
Not recorded		At home	0	1	1
		In care	2	1	3
	Total		2	2	4

N=40

Domestic violence was recorded as a factor in the lives of three-quarters of children in this study. In all of the cases, where the child's living environment was unsafe and unstable and there was domestic violence the child was cared for away from home (Table 8).

Table 9: Parent(s) homeless or transient lifestyles

Parent(s) homeless/transient lifestyle	Supervision Requirement		Number of children		
			Parent(s) either/or unable to provide a safe and stable environment		Total
			Yes	No	
		At home	0	0	0
Yes		In care	23	2	25
	Total		23	2	25
No		At home	0	1	1
		In care	11	3	14
	Total		11	4	15

N=40

In cases where the parent/carer has been transient/homeless the ability to provide a safe and stable living environment has been a significant issue. 92% of the children in such cases who were subject to CPOs were accommodated (Table 9).

Child on Child Protection Register and previous referrals to the Reporter

This review also considered whether or not any of the children subject to CPOs were on the Child Protection Register (Table 10). Half of the children subject to CPOs were already on the Children Protection Register. 70% of these children either had an open referral to the Reporter and/or were already subject to a Supervision Requirement. In one case, one of the child's parents was attacked with a weapon while the child was present. In the Reporter's comments, he states the 'incidence compounded the serious concerns relating to lifestyle of the parents which led to the Supervision Requirement in the first place'.

Table 10: Children on Child Protection Register

Child subject to CPO - Is this child already on the Child Protection Register?	Number of children			
	Referral status			Total
	Existing open referral to the Reporter and/or already subject to a Supervision Requirement	No existing referral or compulsory measures	Not stated on the file	
Yes	14	6	0	20
No	3	12	1	16
Not recorded	3	1	0	4

N=40

30% of the children who were made subject to CPOs and were on the Child Protection Register, had no previous referrals to the Reporter.

Half of the children subject to CPOs had existing open referrals to the Reporter and/or were subjects of Supervision Requirements.

Post CPO – what happened next?

After the grounds presented to the 8th working day Hearings had been established, Supervision Requirements were made or continued with variation for 38 of the 40 children in the sample (Table 2).

After three months most children were still in care - only 10% (four) of the children who were made subject to CPOs had returned home (Table 11). All of these children were newborns at the time of the CPOs. 88% of the children did not return home. One child was placed in other 'alternate arrangement involving at least one parent but not at their home' (Table 11).

Table 11: The 3 month outlook

Age of child at time of CPO	Number of children				Total
	Did child return home? (Over 3 months)			Total	
	Child returned to home	Child did not return home	Other alternate arrangement involving parents but not at home		
< 4 weeks old	4	7	1	12	
4 – 24 weeks old	0	13	0	13	
25 – 48 weeks old	0	2	0	2	
49 – 92 weeks old	0	5	0	5	
93 – 144 weeks old	0	2	0	2	
> 144 weeks old	0	6	0	6	
Total	4	35	1	40	

N=40

Child Protection Orders in Scotland

In terms of the number of children subject to CPOs, the data shows that the proportion of CPOs in Edinburgh was comparable to the national average over the period 2003-04 to 2006-07 (Appendix 1). There was a modest rise in the number of CPOs in Edinburgh from 2003-04 to 2006-07 except in 2005-06 when numbers fell slightly. 2006-07 saw an upward shift in the number of CPOs in Edinburgh similar to other areas in Scotland, for example, South Lanarkshire, Glasgow, Inverclyde and Falkirk. In general, figures from 2003-04 to 2006-07 show that Edinburgh was in line with the national patterns.

Conclusions

This study reports on a sample of 40 children subject to CPOs in Edinburgh in 2006-07. The average age of the children in the sample was 10.8 weeks old. Newborns made up 30% of all cases.

The study shows that 95% of the CPOs resulted in compulsory measures of supervision being made or continued. Only a small number (5%) of cases were abandoned before evidence was led at court. The overall proportion of children returned home after three months was 10% - all of them were newborns at the time of the CPOs.

Half of the children subject to CPOs had existing open referrals to the Reporter and/or were subjects of Supervision Requirements.

70% of children made subject to CPOs who were already on the Child Protection Register also had existing open referrals to the Reporter and/or were already subject to Supervision Requirements.

77.5% of files surveyed cited evidence of substance abuse as a significant risk and a contributing factor in the CPO being made.

Most of the children sampled in this study live in a chaotic and unstructured environment. The parent's attempt to maintain a safe and stable home is too often punctuated by spells of violence and transitory existence. The analysis here identified a number of characteristics in the child's living environment (as shown in Table 4). Factors such as domestic violence; substance misuse issues, parents' criminality – often involving police investigation and including periods of incarceration – increased the significant risk faced by the child. The picture that emerged from this study, portrayed the child's living environment as one marked by physical neglect; poor extended family support, transient lifestyles and physical and mental health issues involving a large number of the parents.

The study has shown that these factors coexist and are interrelated - working independently or together they have manifested as a source of significant harm to the child's safety and wellbeing. The relationship between some of the characteristics and the decision to refer and ultimately the decision of the Hearing to keep the child in care will be an important area for practice. In the long term it points to the challenges in the child living environment.

