

POLICY NOTE

THE CHILDREN'S HEARINGS (SCOTLAND) ACT 2011 (CHILD PROTECTION EMERGENCY MEASURES) REGULATIONS 2012

SSI 2012/334

The above instrument is made in exercise of the powers conferred by section 57 of the Children's Hearings (Scotland) Act 2011 ('the 2011 Act').

These regulations make provision concerning the duties of any person removing a child to, or keeping a child in, a place of safety under sections 55 or 56 of the Children's Hearings (Scotland) Act 2011. These Regulations specify the persons who should be notified and the information about which they should or may be notified where a child has been removed to a place of safety by a constable using section 56 or where a justice of the peace has granted an authorisation under section 55 to remove a child. The Regulations provide arrangements for giving notice where an authorisation ceases to have effect or is terminated. They also detail the duties that those involved in these processes have towards the child for example keeping them informed on what is happening and taking their views into account.

Policy Objectives

The 2011 Act makes provision for various child protection measures. Among these are the emergency measures procedures provided for at sections 55 and 56.

Section 55 – gives power to a Justice of the Peace to grant an order which will allow the removal of a child from a situation where, for example, the child is being harmed or at risk of harm.

Section 56 – gives power to a police constable to remove a child quickly from a situation where the child is thought to be at harm or risk of harm and to keep them in a place of safety for a period of up to 24 hours.

Similar provision is currently made in this respect under the Emergency Child Protection Measures (Scotland) Regulations 1996 (1996 Regulations). These regulations will be revoked under the 2011 Act.

Where a child is removed to a place of safety following an order of a JP under section 55 or is removed by a police constable using the power at section 56, these regulations make provision about what happens next. The policy intent is to ensure that when the 1996 Regulations are revoked, similar processes are undertaken when carrying out an emergency measure under section 55 or 56 of the 2011 Act as would previously have been carried out under the 1996 Regulations.

Commencement Date

The date for commencement of these regulations is 24 June 2013.

Consultation

A small consultation on these instruments was carried out with the Scottish Child Protection Committee Chairs Forum and the Association of Chief Police Officers in Scotland (ACPOS). A total of 10 responses were received and the instrument was re-drafted as appropriate to take account of the comments made.

Impact Assessments

There are no equality impact issues.

Financial effect

There are no likely financial effects on organisations or individuals from these regulations.

**Scottish Government
Children and Families Directorate**

6th December 2012