The Use of Parenting Contracts and Parenting Orders by Local Authorities and Registered Social Landlords

Draft Statutory Guidance
# The Use of Parenting Contracts and Parenting Orders by Local Authorities and Registered Social Landlords

## Draft Statutory Guidance

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1. Introduction to the guidance

Scope and status of the Guidance

1.1 This guidance covers the amendments to the Anti-social Behaviour Act 2003 by the Police and Justice Act (PJA) 2006 which came into effect on 29th June 2007. These state that Local Authorities (LAs) and Registered Social Landlords (RSLs) may enter into parenting contracts and apply for parenting orders with the parents or carers of children who are involved in anti-social behaviour.

1.2 This guidance is referred to in sections 25A and 25B of the Anti-social Behaviour Act as inserted by section 23 of the Police and Justice Act. Local Authorities and Registered Social Landlords are required to have regard to this guidance in carrying out their functions in relation to parenting contracts.

1.3 This guidance is referred to in section 27(4) of the Anti-social Behaviour Act 2003. Local Authorities and Registered Social Landlords and their relevant responsible officers are therefore required to have regard to the relevant parts of the guidance in carrying out their functions in relation to parenting orders. Parenting contracts and orders 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.

1.4 This guidance is currently subject to a full public consultation. The consultation is being carried out because the guidance covers powers for a new group of practitioners and it is important for a wide range of agencies and individuals to have the opportunity to influence it. Final revised guidance will be issued in spring 2008, taking into account the feedback received during the consultation process. However, as the consultation is not a legal requirement, this guidance can be considered as statutory from this point. Practitioners are therefore encouraged to use this document as a guide to parenting contracts and orders with immediate effect.

1.5 Whilst this guidance is not exhaustive, there is an expectation that it will be followed in relation to those contracts and orders unless there is good reason to depart from it. However it is acknowledged that judgements will need to take account of the circumstances of individual cases.

Why extend the powers?

1.6 Parenting contracts and orders are already available in a wide variety of circumstances. The Police and Justice Act (2006) extends powers in the Anti-social Behaviour Act (2003) to Local Authorities and to Registered Social Landlords to enter into parenting contracts and apply for parenting orders on the grounds of anti-social behaviour by a child or young person, subject to conditions set out in the legislation.
1.7 The extension of powers to enter into parenting contracts and apply for parenting orders for Registered Social Landlords and Local Authorities will be an additional tool to tackle anti-social behaviour. Evidence shows that poor parenting increases the risks of involvement in anti-social and offending behaviour. Supporting parents to learn effective parenting skills through the use of parenting programmes, will help ensure one of the root causes of anti-social behaviour can be tackled\(^1\). Engaging and supporting parents effectively means engaging both mothers and fathers where possible.\(^2\)

1.8 Parents are responsible for teaching their children positive values and instilling good behaviour, and where practitioners become aware of children becoming involved in anti-social behaviour, 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 parents will welcome help, and may have been struggling for some time. Other parents may reject help or deny they have problems and it is in these circumstances in particular that the anti-social behaviour needs to be addressed and not allowed to continue\(^3\). The government is committed to using a combination of support and challenge to ensure that parents who need help are able to access it.

1.9 Where parents are unwilling or reluctant to access help with resolving the issues of their children’s anti-social behaviour, services need to employ more formal methods to get them to accept help. The use of parenting contracts and Orders should be considered in such situations.

1.10 Parenting programmes have shown to help to improve problem behaviour in children\(^4\) 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 to apply for parenting orders or enter into parenting contracts.

**Existing powers to enter into Parenting Contracts and Orders**

1.11 Certain agencies have a statutory basis for drawing up a parenting contract or applying for a parenting order.

1.12 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 1 September 2007 there will be an earlier trigger for school behaviour-related contracts so that they can be offered to parents of pupils whose behaviour puts them at risk of exclusion. Behaviour-related parenting orders, previously only available to Local Authorities and only when


a pupil had been excluded have been, since 1 September, also available to schools (governing bodies) and for behaviour that would warrant exclusion\(^5\).

1.13 Youth Offending Teams can enter into parenting contracts with a parent of a child who has engaged in criminal conduct or anti-social behaviour\(^6\). Also a court must state why they have not issued a parenting order where an Anti-Social Behaviour Order (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.

**Parenting Orders connected to other proceedings**

1.14 Under the Crime and Disorder Act 1998 parenting orders are available in any court proceedings where:

a) a child safety order has been made or breached and the court is satisfied that a parenting order would be desirable in the interests of preventing any repetition of the behaviour which led to the order;

b) an anti-social behaviour order or sex offender order has been made in respect of a child or young person and the court is satisfied a parenting order would be desirable in the interests of preventing any repetition of the behaviour which led to the order;

c) a child or young person has been convicted of an offence and the court is satisfied that such a parenting order would be desirable in the interests of preventing the commission of any further such offence;

d) a person has been convicted of an offence under section 443 (failure to comply with school attendance order) or section 444 (failure to secure regular attendance at school of registered pupil) of the Education Act 1996 and the court is satisfied that such a parenting order would be desirable in the interests of preventing any further such offence.

The Criminal Justice Act 2003 extended parenting orders with effect from 27 February 2004 so they become available when:

a) a referral order is made; and

b) when a Youth Offender Panel refers a parent back to court for failing to attend panel meetings.

**Why extend powers in respect of parenting orders and parenting contracts to Local Authorities and Registered Social Landlords?**

1.15 Often those who work in community safety, anti-social behaviour teams or housing management will be the first to pick up on concerns about anti-social behaviour. Therefore these new powers have been given to this group of practitioners in order to give them a wider range of tools and powers to

\(^{5}\) Refer to Department for Children, Schools and Families (DCSF) guidance on education related Parenting contracts and Orders www.dcsf.gov.uk/behaviourandattendance/Penalty%20Notices/Guidnace.cfm

\(^{6}\) www.crimereduction.gov.uk/youth/youth51.htm
tackle anti-social behaviour. RSLs now manage the majority of social housing stock and therefore also need access to these powers.

Who are the new powers available to?

1.15 At present, the legislation allows county councils and unitary authorities to apply for parenting orders, but not district councils within two-tier authorities.

1.16 Any agency, including district councils within two-tier authorities, that wishes to work with a child’s parents on a voluntary basis to improve a child’s behaviour can do so and this may include drawing up a parenting contract.

1.17 If a district council within a two-tier authority identifies a need for a parenting order, they should work in collaboration with their county level authority (or with a local RSL or YOT if appropriate), who can make the application.