CPOs by Local Authority Area 2003-04 to 2006-07

Local Authority area	2003-04	2004-05	2005-06	2006-07	Local authority area average/year	CPOs as a % of all children referred 2006/07
Aberdeen City	17	20	14	13	16	0.7
Aberdeenshire	20	7	11	6	11	0.5
Angus	18	29	13	16	19	2.9
Argyll & Bute	13	<5	19	13	12.3	1.3
Clackmannanshire	<5	<5	<5	<5	2.5	0.4
Dumfries & Galloway	6	6	12	6	7.5	0.4
Dundee	57	64	43	39	50.8	3.3
East Ayrshire	15	7	12	14	12	0.7
East Dunbartonshire	<5	<5	7	10	6.3	1.5
East Lothian	<5	<5	5	0	2.5	0
East Renfrewshire	<5	<5	0	<5	2.5	0.2
Edinburgh City of	62	67	57	80	66.5	1.7
Eilean star	<5	<5	0	<5	2	0.5
Falkirk	6	14	7	28	13.8	1.2
Fife	51	43	65	65	56	2.2
Glasgow	139	94	78	97	102	1.0
Highland	12	28	34	34	27	1.6
Inverclyde	20	9	10	21	15	2.9
Midlothian	<5	<5	9	12	7	1.3
Moray	<5	<5	<5	7	3.5	1.0
North Ayrshire	14	11	21	23	17.3	1.0
North Lanarkshire	22	33	26	28	27.3	0.6
Orkney	<5	<5	<5	5	2.3	4.0
Perth & Kinross	11	<5	11	8	8.5	2.0
Renfrewshire	16	<5	27	32	19.5	1.8
Scottish Borders	9	12	<5	<5	6.3	0.3
Shetland	0	0	<5	<5	1.3	1.8
South Ayrshire	<5	11	14	5	7.8	0.4
South Lanarkshire	32	33	11	25	25.3	0.8
Stirling	<5	<5	<5	11	5	1.0
West Dunbartonshire	9	9	7	<5	7.25	0.2
West Lothian	12	23	18	10	15.8	0.5

Source: SCRA data warehouse.

Child Protection Orders – the process

A Child Protection Order (CPO) establishes the authority for the removal of a child to a place of safety or prevents a child being removed from the place where he or she is being accommodated where there are immediate concerns about a child's wellbeing and protection. The life of the Order, that is, when it is granted, reviewed and terminated is short. The Order itself can last only until the eighth working day after it has been implemented or it may fall within 24 hours of non-implementation. There will be one or sometimes two opportunities between the second day and the eighth working day after implementation, to determine whether it is or was necessary to remove the child and whether it remains necessary to keep the child in care (Norrie, 2005). The second and indeed, the eighth working day Hearings present such opportunity where the parties involved may present compelling evidence for an appeal to vary the terms of the Order or to terminate it.

The life of the Order begins with an application to the Sheriff. The application must satisfy the legal conditions explicitly stated in the Children (Scotland) Act 1995, specifically in section 57(1) and 57(2).

Under Section 57 (1) : *reasonable grounds for believing harm*, the applicant can be a police officer, a local authority, a Children's Reporter, a parent, or even the child. The applicant(s) would as a matter of course, satisfy the conditions set in the Act. The granting of the Order under section 57(1), takes cognizance of two applicable conditions – for the purposes of this report – it is stated as follows: (a) there are reasonable grounds to believe that the child in question is or will suffer significant harm. The second condition (b) follows from the first (a) and stipulates the necessity to protect that child from such harm. Both conditions must be fulfilled (For a more detailed discussion see Norrie 2005 p227).

Section 57(2): *frustration of enquiries*. This section differs from section 57(1) in two significant ways: first, who can apply and second the grounds upon which the Order can be granted are different.

Only a local authority can apply and there are three grounds that must be satisfied instead of two: (a) reasonable grounds to suspect that child is suffering or may suffer significant harm; (b) the local authority is making or causing to make enquiries to allow them decide whether they should take any action to safeguard the welfare of the child; (c) that those enquiries are being frustrated by access to the child being unreasonably denied , the authority having reasonable cause to believe that such access is required as a matter of urgency (Norrie, 2005). To satisfy these grounds, the enquiries by the local authority must be rendered wholly ineffectual – hampering or making more difficult these enquiries will not be sufficient.

Above all, the parties to the decision must be guided in the exercise by the consideration of the welfare of the child which is paramount.

Once the order has been granted by the Sheriff, the Children's Reporter is notified of the implementation of the Order and must arrange a Hearing on the second working day after implementation (sections 59(2)(3)(4) of the Act). This Hearing's role is to consider whether the CPO and any directions should be continued or varied (section 59(4)). If the Order is continued and compulsory measures of supervision are seen to be necessary, then grounds of referral must be put before a further Hearing on the eighth working day after the Order has been implemented (section 65(2)). There is provision to challenge the Order and any directions made under it.

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*Published March 2008
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