



Appendix 2 Summary Briefing Paper

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Parenting orders

Parenting orders are imposed by a criminal court, family court or magistrates' court, acting under civil jurisdiction when there has been a problem with a young person's behaviour. They allow parents to build their skills so that they can respond more effectively to the challenges of parenting.

Parenting orders can consist of several elements.

- The first element is a parenting programme designed to meet parents' individual needs to help them address their child or children's misbehaviour. This is not a punishment but a positive way of bolstering parental responsibility and helping parents develop their skills so they can respond more effectively to their children's needs.
- A second element specifies ways in which parents are required to exercise control over their children's behaviour to address particular factors associated with their offending. Examples might be escorting their children to and from school every day to ensure attendance, or ensuring that a child is at home during certain hours.
- The courts can also require parents to attend a residential parenting course, provided that it is likely to be more effective than a non-residential course, and that any interference with family life is proportionate (section 18 Anti-social Behaviour Act 2003).

Parenting orders can be made for children up to 17 years old provided the conditions in Section 8 of the Crime and Disorder Act 1998 are met. This section stipulates that a parenting order is desirable only if it is made in the interest of preventing repetition of the behaviour which led to the order being made.

Commencement of parenting contracts and orders with an anti-social behaviour trigger

From 29th June 2007, Local Authorities (LAs) and Registered Social Landlords (RSLs) have had the power to enter into parenting contracts and apply for parenting orders where anti-social behaviour is the trigger under amendments to the Anti-Social Behaviour Act 2003 in the Police and Justice Act 2006. This follows up on the Respect Action Plan commitment to 'to widen the range of agencies which can apply for a parenting order where a child's behaviour requires it'.

s23 of the Police and Just Act 2006 (amending s25 of the Anti-Social Behaviour Act 2003) inserts 2 new sections (25A, 25B) into Part 3 of the Anti-Social Behaviour Act 2003 which allow LAs and RSLs to enter into parenting contracts with a parent of a child to prevent that child engaging in anti-social behaviour.

A local authority can apply for a parenting order:

- If it has reason to believe that child is engaged in anti-social behaviour
- If they have reason to believe that the child resides in their area

A registered social landlord can apply for a parenting order;

- Where the child's behaviour affects the housing management functions of the organisation

s24 of the Police and Justice Act 2006 (amending s26 of the Anti-Social Behaviour Act 2003) inserts new sections s26A, 26B and 26C into part 3 of the Anti-Social Behaviour Act 2003 which allows local authorities and registered landlords to apply for parenting orders where anti-social behaviour is the trigger.

Local authorities can apply to the court for a parenting order on the same grounds as they can enter into a parenting contract.

A registered social landlord can apply for parenting orders in similar situations but must first consult with the local authority in the area (to ensure that one isn't already in place or that other action is not planned).

S26C covers guidance for applications in county court proceedings under 26A and 26B.

Education-related parenting orders

How to apply for an education-related parenting order

Parenting orders are already available following the prosecution of parents for failing to ensure that their children attend school regularly.

Under section 20 of the Anti-Social Behaviour Act 2003, a local education authority (LEA) can apply to the magistrates' court for a parenting order following the permanent exclusion of a pupil or second fixed-term exclusion within a 12-month period. The order is a civil order.

Parenting orders are available if:

- A pupil has been excluded for serious misbehaviour
- Parenting is considered to be a significant factor in the child's misbehaviour and a parenting support programme could remedy this
- A parent has refused to enter into a parenting contract or has failed to comply with the terms of that contract.

This provides a summary of parenting contracts and parenting orders. The research project Gregory. J (2008) 'Implementing the Use of Parenting Contracts and Parenting Orders' provides a comprehensive analysis.