NEW POWERS FOR PARENTING CONTRACTS AND ORDERS

Amendments to the Anti-social Behaviour Acts (ASBA) 2003 by the Police and Justice Act (PJA) 2006 which come into effect on 29th June 2007. These state that Local Authorities (LAs) and Registered Social Landlords (RSLs) can access parenting contracts and orders with the parents or carers of children who are involved in anti-social behaviour.

This briefing explains the new provisions and provides key references. Guidance on the new provisions will follow.

Introduction

The Respect Programme is a cross-governmental and wide ranging response to anti-social behaviour and its causes. Ultimately it means a broad approach to help build a modern culture of respect. It means promoting good behaviour, for example in work with young people. It means councils, police, social landlords and others tackling anti-social behaviour head on. It means getting schools and children’s services more involved in tackling bad behaviour. It means tackling the key causes of anti-social behaviour like poor parenting.

Central to the Respect drive is a twin-track approach to tackling anti-social behaviour and its causes. In practice this means that in order to be effective, help and support must be provided alongside enforcement action where necessary.

The Government has made available a wide range of tools and powers to tackle anti-social behaviour and local practitioners are making good use of them with significant increases in the numbers of acceptable behaviour contracts (ABCs), crack house closures, injunctions and dispersals being issued. Each of these interventions has brought respite to communities and they have helped change the culture around anti-social behaviour, making it clear that it is a serious issue that it involves a whole range of services and ensuring that anti-social behaviour is tackled and not tolerated.

Parents are responsible for teaching their children positive values and instilling good behaviour. Conversely, poor parenting increases the risks of involvement in anti-social and offending behaviour. Evidence shows that by improving parenting we can tackle one of the root causes of anti-social behaviour. And the good news is that effective parenting skills can be learnt.

Where children are getting into trouble, parents or carers should be informed at the first opportunity. Some parents will be unaware of what their child is getting involved in; others may be struggling to know how to manage their child’s behaviour. Many will welcome help, and may have been struggling for some time. Other parents may reject help or deny they have problems. However, this does not mean that those that services should give up on these families.
Where parents are unwilling or reluctant, services need to employ more formal methods to get them to take help. The use of parenting contracts and orders should be considered in such situations.

Parenting contracts and orders basically record the steps that parents or carers need to take to prevent a child continuing with his or her behaviour and can also set out plans to support parents to do so. Specifically, an agency can arrange for parents to attend a parenting programme which helps them with skills to manage challenging or difficult behaviour.

For more on parenting programmes view ‘Supporting parents’ (Respect, June 2007) in Supportive interventions>Parenting on www.respect.gov.uk/members.

Parenting programmes have been proven to reduce problem behaviour in children and are an important part of the toolkit for tackling emerging anti-social behaviour in children and young people. As such, frontline staff such as housing officers, anti-social behaviour and community safety teams should make use of the new powers on their own or alongside other tools and powers.

Parenting contracts and orders are already available in a wide variety of circumstances (see section on existing contracts and orders). The Police and Justice Act extends powers in the ASBA to Local Authorities and to Registered Social Landlords to enter into parenting contracts and orders on the grounds of anti-social behaviour by a child or young person.

**Parenting contracts (section 23 of Police and Justice Act amending section 25 of the Anti-Social Behaviour Act 2003)**

The provisions allow a Local Authority to enter into a parenting contract with a parent of a child if it has reason to believe that a child has engaged in anti-social behaviour and that the child resides in their area.

Similiar provisions apply to Registered Social Landlords, these allow an RSL to enter into a contract with a parent of a child who is involved in anti-social behaviour where that child’s behaviour affects the housing management functions of the Registered Social Landlord.

The housing management function covers any of a Registered Social Landlord’s day to day activities and strategic management of the stock. Examples include anti-social behaviour and dispute resolution functions, tenant and community participation, maintenance and repairs, rent and rent arrears collection and neighbourhood management. Matters that 'indirectly affect' the housing management function could include social care and housing support, environmental health, refuse collection and other services that enable Registered Social Landlords to operate efficiently.
Parenting contracts

A parenting contract is basically an agreement between a parent or parents and an agency about improving the behaviour of a child or young person to prevent them engaging in anti-social behaviour. It will usually include a statement by the parent that they agree to comply with the requirements set out and a statement by the Local Authority that it will provide support to the parent so that they can comply with those requirements. For example, the contract may require the parents to ensure the child is effectively supervised, or stays away from a place/house where s/he has been misbehaving unless supervised. The Local Authority may undertake to make available a place on a parenting course to help parents do this.

Parenting orders (section 24 Police and Justice Act amending section 26 of the Anti-Social Behaviour)

Local Authorities can apply to court for a parenting order on the grounds that it has reason to believe that child has engaged in ASB and it has reason to believe that the children resides in its area.

Generally, a parenting contract should be agreed before resorting to court for an order. Any failure to adhere to the terms of a contract may be used in support of an application for a parenting order.

