

Police protection: evidence and practice briefing

Introduction

Police protection, under section 46 of the 1989 Children Act,¹ enables the police to remove children from a location or prevent their removal from a location (such as a hospital) without a court order, in cases where there is an urgent safeguarding concern. The Act states that when children are being removed, the officer should place them in suitable accommodation during the time in which the power is enacted. While this power plays an indispensable role in securing children's welfare in situations of immediate risk, it is also a far-reaching power which is subject to little oversight, and concerns have been raised about both its overuse and whether children held under these powers are appropriately cared for.² In practice it is common for children to spend extended periods of time in police stations. Due to the nature of police stations and the lack of adequate professional and physical provisions for accommodating children, the experience of police protection has been identified as an inappropriate and potentially traumatising experience for these children.

This briefing aims to provide a comprehensive overview of police protection, covering its legal basis, the practical guidance for its implementation, a summary of existing research, the issues it poses to agencies and children, and the findings of our scoping work. By exploring the available information around the subject, this briefing seeks to highlight the importance of bringing more attention to this area of practice and addressing the structural issues associated with it.

Legal framework

Police protection was introduced in section 46 of the 1989 Children Act³ to address the gap in emergency safeguarding provisions, giving police the lawful authority to intervene in urgent situations, where a child is at risk and a court order can't be sought quickly enough for their protection.

The Act stipulates that a constable may remove a child or prevent a child from being removed from somewhere (such as a hospital), if they have reasonable cause to believe that they would otherwise be "likely to suffer significant harm".⁴ The power is subject to a number of conditions and limited to 72 hours.⁵ While the designated officer will not have parental responsibilities for the child during this time, they shall "do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare".⁶ The wording in the Act specifies that when a child is removed, they must be taken to "suitable accommodation".⁷

The use of the power also entails an obligation for the constable to inform the local authority where the child was found as well as the local authority where the child is ordinarily resident if these are different, the child's parents or anyone with parental responsibility for them, and the child.⁸ They must be told about the steps taken, the reasons for taking them, and any future steps to be taken.

Practice guidance

The College of Policing has set out more detailed and practical information about how to use the powers of police protection,⁹ basing this guidance on the Home Office circular 017/2008.¹⁰

The guidance emphasises the importance of collaborating with other agencies and units. It advises that before exercising the power, officers should seek advice from the child abuse investigation unit or, if this is not possible, should at least inform them following the use of the power. Officers are also compelled to hold a strategy discussion to plan the next steps in a police protection incident promptly after the deployment of the power. Immediate referral to children's social care is also highlighted as a necessary next step.

Important caveats are included in the guidance. It outlines that court orders for removal of a child should be used in preference to police protection, and that the latter should only be exercised where urgency doesn't allow for a court order. Additionally, parents or anyone with parental responsibility need to be made aware of the use of the power, unless they are suspected of abusing the child, in which case disclosure is up to the discretion of the officer.

A more comprehensive definition of "suitable accommodation" is given in the guidance. This is described as usually being local authority accommodation, a registered children's home or foster care. The definition stipulates that this should not be a police station, apart from in exceptional circumstances, such as when immediate local authority accommodation is not available. Where children do have to be brought into police stations, the guidance states that a suitable, physically safe, and comfortable room is to be available.

The supervision of a child under police protection is the responsibility of the initiating officer, who will assess their individual circumstances, communicate with the child, and explain to them what police protection is, what has happened so far, and what the next proposed steps are. The child will also be the responsibility of a designated officer, appointed by the chief officer in the area, who will inquire into the case, check on the child's welfare, the suitability of the environment they are being kept in, and regularly review the grounds for the power remaining in force. A child is released from police protection either when the designated officer no longer considers them to be at risk, when an emergency protection order (EPO) or interim care order (ICO) has been made, or when the local authority has provided them with accommodation. The Home Office circular implies that one of these conditions must be met within the time limit of 72 hours, emphasising that this upper limit should be rarely used, and that "*Normally arrangements for children's social care to provide accommodation for the child or to apply for an EPO should be undertaken within a few hours of the child being taken into police protection*". There is no mention of what should be done if none of these conditions are met within 72 hours.

