
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART VI

PROTECTION OF CHILDREN

Authority's duty to investigate

66.—(1) Where an authority—

- (a) is informed that a child who lives, or is found, in the authority's area—
 - (i) is the subject of an emergency protection order; or
 - (ii) is in police protection; or
- (b) has reasonable cause to suspect that a child who lives, or is found, in the authority's area is suffering, or is likely to suffer, significant harm,

the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide whether it should take any action to safeguard or promote the child's welfare.

(2) Where an authority has obtained an emergency protection order with respect to a child, the authority shall make, or cause to be made, such inquiries as it considers necessary to enable it to decide what action it should take to safeguard or promote the child's welfare.

(3) The inquiries shall, in particular, be directed towards establishing—

- (a) whether the authority should make any application to the court, or exercise any of the authority's other powers under this Order, with respect to the child; and
- (b) whether, in the case of a child—
 - (i) with respect to whom an emergency protection order has been made; and
 - (ii) who is not in accommodation provided by or on behalf of the authority,it would be in the child's best interests (while the emergency protection order remains in force) for him to be in such accommodation.

(4) Where inquiries are being made under paragraph (1) with respect to a child, the authority shall (with a view to enabling it to determine what action, if any, to take with respect to him) take such steps as are reasonably practicable—

- (a) to obtain access to him; or
- (b) to ensure that access to him is obtained, on the authority's behalf, by a person authorised by the authority for the purpose,

unless the authority is satisfied that it already has sufficient information with respect to the child.

(5) Where, as a result of any such inquiries, it appears to the authority that there are matters connected with the child's education which should be investigated, the authority shall consult the relevant education and library board.

(6) Where, in the course of inquiries made under this Article, any officer of the authority or any person authorised by the authority to act on its behalf in connection with those inquiries—

- (a) is refused access to the child concerned; or
- (b) is denied information as to the child's whereabouts,

the authority shall apply for an emergency protection order, a child assessment order, a care order or a supervision order with respect to the child unless it is satisfied that his welfare can be satisfactorily safeguarded without the authority's doing so.

(7) If, on the conclusion of any inquiries or review made under this Article, the authority decides not to apply for an emergency protection order, a child assessment order, a care order or a supervision order the authority shall—

- (a) consider whether it would be appropriate to review the case at a later date; and
- (b) if the authority decides that it would be, determine the date on which that review is to begin.

(8) Where, as a result of complying with this Article, an authority concludes that it should take action to safeguard or promote the child's welfare the authority shall take that action (so far as it is both within the power of the authority and reasonably practicable for it to do so).

(9) Where an authority is conducting inquiries under this Article, it shall be the duty of anyone to whom this paragraph applies to assist the authority with those inquiries (in particular by providing relevant information and advice) if called upon by the authority to do so.

(10) Paragraph (9) does not oblige anyone to assist an authority where to do so would be unreasonable in all the circumstances of the case.

(11) Paragraph (9) applies to—

- (a) any Board;
- (b) any education and library board;
- (c) any Health and Social Services trust;
- (d) the Northern Ireland Housing Executive;
- (e) any special agency; and
- (f) such other persons as the Department may direct for the purposes of this Article.

(12) Where an authority is making inquiries under this Article with respect to a child who appears to the authority to be ordinarily resident within the area of another authority, the authority shall consult that other authority, which may undertake the necessary inquiries in its place.