

Understanding What's Going On

Keeping Your Child Safe – Exclusion Orders



What is an Exclusion Order?

An **Exclusion Order** is a court order granted by a Sheriff to prevent a 'named person' from having access to your child. This may be you, another member of your family or some other person who is considered to be putting your child at risk.

In a small number of cases, staff may feel that to help keep your child safe it is necessary to prevent an identified person – known as the 'named person' – having contact with them in the family home. This is done to avoid the disruption that may be caused by moving the child as a way of ensuring their protection. Staff will work with you to discuss this and, where possible, reach a voluntary agreement rather than having to apply for a legal order.

In a very small number of cases, it may be necessary to seek an Exclusion Order to prevent the 'named person' from having access to wherever your child is living. An order may be granted if your child has suffered, is suffering, or is likely to suffer, significant harm as a result of any behaviour, or any threatened or reasonably anticipated behaviour, of the named person. It will be granted if it is considered that the order would better safeguard the child's welfare than the removal of the child from the family home.

Only a local Council can apply for an Exclusion Order. Within the application, a person must be identified who is capable of taking responsibility for the child and who will be living, or is, living in the family home.

Where a Sheriff is satisfied that the conditions for making an Exclusion Order exist, they can order that the 'named person' be removed or excluded from your child's family home.

An Exclusion Order can last for up to six months and the Sheriff can attach conditions to the order to ensure your child's protection. For example, the police can be issued with powers of arrest without

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warrant, which allows them to arrest the 'named person' if they believe them to be in danger of breaching the Exclusion Order or one of the conditions attached. The Sheriff can also attach a condition that the 'named person' must not go near the child's home or school or have any contact with the child.

The 'named person' has the right to appear in front of the Sheriff prior to an Exclusion Order being granted to state their case. The Sheriff will take their views into account before any decision to grant an order is made.

Where a Sheriff believes grounds exist for making a Child Protection Order, the Sheriff may grant a Child Protection Order instead of an Exclusion Order, and the child may be removed from their home to a 'place of safety', rather than proceed with the removal or exclusion of a 'named person' from the child's home.

If an Exclusion Order is sought you should seek legal advice at the start of this process.

Seeking Legal Advice

If at any time you feel that you need legal advice on what you or your child's rights are you can contact:

- A solicitor (Legal Aid may be available) www.slab.org.uk
- The Scottish Child Law Centre www.sclc.org.uk

More information about the child protection process is available from the East Renfrewshire Child Protection Committee Website:

www.eastrenfrewshire.gov.uk/ercpc



All our information for families can be translated by request.

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www.eastrenfrewshire.gov.uk/ercpc