



## **Contact during S47 investigations**

Arrangements where 'Working Agreements' are put in place for Immediate Protection of Children who are subject to Child Protection Investigations

This advice is provided in order to clarify the legal position where working agreements are put in place aiming to restrict contact with children who are the subject of child protection investigations with a view to their immediate protection.

This will principally concern MARAT as the team undertakes most child protection investigations pursuant to s47 of the Children Act 1989; but it is acknowledged that the area teams also initiate CP investigations where they are already involved with the children concerned.

The starting point of the advice is that the local authority does not have any legal power per se to regulate contact between a child who is the subject of a CP investigation and any parent or other person.

It may be identified that there is a situation, however, where one or both parents present an immediate risk with regard to significant harm to a child or children. As an alternative to taking steps to secure a child's emergency removal from parental care, or to commencing early care proceedings if EPO grounds are not present; agreement can be sought from parents to regulate contact to protect a child or children pending further assessment.

The local authority cannot demand that a person be denied contact with a child; or, indeed, that a person posing a risk move out of the family home; it can only seek agreement; and explain the possible consequences if agreement is not forthcoming. The agreement of both parents concerned should be secured if possible to any restriction of contact, particularly if both have parental responsibility for a child. It is very important to determine as early as possible in the investigation who has PR for the child, as it is difficult for legal advice to be given if this information is not available. If the 'risky' parent does not agree; advice can still be given to a protective parent to use their PR to restrict contact with the other parent temporarily in the interests of the child. Support and advice should usually be given to enable the child or children to have supervised contact with the non-resident parent; other than in the most extreme of circumstances. If the non-resident parent is aggrieved, their redress is via the court in private law proceedings; however legal funding for advice will rarely nowadays be available to them in these circumstances.

If the 'risky' person is not a parent, it is perfectly proper for the authority to seek the agreement of the parent or parents to the child not having contact with that third party for a period of time.

If both parents are considered to present a risk of significant harm, the child may well be with a relative or friend, either already placed or moved at the suggestion of

professionals. If an agreement seeks assurance from the parent or parents that for child protection reasons, the child will not be removed from a kinship placement; it is likely that a deemed s20 accommodation situation will arise. This gives the local authority a duty to promote such contact as is in the child's welfare interests, but there is no power to deny contact to the parents. Supervised contact arrangements should be supported and promoted in these circumstances.