1.18 The legislation allows for a county council or RSL to nominate a person other than one of their own officers to be the responsible officer in respect of a parenting order. This role could be taken on by an officer of the district council if appropriate (see Section 3 for more information on the role of the responsible officer).

1.19 Under Section 101 of the Local Government Act (1972) Local Authorities may delegate functions to each other or exercise functions jointly. Therefore for the purposes of application for parenting orders County Councils may delegate this function to District Councils. This will enable District Councils to apply directly for a free standing parenting order in the interim period before legislative changes come into force.

1.20 Legislative changes are going through parliament to enable district councils in two-tier authorities to apply directly for parenting orders. We will amend and reissue this guidance to inform practitioners of these changes when they have been made.

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7 The Anti-social Behaviour Act 2003, as amended by the Police and Justice Act 2006 defines a local authority as (a) a county council in England; (b) a metropolitan district council; (c) a non-metropolitan district council for which there is no county council; (d) a London borough council; (e) the Common Council of the City of London; (f) the Common Council of the Isles of Scilly; (g) a county council or county borough council in Wales.
2. New Powers available to Local Authorities and Registered Social Landlords to apply to use Parenting Contracts and Parenting Orders

What is a Parenting Contract?

2.1 A parenting contract is 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. The Local Authority may undertake to make available a place on a parenting programme to help parents do this. Parenting contracts are voluntary agreements. There is no sanction for a parent’s refusal to enter into a contract or for breach of the contract’s requirements, but such refusal or breach can be taken into account by the court should the Local Authority decide to apply for a parenting order.


2.2 The Police and Justice Act (2006) makes provision for Registered Social Landlords to enter into a parenting contract with a parent of a child or young person on the grounds that they have reason to believe that a child or young person has engaged in anti-social behaviour; and that the behaviour in question directly or indirectly relates to or affects the housing management functions of the Registered Social Landlord.

2.3 For the purposes of this legislation, the housing management function of a Registered Social Landlord covers any of a Registered Social Landlord’s day to day activities and strategic management of the housing stock. These activities could 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. This definition of housing management also applies to other powers relating to anti-social behaviour.
What is a Parenting Order?

2.4 A parenting order contains the same type of conditions and requirements as a contract, but it is legally binding and hence there are consequences for breach. A parenting order can last for up to a year. Any course or programme specified in the order can last for up to three months.

Parenting Orders: Local Authorities and Registered Social Landlords.
(Section 24 of the Police & Justice Act 2006 amending Section 26 A. & B. of the Anti-Social Behaviour Act 2003.)

2.5 The Police and Justice Act 2006 gives provision to Local Authorities and Registered Social Landlords to apply to court for a parenting order.

2.6 Before applying to the court for a parenting order the Registered Social Landlord must first consult with the Local Authority to ensure that any action taken is consistent with existing or other planned interventions, including of course any existing parenting contracts or orders with or by a school or a Youth Offending Team (YOT).

2.7 It is recommended that if possible a parenting contract should be entered into with the parent/s in an attempt to address the anti-social behaviour issues before applying to the court for a Parenting order. Any failure to adhere to the terms of a parenting contract may be used in support of an application for a parenting order.

2.8 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.

2.9 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.

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

What parenting provision is currently available in Local Authorities?

2.11 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 who will know what parenting
provision is available in each area. The Director of Children’s Services in the local authority will be able to advise who the local commissioner is.

2.12 In addition, a number of targeted areas have additional resources on parenting. For example, there is funding for a Parenting Practitioner in 77 areas, providing parenting support linked to anti-social behaviour teams.

2.13 There is increasing evidence that improving parenting skills improves child outcomes and helps tackle poor behaviour and that is why supporting good 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.

When should a parenting intervention be considered?

2.14 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. The first stage should always be to contact parents to see how can problems can be resolved. Parenting contracts and orders are part of a range of tools and powers that can be used if necessary. For example, if an Acceptable Behaviour Contract (ABC) is being considered with a young person, a parenting contract should be considered alongside this.

The Assessment Process

Has anti-social behaviour been established?

2.15 Before beginning this process the practitioner should make sure that they have evidence of anti-social behaviour. If they don’t, they will not be able to apply for this type of parenting contract or order. You will need to provide evidence of this when applying for an order.

Risk assessment

2.16 If it has been established that there is anti-social behaviour a risk assessment will need to be conducted to find out if there is a need for parenting support. It may be that once the parents’ attention is drawn to their child’s behaviour there is no need for any further action. However, if not you will need to find out what the situation is at home and whether there are any concerns. It may be that there are already concerns from other professional about the children being out late, unsupervised, not attending school etc.

2.17 Research has highlighted a number of factors that are likely to mean there is a parenting need some of which are outlined below, however, this is not an exhaustive or definitive list but an indication of the types of things that need to be considered.
Relationship between parent and child
- Parent uses inappropriately harsh scolding
- Parent ignores child altogether
- The children’s physical needs not attended to
- The children are left unsupervised e.g. wandering the streets, home alone

Home conditions
- The house is unhygienic, dirty and messy, dangerous for children
- The children are clearly unwashed and in dirty clothes
- The house is in a poor state of repair

These are based on the *Parenting Daily Hassles Scale* and the *Home Conditions Assessment*. These are both very useful as short initial assessments.

Needs assessment

2.18 If your risk assessment indicates that there might be a parenting need you will need to undertake a formal assessment.

The Common Assessment Framework

2.19 The Common Assessment Framework (CAF) provides an appropriate framework for identifying these issues and 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/](http://www.everychildmatters.gov.uk/deliveringservices/caf/). This guidance sets out the three stages of the CAF process.

2.20 **Step 1: Preparation**. This involves recognising potential needs and then discussing the situation with the child, involving parents or carers unless this is not appropriate. The practitioner may talk to their manager, colleagues, or others – possibly those already involved with the child. It is important to find out whether a common assessment already exists. After reviewing the existing information a practitioner decides whether to undertake a common assessment with the agreement of the child and or family as appropriate.

2.21 **Step 2: Discussion**. This involves completing the assessment with the child and family, making use of information already gathered from the child, family or other practitioners, and completing a consent statement. At the end

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of the discussion the practitioner should understand better the child’s strengths, needs, and what can be done to help.

2.22 **Step 3: Delivery** This involves agreeing actions that the practitioner’s service or the family can deliver, and considering what may be needed from other services. According to local practice, decisions may be made through meetings with other practitioners and the family, and the appointment of one practitioner as lead professional where integrated support is required. **Note:** the CAF does not give a practitioner the ability to guarantee a service from another organisation without consulting that organisation.

