

KNOW YOUR FAMILY RIGHTS

A Practical Guide for Families Dealing With Social Work (Scotland)

This guide explains what Social Work can do, what they cannot do, and what your rights are when they become involved with your family.

It is designed to reduce fear, stop misinformation, and help families make informed decisions.

1. IMPORTANT FIRST PRINCIPLE

Social Work does not automatically have power over your family.

In Scotland, parents retain full parental rights and responsibilities unless a court order says otherwise.

Most Social Work involvement is voluntary.

2. WHAT SOCIAL WORK CAN DO (WITHOUT A COURT ORDER)

Social Work can:

Offer support services

Ask to visit your home

Ask to speak with you

Ask to speak with your children

Make recommendations

Offer voluntary Child Protection Plans

Refer concerns to the Children's Reporter (SCRA)

Key word: ASK.

You are allowed to:

Ask questions

Take time to decide

Say no to voluntary involvement

3. WHAT SOCIAL WORK CANNOT DO (WITHOUT A COURT ORDER)

Without a court order, Social Work cannot:

Remove your children

Impose a no-contact rule

Exclude someone from your home

Force assessments

Force you to engage

Force medical or psychological reports

Speak to your children without consent unless there is immediate risk

Use school access as a workaround to avoid parental consent

Threaten removal as a pressure tactic

If any of the above happens without a court order, you should seek legal advice immediately.

4. CHILD PROTECTION REGISTER – WHAT IT REALLY MEANS

Being on the Child Protection Register:

Is administrative

Is not a court order

Does not remove parental rights

Does not give Social Work extra powers

Does not allow removal or enforcement

A Register is monitoring, not control.

5. VOLUNTARY INVOLVEMENT – YOUR RIGHT TO WITHDRAW

If Social Work involvement is voluntary:

You can withdraw consent at any time

You can limit what you agree to

You can require communication through a solicitor

You can require an advocate present for children

You can say no to home visits

Withdrawing consent is not neglect and is not a crime.

6. WHEN SOCIAL WORK DO HAVE POWER

Social Work only gain enforceable power when there is:

A Child Protection Order (CPO)

A Compulsory Supervision Order (CSO)

An Interim CSO

A Sheriff Court Order

If there is no order, power has not transferred from parents to the state.

7. SCRA (CHILDREN'S REPORTER) – WHAT THEY DO AND DON'T DO

SCRA:

Decides whether legal grounds exist

Requires evidence, not opinion

Can refuse to hold a hearing

Does not automatically accept Social Work claims

If SCRA refuses a hearing, Social Work does not gain power by default.

8. SCHOOLS AND SOCIAL WORK

Schools:

Must act in children's best interests

Should inform parents before Social Work access

Cannot override parental rights

Cannot consent on your behalf

Cannot allow interviews without lawful basis

"Following guidance" does not override the law.

9. PSYCHOLOGICAL AND MEDICAL REPORTS

You:

Cannot be forced into assessments without a court order

Have the right to informed consent

Have the right to see reports

Have the right to challenge reports

Have the right to legal advice before engagement

A report under professional investigation must be treated with caution.

10. THREATS, PRESSURE, AND FEAR

Social Work should not:

Use fear to gain compliance

Threaten removal without grounds

Use children's words out of context

Escalate after consent is withdrawn

Target families for asserting rights

If this happens, document everything.

11. WHAT TO DO IF YOU FEEL OVERWHELMED

1. Pause, you do not need to respond immediately
2. Ask for everything in writing
3. Request legal advice
4. Ask "What legal power are you relying on?"
5. Do not agree to anything you do not understand

12. YOU ARE NOT ALONE

Many families experience:

Pressure

Confusion

Fear

Mixed messages

Threat-based language

Knowing your rights changes the balance.

FINAL NOTE

This guide is about empowerment, not conflict.

You can protect your family without being aggressive, simply by being informed.