An application for a parenting order can be made in the magistrate’s court. It is also possible to bring proceedings in the county court, where for example, possession action or demotion is being sought on the grounds of anti-social behaviour or nuisance, it may be appropriate to seek a parenting order at the same time.

The court can make a parenting order if it is satisfied that the child has engaged in anti-social behaviour and that making the order would be desirable in the interests of preventing the child from engaging in further anti-social behaviour. A parenting order may also contain a requirement to attend a parenting programme.

A parenting order can last for up to a year. Any course/programme specified in the order can last for up to three months.

Registered Social Landlords can apply for parenting orders in similar situations but must first consult with the Local Authority. Consultation will help to ensure that any action taken is consistent with existing or other planned interventions, including of course any existing parenting contracts or orders by a school or a YOT.
The responsible officer

When a court makes a parenting order, it must specify a responsible officer who will provide or arrange for the parenting programme and supervise any other requirements of the order.

In respect of Local Authority orders, the responsible officer will either be an officer of the Local Authority or someone who has agreed to be nominated by the Local Authority. For Registered Social Landlords the responsible officer is similarly, an officer of the Registered Social Landlord or someone nominated by the Registered Social Landlord who has agreed to the role.

A range of people could perform this function. It could be, for example, an officer already working with the family such as a social worker. It could equally be someone employed by the Local Authority or Registered Social Landlord for the purposes of supporting and supervising parents as a means of tackling anti-social behaviour such as a parenting worker. For example the Respect parenting practitioner, funded in 77 areas as part of the Respect programme.

The legislation states that a person may not be nominated as a responsible officer without their consent, arrangements should be made locally on how the responsible officer role will work and which agency or officer is best placed to provide this role.

We know a number of Registered Social Landlords are already involved in delivering parenting interventions, either alone or in partnership. We anticipate that some will want to expand their role and may want to provide parenting support and provide the responsible officer role in house. However, we recognise that this is a new agenda for many and some may want to consider agreeing the role with other services involved as described above.

Existing powers to enter into parenting contracts and orders

Currently schools (governing bodies) and Local Authorities can enter into parenting contracts with the parent of a child who has been truanting or been excluded from school. From September 1 2007 there will be an earlier trigger for school behaviour-related contracts of so that they can be offered to parents of pupils whose behaviour puts them at risk of exclusion. Behaviour-related parenting orders, currently only available to Local Authorities and only when a pupil has been excluded will, from 1 September, also be available to schools (governing bodies) and for behaviour that would warrant exclusion.

Youth offending teams can enter into parenting contracts with a parent of a child who has engaged in criminal conduct or anti-social behaviour. Also a court must state why they have not issued a parenting order where an ASBO has been made in respect of a child or young person and/or a child or young person has been convicted of an offence.
What is currently available in Local Authorities?

There is increasing evidence that improving parenting skills improves child outcomes and helps tackle poor behaviour and that is why parenting is a priority for government. In October 2007 the National Academy of Parenting Practitioners (NAPP) will be launched and for the first time there will be a national centre of excellence for training, research and policy on parenting.

Parenting provision is expanding rapidly in every local area and by April 2008 every top tier Local Authority in England is required to have a parenting strategy in place. Each Local Authority should have a single commissioner for parenting services in place now. You should contact this commissioner to find out what’s available in your local area. You can do this initially through the Director of Children’s services.

In addition as part of the Respect programme, a number of selected areas have addition resources on parenting. For example, there is funding for a Respect Parenting Practitioner in 77 areas, providing parenting support linked to ASB teams. There is also funding for 40 Respect Areas and seven London boroughs to fill gaps in current parenting provision.

When should you consider a parenting intervention?
Anti-social behaviour by a child or young person should always prompt practitioners to think about what is happening with a child’s parents or carers. For example if a child is causing problems out on the streets or their behaviour is causing complaints in a local area. The first stage should always contacting parents to see how can problems can be resolved. If an ABC is being considered with a young person, a parenting contract should be considered alongside this.

Common Assessment Framework
The Common Assessment Framework (CAF) provides an appropriate framework for identifying issues related to three key areas; the development of the child, parents and carers and family and environment. We expect this to be the first assessment used, unless there are concerns that suggest an urgent need for a specialist assessment to be done without delay. The CAF may lead to and inform a specialist assessment. For more information on CAF and relevant training go to
www.everychildmatters.gov.uk/deliveringservices/caf/
References

Respect publications
Pocket guide to tools and powers
Respect Handbook
Action for Parents
Supporting parents

Respect publications can be found in the document library in the ‘Resources’ section of www.respect.gov.uk/members

Commissioning Services
Toolkit for Commissioners of Parenting support
www.toolkit.parentinguk.org

National Academy for Parenting Practitioners
http://www.everychildmatters.gov.uk/napp/

Common Assessment Framework
www.everychildmatters.gov.uk/deliveringservices/caf/

Other Guidance on contracts and orders

YJB guidance
http://www.crimereduction.gov.uk/youth/youth51.htm

DfES guidance on Penalty Notices, Parenting Contracts and Parenting Orders
http://www.dfes.gov.uk/behaviourandattendance/