2.23 It is likely that the CAF will give you enough information to identify a parenting need and refer on to appropriate services (most likely a parenting programme) and give you enough evidence to apply for an order. However, following the CAF a specialist parenting assessment may be needed. You can find specialist parenting assessments commonly used by the Youth Justice Board (YJB) in the YJB’s *Directory of Emerging Practice* at www.yjb.gov.uk/dep/. You should be responsive to the needs of the parent in deciding what type of support will be provided.

### A Multi Agency Approach

2.24 In order to get a full picture of the family’s situation it is necessary to find out what other statutory services are involved with them. It is recommended that there is consultation with these services to find out the current level of provision to the family. Key services are schools, health services such as Health Visitors and multi agency services like children’s centres. If the family have more specialist needs other services could be involved such as social services, Child and Adult Mental Health Services, Education Welfare, Youth Offending Team or the police.

2.25 If there are behavioural issues with the child or an obvious parental need, it is possible that these issues will have been picked up already by services. It is vital that you contact other agencies who can already access parenting contracts and orders, i.e. the school if there’s a history of truancy or exclusion or mis-behaviour and the Youth Offending Team if there is a history of criminal activity or a significant risk that children may become involved in criminal activity.

2.26 The recommended assessment tool, the Common Assessment Framework (CAF), facilitates this multi-agency consultation, therefore it is useful to use CAF from the beginning of your involvement with the family. You can then use this assessment as evidence if applying for a parenting order becomes necessary.

### Co-ordinating parenting interventions

2.27 The Children Act 2004 places a duty on local authorities to make arrangements through which key agencies co-operate to improve the well-
being of children. Guidance on this and other provisions of the Act are at http://www.everychildmatters.gov.uk.

2.28 Children and young people who engage in anti-social or offending behaviour may have multiple problems that various agencies may already be seeking to address. Parenting interventions should be co-ordinated with any interventions with the child and family to reduce overlap and inconsistency.

2.29 If the CAF assessment has been done previously, a lead professional will have been appointed. Other agencies should be engaged where appropriate. A meeting of the child, family and relevant professionals may be necessary.

Safeguarding Children

2.30 Any intervention must be in accordance with any existing Child Protection Plan or care plan and be responsive to issues that emerge during the intervention process, such as serious mental health problems, personality disorder, domestic violence or child abuse. Practitioners should follow Area Child Protection Committee procedures. Parenting practitioners have a duty to protect children and young people. Information that emerges during the intervention or assessment process about domestic violence or abuse will need to be passed on to police and social services for action. Information about other risks may also need to be referred to the appropriate agency.¹

2.31 Practitioners should also establish with other agencies, including the police and social services, whether they have information regarding the family about child abuse or domestic violence. If this is the case then there must be discussion with the agencies already involved with the family to establish a joint agency approach. Protocols must be drawn up to ensure that satisfactory information and data sharing is achieved in any joint working arrangements between agencies.

Engaging both fathers and mothers

2.32 Unless there are clear and stated reasons not to, parenting interventions should always involve fathers as well as mothers. Fathers have an important part to play in helping to address the anti-social behaviour of a child or young person. Father–child relationships have profound and wide ranging impacts on children, and research shows that where fathers have particular early involvement in a child’s life then there is improved outcomes for the child in terms of educational attainment, good relationships in adolescence and improved child and adolescent mental health.²

2.33 Fathers should be actively sought in the process of application for a parenting order or when entering into a parenting contract. In particular how

¹ For further information the Youth Justice Board’s “Effective Practice Reader on Parenting” includes detailed guidance and ‘Working Together to Safeguard Children’ DOH HMSO 1999 is the key reference document for inter-agency working (http://www.dph.gov.uk/quality5.htm).
the father can and should engage in any parenting programme, counselling or guidance and how the involvement of the father in these programmes can be sustained.  

**Safeguarding Children.**

2.34 Whether or not the father lives with the child must be considered and the practical and emotional implications of this should be fully accounted for when planning the appropriate programmes. Even when they live separately, a parenting intervention is likely to be more effective if both the mother and father are involved, unless there are reasons why this would be unsuitable, for instance a parent is estranged because of domestic violence or abuse.

2.35 Whether or not both parents should go on the same programme should depend on the particular needs of the parents and whether the presence of one parent is likely to reduce the impact of the programme on the other. In some cases you will be able to work with one parent voluntarily but may have to explore using a parenting order to engage the other.

**Race and Diversity**

2.36 Direct or indirect discrimination against parents on grounds of race, colour, nationality (including citizenship), or ethnic or national origin by statutory agencies including social landlords is unlawful under the Race Relations Act. The Local Authority or Registered Social Landlord has a duty to consider the promotion of racial equality in carrying out their work and will be aware of the need to guard against racial stereotyping and assumptions based on race or irrelevant references to race, and make due allowance for different cultural norms or customs.

2.37 The Local Authority and Registered Social Landlord should plan how the delivery of parenting programmes to black and minority ethnic parents can be supported and should take into account and form links with organisations, including those in the voluntary sector, with relevant expertise and experience.

**Disability, Mental Health and Special Educational Needs**

2.38 Special educational needs, disability and mental health problems of a child (and of his or her parents) will be highly relevant to the child’s (and parent’s) behaviour.

2.39 Where a child (or parent) has a disability, mental health problem or special educational needs, it will be necessary to communicate with practitioners who have specialist knowledge of the child and parents in order to determine whether a parenting intervention is appropriate and if so what form it should take, depending on the needs of the child and parents.

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11 www.parentinguk.org
specialist involved in the assessment process will therefore inform the nature of any subsequent parenting intervention.

2.40 Parenting programmes will need to be tailored to address specific needs. A child’s (or parent’s) disability, special educational needs or mental health problem will also have a bearing on any requirements set out in a parenting contract or order, if it has been found appropriate to make one.

2.41 The parenting programme should be designed to ensure that parents with disabilities, mental health problems or special educational needs are not excluded/discriminated against and are able to access the same quality and level of support and have their parenting support needs met. Liaison with the child’s school is important as they should be aware of any parental special educational need and may already have a support strategy in place.

Looked after children

2.42 Parenting contracts and orders described in this guidance are intended to apply to parents as individuals and not to local authorities in respect of looked after children (i.e. children in the local authority’s direct care).

2.43 A Parenting order or contract should only be used after consultation with the local authority and where it is consistent with, and forms part of, the child’s Care Plan. This is likely to be most appropriate where a child is placed with his or her parents, or the aim of a Care Plan is for the child to be reunited with them.