Existing research

The evidence base on police protection is very limited. The most relevant study carried out on the subject was published in 2002 in an article entitled *Police protection: protecting whom?*.¹¹ The author employed a two-stage research design, surveying 16 randomly selected forces, and following up with more in-depth interviews and record examination for eight of these forces. Emergency Duty Teams (EDT) in six local authorities corresponding to these forces were also interviewed. This section will outline some of the key findings and relevant insights from this piece of research.

The 2002 study highlights that most cases of police protection took place outside of office hours, when child protection units, social services departments, and courts are closed. Only a quarter of cases occurred within office hours, with the rest taking place outside of this, mostly in the evening from 4.30pm – 10pm. The types of cases in which police protection was used were varied. The biggest category of cases, accounting for 40% of instances, related to children "at risk", which covered children removed due to: intoxicated parents, non-accidental injuries, mentally ill parents, allegations of sexual abuse, among other things. The second largest category, accounting for 19% of instances, were children missing from home, which often meant those who have run away from home or placements. Other uses of the power included having to control children who were violent, intoxicated, or mentally ill; or to recover children who had been abducted; or remove children left home alone or found wandering the streets.

The study also found that there were substantial variations in the numbers of yearly police protection instances between forces, noting a tenfold difference in use per 1,000 children living in the area between two of the forces. The majority of police protection instances were reported to relate to children under the age of 15. During periods of police protection, 75% of children were initially taken to police stations, despite guidance describing this as a last resort, only to be used in exceptional circumstances. This was often due to police not having anywhere else to take children. Most stations did not have dedicated facilities for this, and children were typically taken to interview rooms, canteens or left in

the front office, under the supervision of an on-duty officer. For nearly 75% of the children, police protection lasted under 6 hours and ended when they were sent to a social service placement, or back to parents, relatives or friends.

The study also outlined how police protection is often exercised by officers with little specialist training in child protection, who rely instead on “common sense” rather than clear guidance or experience for this. This lack of expertise can make it difficult to judge whether the risk of significant harm justifies removal, or to weigh this against the likely risks of placing a child in local authority care. In practice, police protection was said to be used in two broad situations: either when police act at the request of social services, or when they encounter a crisis directly. Because police protection allows children to be removed without court scrutiny, they were often favoured over EPOs, which were seen as time-consuming, procedurally complex, and inaccessible outside of court hours. Social services acknowledged relying on police to use these powers in emergencies, but also criticised them for being too ready to use police protection, sometimes undermining social work plans that aimed to keep families together. Police, for their part, reported feeling drawn into matters that should sit with social services, but where they must nonetheless make difficult safeguarding decisions. The paper concludes that with little internal oversight, inconsistent collaboration, and a culture of risk aversion, use of police protection was frequently driven as much by the anxieties of professionals and the convenience of avoiding EPOs as by the needs of children.

Use of police protection today

While there is no accessible systematic data collection on the circumstances in which police protection is used today, conversations with stakeholders have given us some indication of the types of cases in which it continues to be used. It was highlighted that one common scenario in which police protection is used is when parents are arrested, leaving their child or children without immediate carers. Use of the power for recovering missing children who have run away, or where children have been found alone on the street in precarious situations, was also mentioned. A third circumstance evoked related to reports of safeguarding concerns or suspected abuse of children by parents or carers. Stakeholders also reported police protection being used when a child is released from custody after an arrest, but where there is no appropriate address to release them to. Lastly, it was suggested that the use of police protection may have risen as a result of the harder stance taken towards children being violent in domestic disputes over the past five to ten years, as police reportedly use the power to remove children from the household environment. It is important to note that these were based on anecdotal reports, and no data is currently available to estimate the prevalence of each of the circumstances in which the power is used, nor indicate in what other scenarios it is commonly used.