Below is a clear, family-friendly explanation of every order Social Work or the courts can use in Scotland, written so families understand what each order actually means, what power it gives, and what Social Work must prove to get it.

COURT ORDERS SOCIAL WORK CAN USE (SCOTLAND)

What They Are, What Power They Give, and What It Takes to Get Them

This section explains every legal order that Social Work may refer to, threaten, or seek and what they legally require to obtain them.

1. CHILD PROTECTION ORDER (CPO)

What it is

A Child Protection Order is an emergency court order granted by a Sheriff.

What power it gives

A CPO can:

Remove a child from their home immediately

Prevent a parent from seeing the child

Authorise placement with foster care or another person

Allow Social Work to act without parental consent

What Social Work must prove

Social Work must prove to a Sheriff, not just claim, that:

The child is at immediate risk of significant harm

Waiting for a hearing would put the child in danger

There is evidence, not speculation


Important facts

CPOs are rare

They are time-limited (usually days)

A hearing must follow quickly

Parents have the right to challenge it

 If there is no CPO, Social Work cannot remove your child.

2. EXCLUSION ORDER

What it is

A court order that removes an adult from the family home instead of removing the child.

What power it gives

Forces a named person to leave the home

Can prohibit contact

Can involve police enforcement

What Social Work must prove

That the named person poses a real, immediate risk

That exclusion is necessary and proportionate


That there is evidence, not opinion

Important facts

Requires Sheriff approval

Cannot be imposed by Social Work alone

Cannot be done “informally” or “by agreement” if coerced

 If no Exclusion Order exists, no one can be forced out of the home.

3. COMPULSORY SUPERVISION ORDER (CSO)

What it is

A legal order made by a Children’s Hearing, not Social Work.

What power it gives

Allows compulsory involvement

Can set conditions (contact, residence, supervision)

Can authorise placements

Transfers some decision-making power to the state

What Social Work must prove

Before a CSO can be made:

1. SCRA must accept grounds
2. Grounds must be proved or accepted
3. Evidence must meet the legal threshold
4. A Hearing must agree compulsory measures are necessary

Important facts

Social Work cannot issue a CSO

SCRA can refuse to proceed

No hearing = no CSO

 If there is no CSO, involvement remains voluntary.

4. INTERIM COMPULSORY SUPERVISION ORDER (ICSO)

What it is

A temporary CSO while matters are being investigated.

What power it gives

Short-term compulsory measures

Temporary conditions

What Social Work must prove

Urgency

That waiting would put the child at risk

That evidence supports interim action

Important facts

Time-limited

Requires review

Still requires SCRA and a Hearing process

5. RESIDENCE ORDER (SECTION 11 CHILDREN (SCOTLAND) ACT)

What it is

A civil court order deciding where a child lives.

Who applies

Usually parents

Sometimes Social Work in rare cases

What power it gives

Determines residence

Prevents removal by another parent

Gives stability

Important facts

Does not give Social Work control

Does not remove parental rights unless specified

6. CONTACT ORDER

What it is

A court order regulating contact between a child and an adult.

What power it gives

Can allow, restrict, or supervise contact

Important facts

Requires evidence

Must be proportionate

Cannot be imposed by Social Work alone

7. CHILD PROTECTION REGISTER (IMPORTANT CLARIFICATION)

What it is

An administrative record, not a court order.

What power it gives

None.

It:

Does NOT remove rights

Does NOT authorise removal

Does NOT give enforcement power

Does NOT override consent



A Child Protection Register is monitoring only.

8. WHAT SOCIAL WORK CANNOT DO WITHOUT COURT ORDERS

Without any of the above orders, Social Work cannot:

Remove a child

Force a no-contact rule

Exclude someone from a home

Force assessments

Speak to children without consent (except immediate danger)

Override parental rights

Use schools as a workaround

Threaten removal as leverage.