Human Rights Act 1998 (HRA)

2.44 You must apply your powers fairly and consistently, having regard to this guidance where appropriate. Inconsistency or unfairness may lead to challenges under the HRA. Further information on the HRA can be found at http://www.humanrights.gov.uk/

2.45 Following a judicial review, the parenting order has been held to be compliant with the Human Rights Act 1998.13

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12 Further information on Specialist Parenting Assessments used by the Youth Justice Board see their Directory of emerging Practice www.yjb.gov.uk/dep
3. Using Parenting Contracts and Orders as a Local Authority or Registered Social Landlord

The Role of Responsible Officer (RO) for Parenting Orders

3.1 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.

3.2 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.

3.3 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.

3.4 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 fulfil this role.

3.5 A number of Registered Social Landlords are already involved in delivering parenting interventions, either alone or in partnership. It is anticipated that some will want to expand their role and may want to provide parenting support and provide the responsible officer role in house. However, others will agree the role with other services involved as described above.

3.6 The Youth Justice Board have produced guidelines on good practice for responsible officers\(^\text{14}\). The initial contact between the responsible officer and the parent should take place before the end of the working day after the contract or order is made. At the meeting the responsible officer should:

- Provide the parent with a copy of the order;
- Explain the requirements of the order;
- Outline the monitoring arrangements;
- Explain how progress will be reviewed.
- Outline what support the parent can expect;
- Explain what would constitute a reasonable excuse for failing to comply; and
- Explain the potential consequences of failing to comply.

\(^{14}\text{paragraph 8.74 of the YJB National Standards for Youth Justice Services 2004.}\)

3.7 If the counselling or guidance programme required under the parenting order is to be provided by someone else, he or she should meet the parent at least two weeks before the programme is due to start.

3.8 The relationship between the responsible officer and the parent is key to the success of the parenting contract or order. Whilst the requirements of the order are in force, the responsible officer should maintain regular contact with the parent or guardian. This should enable the responsible officer to determine the extent to which the parent is complying with the requirements of the order. If the requirements are proving difficult to comply with through no fault of the parent or guardian, the responsible officer may consider the need to apply to the court for the order to be varied.

The “nominated officer” for Parenting Contracts

3.9 Although the legislation does not require a responsible officer for parenting contracts, it is good practice to have someone to lead and monitor the parenting contract. For the purpose of this guidance we have named this person the "nominated officer."

3.10 Similar principles of good practice apply to management of the parenting contract and the responsible officer should hold regular review meetings with the parents. If parents are experiencing difficulty complying with the parenting contract through no fault of their own then it is the responsibility of the "nominated officer" to hold a review meeting with the parents to discuss whether there are ways in which the requirements of the parenting contract should be amended.

How to draw up a Parenting Contract

3.11 Use of parenting contracts has been shown to be an effective way of working with families to address problems or anti-social behaviour\textsuperscript{15}. The terms of the parenting contract should reflect the issues raised and support needs identified during the risk assessment of the family. They give an opportunity to set out issues that are causing concern and need to be addressed clearly with the family and to identify ways in which the family need to be helped to address them. Parenting contracts also set out the responsibilities of the agencies working with the family, accountability and the consequences of not complying with the contract.

3.12 A “nominated officer” from the local authority or Registered Social Landlord should take the lead on the monitoring and delivery of the parenting contract. When drawing up a contract ensure consultation with other agencies working with the child or young person or with the parents or guardians, to

\textsuperscript{15} Family Intervention Projects, A toolkit for local practitioners (2007). www.respect.gov.uk
establish how a parenting contract would fit with any existing interventions and whether other agencies should be involved in the work on the contract.

3.13 Engaging the parents will be different in each case depending on the circumstances. Wherever possible, both parents/guardians should be involved as should the child or young person.

3.14 The parents and where appropriate their child should be asked to outline their views on the behaviour, how they believe it should be tackled and what they think of the idea of a parenting contract. The terms of the parenting contract should be outlined and why one may be appropriate. The opportunity should be taken to discuss support the parents would like to receive and realistically what can be provided. The aim should be to work in partnership with the parents to improve the behaviour of the child or young person.

3.15 All efforts to engage the parents using a contract should be recorded as this would be a relevant factor in any subsequent application for a parenting order.

3.16 If a contract is negotiated and agreed, the specific requirements for the parents will need to be designed to prevent anti-social behaviour. Parents should be asked about any requirements they would find helpful in addition to those that you suggest. Examples are as follows:

- to ensure their child stays away from a part of town where he or she has misbehaved unless supervised;
- to ensure their child is effectively supervised at certain times;
- to ensure their child avoids contact with certain disruptive individuals;
- to ensure their child avoids contact with someone he or she has been harassing;
- to ensure their child attends school regularly;
- to ensure that the parents attend all school meetings concerning their child.

3.17 The parenting contract should also support intervention with the child. For instance the requirements of a parenting contract can reflect requirements agreed with a child in an Acceptable Behaviour Contract.16

3.18 Contracts should normally include a parenting programme (see section 5 of this guidance). Other useful support might include family group conferencing, peer mentoring, literacy classes, welfare benefits/drugs/alcohol advice.

3.19 The parenting contract will need to be written in language the parents can understand including a translation where appropriate. It should balance specific and general requirements, for example, specific requirements about what parents/guardians should actually do and general requirements covering overarching aims.

3.20 More than one parent or guardian may be included in a parenting contract or separate contracts negotiated with different parents or guardians. Considerations should include whether the parents or guardians have agreed to the same specific requirements, whether the contracts will cover the same period and the preference of the parents or guardians.

3.21 The involvement of the child’s father is an important in guiding the child or young person away from anti-social behaviour. The father will have an important influencing and guiding role on the child’s options and lifestyle and this consideration should be an integral part of drawing up the parenting contract.

3.22 The nominated officer’s part of the contract must include a statement that they agree to provide the parents with support for the purpose of complying with the requirements. This statement should detail the specific support to be provided, such as transport to and from the parenting programme, help to arrange and attend appointments etc. They can also include any other action that has been agreed upon.

3.23 The parents and the Local Authority or Registered Social Landlord must sign the parenting contract and they each should retain a copy. It may also be helpful to give a copy to other agencies working with the family. The ideal would be to sign up during a meeting where the parents and all agencies involved are present. This provides the opportunity for other agencies to commit in writing to their services too. Where the parents are unable to read, the contract should be explained to them and they should be asked to sign and keep a copy.

Length of contracts

3.24 The legislation does not specify a time limit for parenting contracts, so the length of the contract should be determined at a local level based on what is reasonable and effective. It is suggested that a 3 month period might be a minimum length of time for a parenting contract to last. It allows a realistic time frame for services such as a parenting programme to be provided. As a matter of good practice, the 12 month limit for parenting orders could be taken as a guideline for a reasonable length of time for a parenting contract to last.