Stakeholders described the power as being used more frequently and problematically out of office hours, which they reflected was likely due to the expertise of health and local authorities not being available. It was also noted that children were very often taken to police stations during the use of police protection. This was reportedly happening because of the limited availability of “appropriate accommodation” for police to bring children to, particularly when the power is being used out-of-hours.

The scale of the use of police protection

In order to gather some data about how police protection is currently being used, we sent out Freedom of Information (FoI) requests to police forces and local authorities across the country. Our aim was to explore how frequently these powers are being used, how often children are held in police stations overnight, how many children are being held repeatedly, and what provisions forces have to accommodate them.

We received responses from 29 out of 46 forces, as the remaining forces either did not capture data about incidents of police protection at all, or did not do so in a way that was easily retrievable. The 29 forces that did respond cover 67% of children in England and Wales. The total number of police protection incidents across this area in 2024 was 8,050, which if extrapolated to the whole of England and Wales, would mean a total of approximately 12,000 uses of the power in 2024. Rates of use per capita varied substantially between different forces. The highest rate was 25.6 incidences per 10,000

children residing in the area, and the lowest was 0.75 per 10,000, suggesting a wide variation in usage between different forces.

Although most of the forces who responded weren't able to provide much information beyond the number of uses of police protection, the small amount of additional data we did receive was noteworthy. In the five forces who were able to report on the length of time that children were in police stations for, 58% of children were held for over 12 hours, and 40% for over 24 hours. In terms of repeat uses, one force reported that they had a child taken into police protection nine times in 2024 alone, another child was held eight times, and 13 more children were held between two and five times. We were unable to gather any demographic information about the children put under police protection, such as age and ethnicity.

How is police protection being used?

Our open question on the current arrangements for appropriately accommodating a child under police protection received 21 responses. Our thematic analysis of these responses revealed a wide variation in forces' understanding and approach to accommodating children under police protection.

Two forces stated explicitly that police stations should never be used to hold children under police protection, noting for example: *"We do not have any provision to accommodate a child at police stations. The legislation is clear that a police station is not an appropriate place of safety."* A further two said stations could be used as a last resort but not overnight, as one wrote *"police stations have safe spaces whilst awaiting social care or appropriate carers, but they [children] will not sleep at the station."* The largest group, eight forces, stressed that police stations should only be used in very exceptional circumstances, such as *"a lack of immediately available accommodation, and for a short period of time"*, or *"if the Local Authority cannot immediately accommodate a child ... they will be taken to a police station as a last resort."* In contrast, five forces made no mention of the police station being a "last resort", with one stating: *"Every child under Police Protection is taken to the local police station to await accommodation and where they are placed is dependent on that station and its facilities."*

In terms of the provisions available to accommodate children, there seemed to be an innate tension between having a dedicated space to accommodate children under police protection and trying to adhere to the principle that police stations were not suitable environments for them under the power. Four forces reported that they had created child-friendly spaces with toys and entertainment, and five had facilities with beds and other amenities, such as *"suites where provisions include: bedding, toiletries, clothing, food, fold out bed."* However, seven forces had no dedicated spaces for this and instead used spaces deemed most appropriate, such as canteens or witness rooms, as one force put it: *"They are taken to the most appropriate room, depending on the station. This is usually a witness room or canteen area."* A smaller number of forces mentioned using alternative provision outside of stations. Three described either using hotels or having arrangements with local authorities, for example: *"As a Force we currently have three designated 'Safe Spaces' ... Local Authority buildings with a bed, food facilities, hygiene products."*

Other themes emerged across the answers given by forces. Two reported that children might be placed with family members following a risk assessment, stating for instance: *"When considering whether a relative can provide suitable accommodation, a thorough risk assessment will be conducted jointly by police and social care."* Three forces emphasised that social services should be contacted immediately to explore other options, before police protection was used as a last resort, one of them noting that: *"Police officers must have an active discussion with Children's Social Care and Inspectors ... to assess alternative options before taking out Police Protection powers."* Finally, three forces noted that it was usually up to the officer caring for the child to take initiative, stating for example that *"there is no formalised process or protocol regarding food and drinks"* for the child.

