

2 No more than two working days after the second 'working day' children's hearing has been held which decided to continue the CPO to an eighth 'working day' hearing.

If you make an application asking the sheriff to cancel or change the CPO, you must also tell the reporter to the children's hearing, who is based at Merrin House, East Abbey Street, Arbroath (phone: 01241 873194). This is to allow the children's hearing to provide advice to the sheriff to help them deal with your application.

What now?

If the CPO has resulted in your child having to live away from home at this time, we will aim to help you reach the point where your child can return safely to your care. We want to work with you and your family to sort out the problems which led to the CPO being granted. We want to try to make sure that you and we are doing what we both agree to be best for your child's safety, development and wellbeing. This might not be easy and we may not agree about what the problems are. We believe that unless we talk about these issues, the problems will not go away.

The CPO does not remove your parental responsibilities or rights. If you have any questions about the CPO that we have not been able to answer to your satisfaction, you should contact a solicitor immediately.

This leaflet is published for guidance only. You should not assume that it is a full guide to the law. For legal advice, please contact a solicitor.

This leaflet was given to you by:

Name:

Agency:.....

.....

Phone number:.....

If this person is not available, please ask to speak to the following manager.

Name:

Agency:.....

.....

Phone number:.....

If you need to speak to someone urgently out of office hours (after 5pm Monday to Friday, and at weekends), please phone 01382 432270.

Useful addresses

Social Work

Academy Lane, Arbroath, DD11 1EJ
Phone: 01241 878585

208-210 High Street, Montrose, DD10 8PH
Phone: 01674 672702

Ravenswood, New Road, Forfar, DD8 2AF
Phone: 01307 462405

Police

Arbroath Police Station, Gravesend, Arbroath
Phone: 01241 872222

Forfar Police Station, West High Street, Forfar
Phone: 01307 302200

Reporter to the children's hearing

Merrin House, 50 East Abbey Street
Arbroath, DD11 1EN
Phone: 01241 873194

Citizens Advice Bureau

11-15 Millgate, Arbroath, DD11 1NN
Phone: 01241 870661

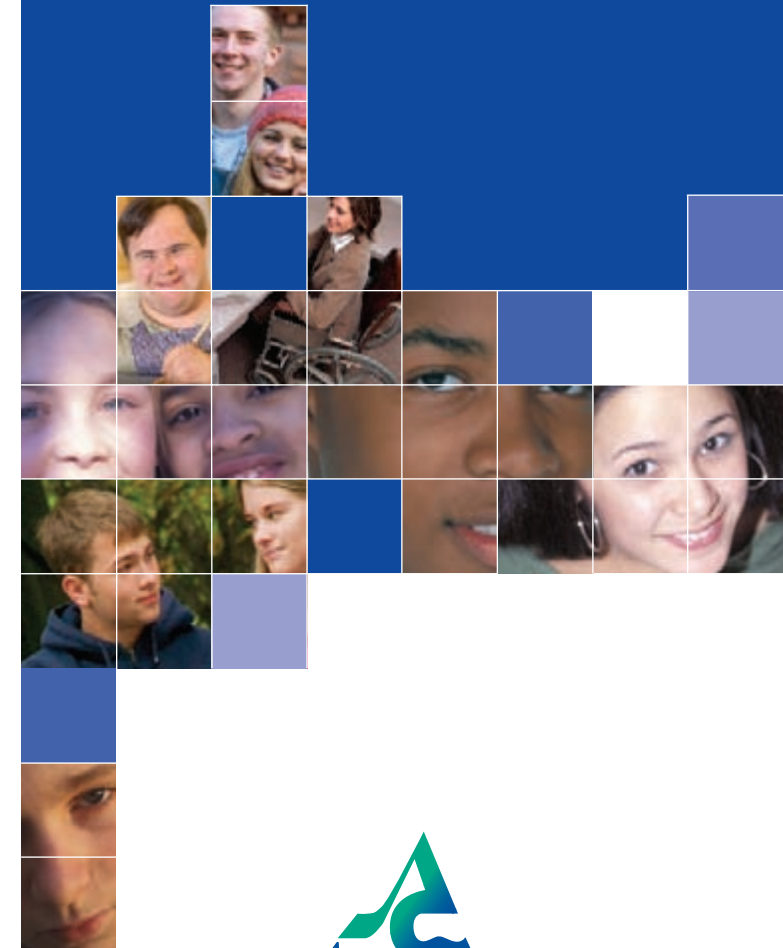


You can get this leaflet print, in Braille or on audio by phoning us on 01307
We can provide this inform other languages if you need it.

Call ACCESS Angus 08452 777 778 - your direct line for council services.