Delivering and managing the contract

3.25 A specified officer or worker must be responsible for delivering the Local Authority or Registered Social Landlord’s part of the contract and for helping to manage its overall outcome. This will require regular contact with the parents to monitor and discuss progress and any problems in meeting the contract’s requirements and contact with other relevant agencies.

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Dealing with non-compliance by parents

3.26 The “nominated officer” should work with the parents to gain their cooperation and compliance with the contract, but will have to judge whether any failure to comply is reasonable and whether the contract remains useful and should continue. As a contract is voluntary, there are no legal consequences for failing to comply. If the “nominated officer” is not satisfied with the parents’ explanation for failing to comply, the “nominated officer” should serve the parents with a warning, which should be in the form of a letter of which a record should be kept.

3.27 If the conditions for a parenting contract are not met and it is considered an application for an order is appropriate, the court will be required to take non-compliance with a parenting contract into account in deciding whether to issue a parenting order. It is therefore important that any non-compliance with the contract is recorded so that it can be presented to the court if necessary.

Non-compliance by professionals involved

3.28 The “nominated officer” should ensure that the parents receive all the support that has been agreed within the contract. As with non-compliance by parents, professional non-compliance should be recorded on file. A contract is a two-way agreement and the parents should be made aware of the recourse they have if the “nominated officer” and any other professionals involved do not comply with agreements they have made in the contract.

Applying for a Parenting Order

Assessing when a Parenting Order is appropriate

3.29 If there is evidence that parents could be supported to positively influence their child’s behaviour and the parents are not willing to engage with support voluntarily or through a parenting contract, it will usually be appropriate to recommend a parenting order to the court. The recommendation should take into consideration the potential needs of both the parents or guardians and the child and the likely effectiveness in terms of changing their behaviour. A judgement about the suitability of a parenting intervention and recommendations are usually made in a written report by the responsible officer.

3.30 Free-standing parenting orders require parents to co-operate to tackle early patterns of offending or anti-social behaviour. The intention is to steer the child away from criminal conduct or anti-social behaviour.

3.31 A decision about the suitability of a parent for a parenting order should be taken following assessment of the child and family circumstances. In deciding whether a parenting order might be appropriate, the needs assessment should indicate whether parenting is a significant factor in the child or young person’s behaviour, whether a parenting programme could
remedy this, what other requirements might be useful in an order to address the behaviour and whether the parent can be engaged on a voluntary basis.

3.32 It is usual practice to only apply for a free-standing order after a parent has refused to enter into or failed to comply with a parenting contract. However there maybe some situations where it's appropriate and you have enough evidence to apply direct to the court for a parenting order.

**Evidence that the child or young person has engaged in anti-social behaviour**

3.33 You will need to prepare evidence in support of the application. A child or young person who comes to your attention due to anti-social behaviour may have also been involved in criminal activity and may have already received a police reprimand or final warning. If parents deny such past involvement by their child, you will need to present evidence and ensure any witnesses or workers from other agencies involved are able to attend. If you are unsure whether there is sufficient evidence, legal advice should be sought before an application is made to the court.

3.34 The supporting evidence could include witness statements of officers who attended incidents or of people affected by the behaviour, evidence of complaints recorded by the police, statements from practitioners and professional witnesses, video or CCTV evidence, records and previous complaints of anti-social behaviour, reprimands and final warnings and copies of custody records of previous arrests relevant to the application.

For further guidance on this please see step-by-step guide on the Respect website on preparing evidence at www.respect.gov.uk.

**Evidence that making the order would be desirable in the interests of preventing further anti-social behaviour**

3.35 The court has discretion to consider all the circumstances of the case in deciding whether it is desirable to make a parenting order, including the evidence of parents and other witnesses in court. Your assessments of the child or young person and the parents or guardians and details of planned provision of the parenting programme should be presented in support of the application. Hearsay evidence may be admissible in these proceedings because of their civil nature. This may, for example, allow the identity of witnesses, who are too fearful to give evidence, to be protected. If there is an intention to rely upon hearsay evidence, the complainant must act in accordance with the Civil Evidence Act 1995 and the notice procedure set down by the Magistrates Courts (Hearsay Evidence in Civil Proceedings) Rules 1999.

3.36 Any evidence of any experience of trying to engage with the parents through a parenting contract should also be provided. Magistrates are obliged to take into account any refusal by a parent or guardian to enter into, or failure
to comply with, a parenting contract. You need to be clear what evidence there is of this. If parents or guardians are ready to engage fully with voluntary support, a parenting order would not usually be desirable.

**Availability of the Parenting Order**

3.37 An application can be made directly to the Magistrates’ Court for a parenting order in respect of a parent or guardian of a child or young person who has come to your attention due to anti-social behaviour.

3.38 To make a free-standing parenting order, a Magistrates’ Court needs to be satisfied of two conditions:

- that the child or young person has engaged in anti-social behaviour; and
- that making the order would be desirable in the interests of preventing further anti-social behaviour.

3.39 For the first condition to be met, magistrates will need to make a finding about alleged anti-social behaviour by the child or young person. The legislation does not specify a standard of proof for this, but courts might in practice insist on a criminal standard of proof.\(^{18}\) The second condition is a judgement, so does not involve a standard of proof.

3.40 An application for a parenting order can also be made in the County Court, where for example, possession action or demotion is being sought on the grounds of anti-social behaviour.

**Application form and time limits**

3.41 Applications must be made in accordance with the Magistrates’ Courts (Parenting Order) Rules [2007] as amended by the Magistrates’ Courts (Parenting Orders) (Amendment) Rules 2007 which came into force on 1 September 2007. The amended Rules include specimen application forms to be used.

3.42 Under Section 127 of the Magistrates’ Court Act 1980 a complaint must be made within six months of the criminal or anti-social behaviour concerned. If the complaint is made in time, a summons may be issued to the parents after the 6 months has expired, but not so late as to prejudice them through unreasonable delay.

3.43 The Local Authority or Registered Social Landlord will need to disclose the supporting evidence to the parent once the summons has been issued.

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\(^{18}\) See for instance the case of McCann where the House of Lords held that anti-social behaviour orders are civil orders to which the criminal standard of proof applies to the past acts of anti-social behaviour.
Information about family circumstances

3.44 Where the child or young person is under the age of 16 before making a parenting order, the court must obtain and consider information about the child or young person’s family circumstances and the likely effect of the order on those circumstances. This would normally be gathered by the responsible officer from the Common Assessment Framework and other records. Where a young person is aged 16 or 17, the court may obtain such information but is not required to do so.