Concerns about the use of police protection

Police protection has been raised as an issue in need of urgent attention in our recent engagement with police practitioners and wider discussions with safeguarding experts in the National Police Chiefs' Council and the College of Policing. Stakeholders raised the inappropriateness of existing provision with particular attention paid to inadequate physical spaces and training. Additionally, concerns were raised about inconsistent use of the power across different forces and, in particular, that police protection is sometimes being used in unnecessary circumstances. Some stakeholders specifically raised the use of police protection being used to address ongoing issues where there is no urgent need for intervention. Stakeholders raised several factors which might be contributing to unnecessary use:

- institutional fears of potential risks of a failure to act, and preference for “positive action”;
- limited or absent training on the use of police protection for officers;
- shortfalls in multiagency collaboration and contingency planning, where a child is already known to agencies;
- unavailability of children's services EDTs, which means that police can lack the opportunity to draw on expertise to inform out-of-hours decision-making; and
- a lack of data capture around key details of police protection, such as the length of time that children are held for which creates a context in which there is little accountability and monitoring.

Case studies

Case study 1

A former police officer who we spoke with shared her experience of using police protection in her time at the police. In her two years with the police, she had been in charge of supervising children on police protection on two occasions.

The first instance involved a 13-year-old child who, after being stopped and searched, was identified as being far away from the county where he was thought to reside. It was suspected that he was being groomed into criminal activity by a much older teenager. The child was placed under police protection and taken to a police station, primarily because it was too late in the evening to transport the child back to their home, where there were concerns of neglect in any case. The child spent much of the time on police protection in the disused canteen, with the junior officer sitting with him. The environment was described as not appropriate: *“cold and dingy”*, without soft furnishings, and with only benches to sit and sleep on. The child was kept there for an extended period in the late evening. Additionally, the officer had little guidance from senior staff, and no prior training or understanding of police protection powers. As she recalled: *“I feel like I was forgotten”*. Senior staff were busy with other priorities and police work, leaving the more junior officer to take her own initiative to care for the child, without adequate resources. There was no process for providing basic food and drink either, and this was only done on the initiative of the individual officer: *“I used my own money to get him some snacks”*. The case was complicated by it being outside of office hours, and the fact that the child did not reside in the police force’s county, meaning they had to liaise with his home county’s police force and local authority to plan the next steps. The officer explained that the child’s understanding of what was happening, of the role of the officer, and of the police protection power that was being used, was likely to be limited due to the circumstances: *“the lines were blurred because we stop and searched him... I’m sure in his head he must have thought ‘you’re accusing me of something’”*.

The second case in which she was responsible for supervising a child on police protection involved a two-year-old found at the scene when their mother was arrested for being in possession of a shotgun. The child was taken into the police station and babysat by the officer in the inspector’s office. She described her superiors as being more attentive to the child in this case, likely due to the age of the child. The child was placed in a comfortable part of the chief inspector’s office, and she recalled that *“they did endeavour to get him food”*. Social services came quite quickly, in a matter of a couple of hours, and placed the child with the grandparents. She reflected that she was put in charge of minding the child likely due to her rank, even though she was not the officer that initiated the police protection nor was she at the scene when the child was removed. As she explained, she was given the responsibility, *“because you’re new you need to do this, everyone else has got a busy caseload”*.

Reflecting on the trends in practice around police protection that she had observed while with the police, she noted, *“I think worst case scenario, getting a child on a Friday, after 5pm, that child is definitely gonna stay [in the police station] for 24 hours or more”*.

Case study 2

A former chief inspector, who had oversight of the use of police protection in his team, shared his experience of this in practice and his perspective on the challenges it poses.

