

CHILDREN ACT 1989: RISK ASSESSMENTS UNDER SECTION 16A

- 1.1** This Practice Direction applies to any family proceedings in the High Court, a county court or a magistrates' court in which a risk assessment is made under section 16A of the Children Act 1989 ('the 1989 Act'). It has effect from 1st October 2007.
- 1.2** Section 16A(2) of the 1989 Act provides that, if in carrying out any function to which the section applies (as set out in section 16A(1)), an officer of the Service or a Welsh family proceedings officer is given cause to suspect that the child concerned is at risk of harm, the officer must make a risk assessment in relation to the child and provide the risk assessment to the court.
- 1.3** The duty to provide the risk assessment to the court arises irrespective of the outcome of the assessment. Where an officer is given cause to suspect that the child concerned is at risk of harm and makes a risk assessment in accordance with section 16A(2), the officer must provide the assessment to the court, even if he or she reaches the conclusion that there is no risk of harm to the child.
- 1.4** The fact that a risk assessment has been carried out is a material fact that should be placed before the court, whatever the outcome of the assessment. In reporting the outcome to the court, the officer should make clear the factor or factors that triggered the decision to carry out the assessment.
- 1.5** Issued by the President of the Family Division, as the nominee of the Lord Chief Justice, with the agreement of the Lord Chancellor.