3.45 This recognises that young people aged 16 and 17 are at a transitional stage between childhood and adulthood. Their emotional, social, intellectual and physical development and circumstances will vary greatly. Some may have left school, be living independently of their parents and possibly have family responsibilities of their own. Others may be in full-time education and fully dependent upon their parents.

3.46 The assessment of the child should cover the family circumstances although the court may decide to obtain further information by questioning the applicant or the parent/guardians if they are in court. The court could therefore rely on an oral report in court (e.g. where the family circumstances are not known to the applicant), or ask questions of the parent or of the child if they are present in court. The format in which this information should be presented will be for the court to determine and will depend on the circumstances of the case.

Variation and discharge

3.47 While a parenting order is in force, the court which made the order may vary or discharge it on the application of the responsible officer or the parent or guardian. Under Rule 114 of the Magistrates’ Courts Rules 1981, as amended, application is by complaint. These are civil proceedings and are governed by sections 51-57 of the Magistrates’ Courts Act 1980 and Rules 4 and 98 of the 1981 Rules. These sections and Rules deal with, amongst other things, issuing summonses and parties failing to attend court.

3.48 The order can be varied either by adding or replacing any provision that could originally have been included, or by cancelling any provision. Parenting orders may be varied for a number of reasons, for example where the family moves to another area or where the original requirements are not proving effective.

3.49 An order may be discharged for instance if the parent has fully complied with the requirements and the behaviour of the child has improved.
3.50 Where an application to discharge a parenting order has been dismissed, no further application may be made without the court’s consent.

Appeals

3.51 Appeals against a free-standing parenting order made by the Magistrate’s Court can be made to the Crown Court. Where a child or young person has been convicted of an offence, a person subject to a related parenting order has the same right of appeal against it as if he or she had committed the offence leading to the order. For example, if the parenting order were made in a Youth Court, the appeal would be to the Crown Court and if the parenting order were made in the Crown Court, the appeal would be to the Court of Appeal.
4. The Use of Parenting Programmes in Parenting Contracts and Orders

Parenting and anti-social behaviour

4.1 In considering the parenting programmes, guidance or counselling that will be recommended by the Local Authority or Registered Social Landlord as part of a parenting contract or Order it is important to ensure that all parents have every chance to get involved, have their say and secure what is best for their children.  

4.2 Research shows that parents want help in managing difficult or troublesome behaviour of their children – while most people look to their family and friends for advice, many people say that they would find help from elsewhere useful.

4.2 It is strongly recommended that Local Authorities and Registered Social Landlords consider the use of parenting programmes as an integral part of their work with parents to address the anti-social behaviour of their children. It is recommended that attendance at a parenting programme is considered as part of their parenting contract. Attendance at a parenting programme is a core requirement of a parenting order. In the Police and Justice Act (2006) section 23 and 24 a parenting programme is covered under the term “guidance or counselling”.

4.3 Parenting has the most critical influence on a child’s behaviour and his or her life chances. Ineffective parenting has repeatedly been shown to be strongly associated with anti-social and offending behaviour.

4.4 One of the most positive aspects about family life today is that fathers and father figures want closer relationships with their children than in the past, whether or not they live with their children, and they are willing to reconsider their priorities to achieve this. With this in mind it is important to consider how the child’s father will be involved with any programme of support to address the child’s anti-social behaviour. Whether or not the father and mother lives with the child must be considered and the practical and emotional implications of this should be fully accounted for when planning the appropriate programmes.

4.5 Evidence shows that parenting programmes can improve parenting skills and improve children’s behaviour. Training parents in negotiation skills, setting clear boundaries and rewarding good behaviour can reduce anti-social behaviour and have wider beneficial effects for children, adolescents and families. The recent National Institute for Health and Clinical Excellence

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20 Respect Task Force survey conducted by Ipsos Mori (2006) Views on parenting and ASB.
22 Raising awareness and Recognising the importance of Fathers and Father Figures in DCSF Policy (2007), Department Children, Schools and Families. London
(NICE) guidance shows that parent programmes are more likely to change behaviour when they include essential characteristics such as a clear structure and delivery by properly trained workers\(^{23}\).

**What is a parenting programme?**

4.6 **A parenting programme teaches parents techniques to improve their child’s behaviour.** Good programmes follow a standardised sequence using a well researched manual, have well documented stages and are delivered by workers who have been professionally trained by an accredited trainer\(^ {24}\). These programmes focus on:

- teaching parents positive parenting skills which can change or remove the causes of problem behaviour
- building a positive relationship with the child
- use of praise and incentives
- developing a parental understanding of commands and consequences
- establishing consistent boundaries with ‘time out’ for infringements.

4.7 **There are other types of programmes which help parents to understand their and their child’s emotions and behaviour and to improve communications.** Parenting programmes tend to last one to two hours a week for between eight and 22 weeks. They are usually held in groups of between six and ten participants. Parenting training can also be delivered on a one-to-one basis where a parent’s needs are too complex for group work, for example, where a parent has significant mental health problems, learning difficulties or has a physical disability that precludes group work.

4.8 **These types of parenting programmes should be a part of every Local Authority’s package of support for parents, but it is important to note that effective parenting programmes are not the same thing as general parenting or family support.** The Local Authority may also offer parenting support such as in support groups which give general advice and guidance, rather than theory-based, manualised, intensive parenting programmes. These could be delivered, for example by trained parenting practitioners in children’s centres, Youth Offending teams or Child and Adult Mental Health Services.

4.9 **The voluntary sector also offers both intensive parenting programmes and generalised support, for example, charities such as Home Start use volunteers to befriend and support parents to offer practical help.** Although this support may have a positive effect, improving parenting skills is not cited as one of their central aims.

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Which programmes work and for whom?