9. COMMON MISLEADING TACTICS FAMILIES SHOULD KNOW

Families are often told:

“We don’t need a court order”

“This is serious now”

“SCRA is about to take over”

“If you don’t agree, we’ll escalate”

“This is child protection procedure”

⚠ Procedure is not law. ⚠ Concern is not evidence. ⚠ Threats are not authority.

10. THE CORE TRUTH

Social Work:

Investigates

Recommends

Refers

Only courts and Children’s Hearings:

Order

Compel

Remove

Restrict rights

SIMPLE RULE FOR FAMILIES

If there is no court order, you still hold your rights.

Below is a clear, calm, legally-safe “Social Work Shows Up” script for Scotland. This is designed so families can read it verbatim at the door or on the phone, without escalating the situation or accidentally giving consent.

You can include this directly in your Know Your Family Rights pack.

WHEN SOCIAL WORK SHOWS UP — WHAT TO SAY (SCOTLAND)

1. At the door first words

“Hello. Before we continue, please state your full name, role, and the legal basis for attending today.”

Pause. Do not invite them inside.

Opening the door does not mean consent to enter.

2. Ask the critical legal question

“Do you have a court order, Child Protection Order, warrant, or any legal authority requiring entry or access today?”

If they say no:

“Thank you. In that case, I do not consent to entry or discussion at this time.”

3. If they say "it's voluntary" or "just a visit"

"I understand you may wish to speak, but I am not consenting to voluntary engagement. Please put any requests in writing."

Voluntary means you can say no.
You do not need to justify your decision.

4. If they say "it's a child protection matter"

Calmly say:

"Is there an immediate risk of serious harm right now?"

If they say no:

"Then there is no lawful basis to override my consent. Please leave and put any concerns in writing."

5. If they ask to speak to the children

"I do not consent to my children being spoken to without my explicit written consent, an advocate present, or a court order."

If you have already withdrawn consent:

"Consent has already been withdrawn. Please respect that."

6. If they say "we'll note non-engagement"

"You are free to note whatever you choose. Lack of voluntary engagement does not create legal authority."

This is not a threat and does not create grounds for action.

7. If they try to enter anyway

Say clearly and calmly:

“I am asking you to leave now. You do not have consent to be on my property.”

If needed:

“If you do not leave, I will consider this trespass.”

Do not touch them. Do not block them physically.

8. If police attend with Social Work

Ask only this:

“Officer, do you have a warrant or court order requiring my compliance today?”

If the answer is no:

“Then I am exercising my right not to engage. Thank you.”

Police presence does not automatically give Social Work powers.

9. If they reference SCRA

Say:

“SCRA involvement does not grant Social Work powers. Only a court order does.”

SCRA ≠ court order.

10. If they say “we’re concerned about refusal”

> “You are entitled to be concerned. I am entitled to my rights. Please put everything in writing.”

Repeat as needed. Do not debate.

11. Ending the interaction

“This conversation is over. Please leave. Any further contact should be in writing.”

Close the door.

12. After they leave what to do immediately

1. Write down:

Date and time

Names

What was said

2. Save any emails or texts

3. Inform your advocate / solicitor (if you have one)

4. Do not send emotional follow-up messages

Documentation beats arguments.

IMPORTANT LEGAL NOTES (SCOTLAND)

No court order = no power

Child Protection Register is administrative only

Voluntary engagement can be withdrawn at any time

Refusal is not evidence of harm

Schools cannot override parental consent

Social Work cannot “create” authority by repetition

ONE-LINE VERSION (for stressed moments)

“I do not consent. Please put it in writing. Goodbye.”

Below is a clear, practical, Scotland-specific guide you can include in your Know Your Family Rights pack covering home education and school access rights, written so families can understand what schools and councils can and cannot do, and where Social Work actually fits (and doesn't).

HOME EDUCATION & SCHOOL ACCESS RIGHTS (SCOTLAND)

PART 1 HOME EDUCATION (WITHDRAWAL FROM SCHOOL)

1. Home education is a legal parental right

In Scotland, education is compulsory, school is not.

