



Children Act 1989

1989 CHAPTER 41

PART V

PROTECTION OF CHILDREN

47 Local authority's duty to investigate.

- (1) Where a local authority—
 - (a) are informed that a child who lives, or is found, in their area—
 - (i) is the subject of an emergency protection order; or
 - (ii) is in police protection; ^{F1} . . .
 - (iii)
 - (b) have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm,
the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare. ^{F2} . . .
- (2) Where a local authority have obtained an emergency protection order with respect to a child, they shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide what action they should take to safeguard or promote the child's welfare.
- (3) The enquiries shall, in particular, be directed towards establishing—
 - ^{F3}(a) whether the authority should—
 - (i) make any application to court under this Act;
 - (ii) exercise any of their other powers under this Act;
 - (iii) exercise any of their powers under section 11 of the Crime and Disorder Act 1998 (child safety orders); or
 - (iv) (where the authority is a local authority in Wales) exercise any of their powers under the Social Services and Well-being (Wales) Act 2014;with respect to the child;]

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- (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 an emergency protection order remains in force) for him to be in such accommodation; and
 - (c) whether, in the case of a child who has been taken into police protection, it would be in the child’s best interests for the authority to ask for an application to be made under section 46(7).
- (4) Where enquiries are being made under subsection (1) with respect to a child, the local authority concerned shall (with a view to enabling them 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 their behalf, by a person authorised by them for the purpose,
- unless they are satisfied that they already have sufficient information with respect to him.
- (5) Where, as a result of any such enquiries, it appears to the authority that there are matters connected with the child’s education which should be investigated, they shall consult [^{F4}the local authority (as defined in section 579(1) of the Education 1996), if different, specified in subsection (5ZA).
- (5ZA) The local authority referred to in subsection (5) is—
- (a) the local authority who —
 - (i) maintain any school at which the child is a pupil, or
 - (i) make arrangements for the provision of education for the child otherwise than at school pursuant to section 19 of the Education Act 1996, or
 - (b) in a case where the child is a pupil at a school which is not maintained by a local authority, the local authority in whose area the school is situated.]
- [^{F5}(5A) For the purposes of making a determination under this section as to the action to be taken with respect to a child, a local authority shall, so far as is reasonably practicable and consistent with the child’s welfare—
- (a) ascertain the child’s wishes and feelings regarding the action to be taken with respect to him; and
 - (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.]
- (6) Where, in the course of enquiries made under this section—
- (a) any officer of the local authority concerned; or
 - (b) any person authorised by the authority to act on their behalf in connection with those enquiries—
 - (i) is refused access to the child concerned; or
 - (ii) is denied information as to his 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 they

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- are satisfied that his welfare can be satisfactorily safeguarded without their doing so.
- (7) If, on the conclusion of any enquiries or review made under this section, the authority decide not to apply for an emergency protection order, a child assessment order, a care order or a supervision order they shall—
- (a) consider whether it would be appropriate to review the case at a later date; and
 - (b) if they decide that it would be, determine the date on which that review is to begin.
- (8) Where, as a result of complying with this section, a local authority conclude that they should take action to safeguard or promote the child's welfare they shall take that action (so far as it is both within their power and reasonably practicable for them to do so).
- (9) Where a local authority are conducting enquiries under this section, it shall be the duty of any person mentioned in subsection (11) to assist them with those enquiries (in particular by providing relevant information and advice) if called upon by the authority to do so.
- (10) Subsection (9) does not oblige any person to assist a local authority where doing so would be unreasonable in all the circumstances of the case.
- (11) The persons are—
- (a) any local authority;
 - (b) ^{F6}.....
 - (c) any local housing authority;
 - ^{F7}(ca) the National Health Service Commissioning Board;”, and]
 - (d) any [^{F8}clinical commissioning group,]^{F9}[^{F10}Local Health Board] , Special Health Authority]^{F11}...^{F12}, National Health Service trust or NHS foundation trust]; and
 - (e) any person authorised by the Secretary of State for the purposes of this section.
- (12) Where a local authority are making enquiries under this section with respect to a child who appears to them to be ordinarily resident within the area of another authority, they shall consult that other authority, who may undertake the necessary enquiries in their place.

Annotations:

Amendments (Textual)

- F1** S. 47(1)(a)(iii) and preceding word repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(6)(a), [Sch. 8 Pt. 13](#)
- F2** Words in s. 47(1) repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(6)(a), [Sch. 8 Pt. 13](#)
- F3** S. 47(3)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [100](#)
- F4** S. 47(5ZA) and words substituted (5.5.2010) for words in s. 47(5) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), [Sch. 2 para. 37\(8\)\(a\)](#)
- F5** S. 47(5A) inserted (1.3.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), s. [53\(3\)](#); S.I. 2005/394, [art. 2\(1\)\(g\)](#); S.I. 2006/885, [art. 2\(2\)\(d\)](#)

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- F6** S. 47(11)(b) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 37(8) (b), **Sch. 3 Pt. 2**
- F7** S. 47(11)(ca) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 53(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 47(11)(d) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 53(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 47(11)(d) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III**, para. 118(7)(with Sch. 2 para. 6)
- F10** Words in s. 47(11)(d) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **arts. 2, 3** {Sch. para. 20(2)(f)}
- F11** Words in s. 47(11)(d) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 53(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** Words in s. 47(11)(d) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, **Sch. 4 para. 79**; S.I. 2004/759, **art. 2**

Commencement Information

- I1** S. 47 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 23E(1A)(ba) inserted by 2018 anaw 2 Sch. 1 para. 2(2)(b)
- s. 23ZZA and cross-heading inserted by 2017 c. 16 s. 4
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)
- s. 36(11) inserted by 2018 anaw 2 Sch. 1 para. 2(3)