4.10 There are many different types of parenting programmes, but not all are evidence based as yet or shown to reduce anti-social behaviour. Those in Table 1 have the strongest evidence of effectiveness and have been found to produce excellent results when reproduced in the UK.
<table>
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<th>Programme</th>
<th>Target group</th>
<th>Detail</th>
<th>Evidence</th>
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| Webster Stratton ‘Incredible Years’ | Parents of 2-12 year olds             | Treats aggression and conduct problems, helps parents support their child’s education and deal with bad behaviour | • US research found that the benefit of every $1 spent is $4.25 from reductions in the cost of crime alone  
• UK Control trial found that Children showed a large reduction in antisocial behaviour; whilst those in the waiting list (control) group did not change |
| Triple P                         | Middle childhood                      | Uses a tiered system of increasing intervention according to parental need | 66% of children diagnosed with ODD/conduct disorder whose parents received the parenting programme were in the normal range of behaviours (at both 1 year and 3 year follow up assessments). |
| Mellow Parenting                 | Family must include a child under 5   | Focus on the mother-child relationship                                | • Successful in engaging hard to reach families often with severe, multi-generational parenting problems  
• Change has been demonstrated in maternal well being, child behaviour, child development and maternal-child interaction  
• Pilot study in US found reduction in risk of abuse. |
| Strengthening Families Programme (SFP) (Kumpfer) | Research based programme for parents and their children In high risk families. Programmes for age ranges 3-5, 6-11,10-14, 12-16. | Number of sessions vary depending on the programme, with a maximum of 14 sessions. Focus is family skills programme designed to reduce risk factors for substance abuse, depression, aggression, and delinquency | -Improves parenting behaviours and child outcomes:  
• substance use  
• problem conduct  
• school-related problem behaviours  
• affiliation with antisocial peers  
• peer resistance |
| Multi systemic therapy           | Families with children and adolescents displaying clinically significant antisocial behaviour (psychiatric diagnosis conduct disorder/delinquency) | Intensive parenting intervention involving therapists (available to family 24 hours a day) who help parents to set rules aimed to improve different aspects of the young person’s behaviour | • Decreasing behaviour problems, improving family relations, reducing recidivism.  
• Reducing re-arrest rates, reducing time spent by juvenile offenders in institutions. |
4.11 The Government is taking steps to improve the quality of parenting provision and ensure that the staff who are delivering programmes are well trained and supervised.

**Who delivers parenting programmes?**

4.12 Parenting programmes are delivered by a range of organisations. The Local Child and Adult Mental Health Service provides courses run by psychologists and other staff. Parenting programmes are increasingly attached to extended schools and children’s centres. Children’s services and some of the larger Registered Social Landlords also contract voluntary or private organisations to deliver courses for them. Youth offending teams provide parenting programmes or make them available through voluntary organisations where children are involved or at risk of involvement in the criminal justice system. Training courses for parenting practitioners are becoming widely available, if they are properly trained officers from Registered Social Landlords or Local Authorities can deliver parenting programmes.

4.13 Different arrangements exist from area to area so it makes sense to establish what’s happening locally.

**Requirement for parenting guidance or counselling as part of a Parenting Order**

4.14 The effect of the legislation is that attendance at guidance or counselling is a core requirement of a parenting order. It is likely that the most appropriate guidance will be a parenting programme. This may be a group programme or it may be considered that individual one to one support is more appropriate. The responsible officer is required to give direction to the court as to the most suitable parenting programme for the parents’ needs. This will then be specified in the parenting order.

4.15 Provision has also been made in the Act that a parenting programme may be residential but only if it is more likely to be effective than a non-residential course in preventing the child or young person in engaging with further anti-social behaviour. Any interference that a residential course would cause must be proportionate to the benefits that would be received from attendance at such a course.

4.16 The responsible officer should recommend directions to the court for the length of the requirement of the parenting order and give an explanation for this. Consideration should be given to the time that will be needed for the following: assessment of the parents in advance of the programme; any work needed with parents to prepare for the programme; any waiting time before a
programme can start; the duration and details of the programme; any contingency needed for missed sessions of the programme. These directions should be set out in writing.

4.17 Throughout the duration of the parenting programme the responsible officer should monitor the progress of the parents in collaboration with the programme provider. Consideration should be given to the involvement of the parents in further voluntary parent support groups which may help them to sustain the progress they have made through the duration of the parenting programme.
5. Proceedings and penalties for breaches of Parenting Orders

Procedures for breaches of Parenting Orders

5.1 A parenting order is primarily designed to help parents or guardians to address their child’s behaviour. The responsible officer should aim to secure and maintain the parent's co-operation and compliance with the requirements of the order to ensure that it is successfully completed, and will need to make a judgement about what is reasonable in all the circumstances of the case.

5.2 To date the experience of using parenting orders has been that most parents subject to orders grow to value the support they receive and those that initially fail to comply end up doing so. Data from the Court Proceedings Database shows that prosecution for breach is rare (less than 1% of orders issued)\(^{25}\).

5.3 The building of good relationships with parents is key to the overall success of parenting orders. The responsible officer should continually monitor compliance with the requirements of the order. Regular meetings and reviews should be scheduled with the parents and other agencies as necessary, to ensure that parents are supported. If parents are given the opportunity to communicate any difficulties with compliance, this will enable resolution to be sought before it gets to the point that the order is breached.

5.4 However, local authorities, registered social landlords and their responsible officers do need to consider what procedures and processes they will put in place should a breach of a parenting order occur.

5.5 Breach of a parenting order is a summary offence and prosecution of a breach is an option. However, before prosecution is considered, an initial breach of a parenting order should be seen as a time to further review the family situation and to understand how and why the breach has occurred.

5.6 If a parent fails to comply with a requirement of the order the responsible officer should contact the parent. The responsible officer will need to make a judgement on each occasion taking into account all the circumstances, of what constitutes a reasonable excuse. In some cases, it may be reasonable to expect the parents to provide evidence to support their explanation – for instance a doctor’s note where illness prevents them from complying.

5.7 The responsible officer will need to consider the extent to which the parents have tried to meet the requirement and how far they are able to

control their child's behaviour. Other agencies working with the family may be aware of extenuating circumstances and should be consulted as appropriate.

5.8 A review meeting should be sought with the parents to provide the opportunity to explain how the breach has occurred and to seek a way to remedy the situation and prevent further breaches happening in the future. The responsible officer should fully document all communications with the parents and actions taken by the local authority/RSL or other agencies to support the parents in meeting the requirements of the parenting order.

5.9 As a result of meeting with the parents it may be considered that due to changing circumstances of the family, a variation in the requirements of the order would enable better compliance and be more appropriate for the needs of the family. This would require the responsible officer to make a formal application to the court for variation of the order. The necessary directions and explanation would need to be supplied to the court at the time of application.

**Issuing non-compliance warnings to parents**

5.10 If there is no acceptable reason for the parents not meeting the requirements of the order and an acceptable outcome or resolution cannot be found by negotiating with the parents, then the responsible officer should give the parents a written warning. Ideally the parents should also be warned in person. Details should be recorded and a copy of any letter kept on file. The purpose of the warning is to secure the parents compliance for the remainder of the order.

5.11 If the responsible officer cannot make contact with the parents or agree a positive way forward, or indeed if a further breach occurs, then the responsible officer should consider whether prosecution of the breach should be considered. The responsible officer should ensure that a full record is kept of this procedure which should be incorporated as evidence to be presented to the court as part of any breach file.

5.12 Unless the order has expired or been discharged, in the instances of a breach the parent will still be required to comply with the order and the responsible officer should continue to monitor compliance.