Parents have the legal right to educate their children at home, provided the education is:

Efficient

Suitable to the child's age, ability, and aptitude

There is no requirement for:

A timetable matching school hours

A classroom setup

Formal qualifications

Teaching certificates

2. Who you notify (and who you don't)

You notify:

The local authority (Education Department)


You do not need permission from:

Social Work

The school

SCRA

Police

 Councils often say they must “approve” legally, they do not approve, they assess suitability.

3. What councils are allowed to ask for

They may ask for:

A general outline of your education approach

How learning will be supported

How wellbeing will be maintained

They cannot require:

Detailed lesson plans

Daily schedules

Home visits

Access to your child

Specific curricula

Evidence of outcomes

4. What councils are not allowed to do

A council cannot:

Refuse home education just because Social Work is involved

Delay withdrawal indefinitely

Keep a child on roll while “deciding” unless there is a lawful reason

Treat Child Protection Register status as an automatic bar

Demand compliance with school-style monitoring

● Important:

A Child Protection Register is administrative only.
It does not remove parental education rights.

Only a court order (e.g., CSO with specific education conditions) can lawfully block home education.

5. Attendance during the process

Once you notify intent to home educate:

You may keep the child home while the process is ongoing

Schools often say absences will be “unauthorised” this does not make home education illegal

Councils cannot use attendance recording as punishment or leverage

6. If the council refuses or delays

If a council refuses home education:

They must give clear legal reasons

You can escalate to:

Scottish Government Education Directorate

The Care Inspectorate (if linked to coercive practice)

Judicial review (last resort)

PART 2 SCHOOL ACCESS & SAFEGUARDING RIGHTS

7. Schools do not override parents

Schools:

Are not Social Work

Are not courts

Do not hold parental authority

A school must respect parental rights unless:

There is immediate risk of serious harm

Or a court order exists

8. Speaking to children at school

Schools cannot allow:

Social workers

External professionals

“Safeguarding partners”

to speak to children without parental knowledge and consent, unless:

There is an immediate safeguarding emergency

Routine concerns do not qualify.

9. Advocate requirements

If a parent has stated:

“My child must have an advocate present”

Then:

That must be respected

“They weren’t available” is not a lawful excuse

Convenience does not override rights

10. Consent rules (very important)

Consent must come from:

A parent with Parental Rights and Responsibilities (PRRs)

Consent cannot be:

Assumed

Taken from the wrong parent

Obtained via another adult to bypass objections

Implied because of past cooperation

Once consent is withdrawn, it is withdrawn.

11. What schools often get wrong

Schools often (incorrectly) believe:

Social Work advice overrides parents

“Guidance” equals legal authority

Child protection procedures trump rights

They must follow Social Work instructions

⊘ This is false.

Schools must act:

Lawfully

Proportionately

With parental engagement

12. Recording, questioning, and removal from class

Without lawful authority, schools cannot:

Remove a child from class for questioning

Permit interviews about family life

Share information without necessity

Act as an enforcement arm for Social Work

PART 3 WHERE SOCIAL WORK ACTUALLY FITS

Social Work:

Can raise concerns

Can request access

Can recommend actions

They cannot:

Command schools

Override parental consent

Impose conditions

Create authority by repetition

Replace court orders with “procedure”

PART 4 THE SIMPLE RULE FOR FAMILIES

> No court order = your rights remain intact.

No CPO → no removal

No CSO → involvement is voluntary

No Exclusion Order → no forced separation

No court direction → no education interference

PART 5 WHAT TO DO IF SCHOOLS OR COUNCILS PUSH BACK

1. Ask what legal power they are relying on

2. Ask for it in writing

3. Ask whether a court order exists

4. State clearly:

Consent is withdrawn

Home education is being exercised

All contact must be lawful

If they persist:

Copy Education Directorate (Scottish Government)

Copy your solicitor (if applicable)

Keep everything in writing