He highlighted that the provisions available to accommodate children in police stations during a period of police protection were a cause for concern: *“There was certainly no bed. The most comfortable chair you could find, and a blanket from custody, probably, that was the best that could be provided. I would say there was vastly inappropriate provisions.”* Children needing to be accommodated overnight in these conditions at police stations as a result of police protection was said to occur *“very frequently”*. Additionally, it had to be ensured that an officer was with the child at all times to care for them, but officers were both on duty and lacking in the training and skills to look after a vulnerable child. As a result, children were exposed to the day-to-day work of police staff, and the distressing conversations that take place in a police station environment. As the former chief inspector put it: *“I’ve had to effectively babysit the child in my office with my radio going constantly for every crime that reported to the police, and that could be from domestics, to a murder, to an assault to very, very delicate cases, and meanwhile all of that is being exposed to that young person”*. The impact of this on a vulnerable child was described as highly damaging: *“it’s completely inappropriate, I mean talk about vicarious trauma”*.

He recalled that police protection was used on a near-weekly basis, particularly at the weekend and outside of social services’ business hours, where their EDT was facing resource pressure. In his experience, the reasons for leveraging the power most often stemmed from needing a short-term childcare solution for children whose parents had just been arrested, but it was also often used for cases of missing children, particularly where they were reluctant to return to their homes or placements. In the latter group of cases, he explained that police protection was used to buy time while the police figured out the next steps, anticipating a high risk of children going missing again if they were to be returned. Here, the power was being used in a different way than how it had been intended, as he put it: *“protection would be utilised to in effect almost unlawfully detain [children who had run away]”*.

He also described how the power could sometimes be used in non-urgent situations, where a safeguarding concern was brought to the attention of the police by social services. When this occurred, particularly outside of office hours, he explained that police tended to take a more cautious approach to situations, using the power when there may otherwise be consequences to the failure to act. He recounted one instance of being called out on a Friday evening for a case of ongoing emotional neglect, where no immediate or urgent danger was present, but the decision to use police protection was taken: *“It was really complex because the allegations of neglect aren’t physical harm it was mental and emotional, so you as the inspector have to make that really important decision to take the child away from their mother in those cases, and that’s really complex... you’re judging the circumstances on what would the public expect me to do?”*.

Lastly, increased collaboration between social services and the police was said to be an important factor for improvement. The EDT’s response time to safeguarding incidences varied, which was reportedly partially due to the assumption that a police station is a safe place for children. Physical co-location of EDTs with provisions to accommodate children was suggested as a possible solution: *“I believe that the co-location of police and social services would be a good recommendation”*.

Conclusion

Police protection is an important emergency safeguarding tool, but, as this briefing has highlighted, the wide-ranging power and lack of oversight create a risk of excessive and inconsistent use. Reports of over-reliance on police to care for children in need of emergency safeguarding are particularly concerning. The striking variance between police forces in how frequently they use these powers, how they are implemented, and what provisions are in place for children highlights the risk of inadequate practice in some areas. While guidance is clear that police protection should be exceptional and time-limited, in practice, operational pressures, resource constraints and risk aversion mean that children may still spend prolonged periods in unsuitable spaces and, in certain cases, are being repeatedly subject to police protection.

Given the wide-ranging scope of these powers, and the frequency with which they are used, it is striking that little is known about them. The data and monitoring of the use of police protection is very limited, the existing evidence base is more than 20 years old, and accountability is therefore absent. The Centre for Justice Innovation hopes to fill this evidence gap by undertaking further research to explore children's lived experiences of police protection, map the structural factors that precipitate its use, and highlight best practice in safeguarding children subject to police protection.

We hope that future research will put us in a position to offer practical support to police forces and local authorities seeking to ensure proportionate, appropriate, and safe use of police protection. For now, we would encourage any practitioners with an interest in sharing their experiences or working together on this project to reach out at info@justiceinnovation.org.

Endnotes

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Thanks to:

This research has been generously funded by the Esmée Fairbairn Foundation.

About the Centre for Justice Innovation

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