Your child and emergency protection orders

Information for parents and other relevant people



What has happened?

We (Angus Council Social Work and Health) have a legal duty to look into situations when people who are concerned about a child's wellbeing contact us. Sometimes the staff who look into the situation think that the child is suffering, or will suffer, significant harm unless action is taken to protect the child. This action is called an 'emergency protection measure'.

Types of emergency protection measures

We have taken one of the following three emergency protection measures. The person giving you this leaflet will explain to you which one it has been for your child.

- 1 A sheriff has made a **child protection order (CPO)**, usually after we asked them to do so. The sheriff may attach directions to the CPO. There may be a direction allowing you to see your child while the CPO is in force. However, if the sheriff does not think it would be in your child's best interests to see you, there may be a direction preventing you from seeing your child while the CPO is in force. A CPO is the most common type of emergency protection measure. However, in certain circumstances it may be that we have taken one of the following two less common types of emergency protection measures.
- 2 We contacted a justice of the peace. He or she has agreed to emergency protection measures because the sheriff was not available to consider an application for a CPO. This type of emergency protection measure only lasts for 24 hours. If we think your child still needs emergency protection at the end of the 24 hours, we must apply to the sheriff for a CPO.

- 3 A police officer has decided that your child was suffering, or will suffer, significant harm. It was not possible for them to contact a sheriff to apply for a CPO. As a result, the police officer took immediate action to protect your child, by removing them to a place of safety. Again, this type of emergency protection measure only lasts for 24 hours. If we or the police think your child still needs emergency protection at the end of the 24 hours, we or they must apply to the sheriff for a CPO.

You are entitled to contact a solicitor for legal advice. Legal aid may be available.

What happens if a sheriff grants a child protection order?

We must put the CPO into practice within 24 hours of the sheriff granting it. If we don't do this, the CPO ends and your child will be returned to you as soon as possible. The date we put the CPO into practice is very important as the procedure, once the CPO has been granted, has a very strict timescale. The CPO will last for no more than eight working days after the date we put the CPO into practice. This means that if we put the CPO into practice on a Monday, the second 'working day' children's hearing would be held on Wednesday and the eighth 'working day' hearing on the following Thursday. (Saturdays, Sundays, 25 and 26 of December and 1 and 2 January are not 'working days.')

- 1 We must tell the reporter to the children's hearing that the sheriff has granted a CPO for your child. The reporter is an official of the Scottish Children's Reporter Administration who decides whether or not a child should be referred to a legal tribunal to decide if legal steps are needed to help a child. These

tribunals are called children's hearings. The reporter will decide when your child should be brought to a children's hearing. At any time during the two working days after we put the CPO into practice, the reporter can decide that the conditions for making the order no longer exist. The reporter will tell the person who put the order into practice and the order will end. The reporter might make this decision if there is a clear change in your family's circumstances, or if they have received new information about your child and his or her situation. If your child has been removed from your care under the CPO, he or she will be returned to you as soon as possible.

- 2 If the reporter does not use their power to end the CPO, a children's hearing will be held on the second working day after the order was put into practice. The hearing will decide whether or not the CPO should continue. The hearing can decide it should not (in which case the order ends) or it can decide that the order should continue. If it continues the order, the hearing can then decide whether any of the sheriff's directions given when granting the order should be kept, cancelled or changed.

If the CPO is continued at the second 'working day' hearing, a further hearing will be fixed for the eighth working day after the order was put into practice. The eighth 'working day' hearing is to present the 'grounds of referral'. These are the reasons why the reporter is concerned about your child's safety and wellbeing. The hearing will ask you and your child (if he or she is able to understand) whether you accept and agree with the grounds of referral. A social worker will be

present at the hearing to speak about a report they have prepared for the hearing. The social worker will have made a recommendation in the report about what decision should be made. The CPO will come to an end at the eighth 'working day' hearing. If the hearing thinks your child still needs protective measures, a 'place of safety' warrant may be issued. This warrant (which allows us to place your child away from home) lasts for up to 22 calendar days and can be renewed by the hearing if necessary.

Children's hearings

There are rules about how children's hearings are organised and take place. These cover, for example:

- who can or cannot be at a hearing;
- who has to be there;
- what information you need to get before the hearing; and
- what you have to be told once you are there.

Your solicitor and the reporter or the social worker who gave you this leaflet can give you more information about hearings.

Can I get the CPO cancelled or changed?

You can apply to a sheriff to cancel or change the CPO. A solicitor will be able to advise you on how to do this. You have two chances to apply to a sheriff to have the CPO cancelled or changed.

- 1 Before the second 'working day' children's hearing is held.