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Baroness Butler-Sloss  
House of Lords  
London  
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Our ref: 319711

23 January 2012

Dear Baroness Butler-Sloss,

#### **LEGAL AID - DOMESTIC CHILD ABDUCTION**

During the Legal Aid Sentencing and Punishment of Offenders Bill Committee debate on 16 January you asked me to look into the question of whether the police could take action in a case of 'child abduction' within the UK in the absence of a court order.

Safeguarding children is a fundamental part of the duties of all police officers and the police can intervene where abductions have occurred, whether or not court orders are in place. This will generally be where they consider there to be a risk to the child, including a risk of being taken abroad, as taking a child abroad without consent is of course a criminal offence. I have attached the ACPO guidance on parental child abduction from 2010 which you may be interested to see.

Where no crime has been committed, or is suspected of having been committed, the police are more limited in their powers as it will be a civil matter (although there can be some overlap in these cases, especially where the facts are unclear). Whilst they may intervene to recover a child covered by a Prohibited Steps Order made under section 8 of the Children Act 1989, they are under no absolute obligation to do so, unless there is a risk of harm to the child. On the other hand, I understand that they can assist in the location process if, for example, a Seek and Find order is in place. As I mentioned in the House, these are relatively straightforward to obtain. In any event, whilst the likelihood of the police intervening in a particular abduction case will vary depending on the facts of that case, there will of course be recourse to the family courts for cases that are clearly non-criminal, whether to enforce a contact order for example or to obtain a Seek and Find order. There is substantial guidance available for applicants in these situations.

It may be helpful if I also mention the existence of the Child Rescue Alert (CRA) which was designed for use in the cases of missing children and in particular child abductions where the child is taken elsewhere within the UK or abroad and is at risk of serious harm. The Child Exploitation and Online Protection Centre is reviewing the purpose and effectiveness of CRA, and its use across forces. Their assessment of how it might work in the future is continuing, and we should see the results of that review in the near future.

I am copying this letter to Baroness Shackleton and to Baroness Scotland who also raised this subject during the debate. I will place a copy of this letter in the Library of the House.

Yours Sincerely  
Tom McNally

**TOM MCNALLY**