**Routes available for Prosecution of breaches**

5.13 Prosecution of breach of a parenting order may be undertaken either by the Local Authority or by the Crown Prosecution Service (CPS). It should be recognised that the CPS have the expertise in prosecuting criminal cases and a local protocol should be agreed between the Local Authority, the police and the CPS as to how breaches of parenting orders are handled. It may be appropriate to use the channels of communication that are already in place locally for dealing with breaches of anti-social behaviour orders.
Prosecution by the Local Authority

5.14 Under the Anti-Social Behaviour Act 2003, s.27, a Local Authority can bring proceedings against the parent/s named in a parenting order where there is failure to comply with a requirement in a parenting order (or specified in directions given by the responsible officer) without reasonable excuse. This power allows a Local Authority to bring criminal proceedings in the magistrates' court. The power only applies to parenting orders made under section 26B of the Act – parenting orders for anti-social behaviour obtained by local authorities.

5.15 If a Local Authority wishes to prosecute a breach of a parenting order, they should as a matter of course contact the Police and CPS through the agreed contact points and consult with them. It should be agreed that a local authority should not instigate proceedings if the police have already started proceedings on the same or very similar facts.

5.16 A Local Authority may choose not to prosecute a breach of a parenting order but to refer the case to the police. In these circumstances if the police consider that there is sufficient evidence they may administer a caution or refer the case to the CPS for prosecution.

Prosecution by the CPS

5.17 Breach of a parenting order is a summary offence that the Crown Prosecution Service (CPS) may decide to prosecute following a police investigation and referral. The CPS is responsible for deciding whether there is a realistic prospect of conviction and whether or not the public interest favours a prosecution rather than a caution or taking no further action.

5.18 A breach file should be compiled by the applicant Local Authority or Registered Social Landlord and handed to the police at the time of reporting the breach. The breach file should contain the following documentation as necessary:

- a chronology of events,
- a copy of the Parenting Order,
- a copy of the directions he or she has set,
- details of the proceedings that surrounded the making of the order,
- details of any compliance as well as failures to comply with the order,
- evidence of any warnings issued to the parent,
- details of any repetition of the kind of behaviour by the child that led to the parenting order,
- a copy of the parenting plan (if there is one) and
- copies of correspondence with the parent.
Prosecution routes for Registered Social Landlords in instances of a breach

5.19 A Registered Social Landlord does not have the power to prosecute a breach of a parenting order.

5.20 In instances where a breach occurs in compliance with a parenting order that has been granted to a Registered Social Landlord, then the Registered Social Landlord has must refer the breach to the Police.

5.21 The Registered Social Landlord should provide the Police with a completed breach file on referral of the case. The Police will then investigate the breach and if there is sufficient evidence they may administer a caution or refer the case to the CPS for prosecution.

**Time limit**

5.22 Under section 127 of the Magistrates’ Court Act 1980 there is a six month time limit for bringing breach proceedings. Proceedings can be brought after an order has expired but early action allows more opportunity to secure attendance at a programme and compliance with specific requirements for the remainder of the order.

**Court hearing**

5.23 If a prosecution is brought and the parent/s pleads not guilty, there will be a summary trial to decide whether the parent has failed without reasonable excuse to comply with a requirement of a parenting order. This will be heard in the adult Magistrates’ Court. Where the parent pleads guilty the case will proceed to sentence.

5.24 If the parent/s is convicted, the court could impose any sentence available for a non-imprisonable offence – that is a fine not exceeding level 3 on the standard scale (up to £1,000), absolute or conditional discharge or community order. The decision on the nature and level of penalty to impose will be a matter for the court following consideration of all the facts of the case, such as the family circumstances and the means of the parents. The offence is not a recordable offence for the purposes of PACE.

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Further engagement with parents

5.25 It is important for responsible officers to be informed of the outcome of the breach hearing. The court cannot make a new parenting order during breach proceedings but if the order has not expired or been discharged the parent will still have to comply with specific requirements and the responsible officer’s directions to attend a parenting programme.

5.26 If the parent has failed to attend a programme in its entirety or particular sessions of a programme, the responsible officer can direct the parent to attend a new programme or a number of sessions to make up for the missed one, provided there is enough time left in the order to fulfil the specific requirements.

5.27 If the order has expired the responsible officer will still need to know the outcome of the hearing in order to make further efforts to engage with the parent and to consider whether another parenting order is appropriate.

5.28 Publicly funded legal advice and assistance may be available to financially eligible parents. Parents may seek advice as to the availability of public funding from a solicitor with a legal aid contract and can find a solicitor with a contract in their area by telephoning Community Legal Service Direct’s help line on 0845 345 4345 or visiting their website at: www.clsdirect.org.uk

Contact Us

Please put any enquiries about this guidance to: PCPO Lead at

PCPO.Consultation@dcsf.gsi.gov.uk
Annexes


Police and Justice Act 2006

2006 CHAPTER 48

Part 3
CRIME AND ANTI-SOCIAL BEHAVIOUR

Parenting contracts and parenting orders

23 Parenting contracts: local authorities and registered social landlords

(1) In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 25 there is inserted—

“25A Parenting contracts in respect of anti-social behaviour: local authorities

(1) A local authority may enter into a parenting contract with a parent of a child or young person if—

(a) the local authority has reason to believe that the child or young person has engaged, or is likely to engage, in anti-social behaviour, and
(b) the child or young person resides, or appears to reside, in the local authority’s area.

(2) A parenting contract is a document which contains—

(a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
(b) a statement by the local authority that it agrees to provide support to the parent for the purpose of complying with those requirements.

(3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.

(4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.

(5) A parenting contract must be signed by the parent and signed on behalf of the local authority.

(6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.

(7) In carrying out their functions in relation to parenting contracts—

(a) local authorities in England shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
(b) local authorities in Wales shall have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.

25B Parenting contracts in respect of anti-social behaviour: registered social landlords

(1) A registered social landlord may enter into a parenting contract with a parent of a child or young person if—

(a) the registered social landlord has reason to believe that the child or young person—

(i) has engaged in anti-social behaviour, or
(ii) is likely to engage in such behaviour,

and
(b) that behaviour directly or indirectly relates to or affects the housing management functions of the registered social landlord (or, where paragraph (a)(ii) applies, would do so if the behaviour were engaged in).

(2) A parenting contract is a document which contains—
(a) a statement by the parent that he agrees to comply with such requirements as may be specified in the document for such period as may be so specified, and
(b) a statement by the registered social landlord that it agrees to make arrangements for the provision of support to the parent for the purpose of complying with those requirements.

(3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.

(4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.

(5) A parenting contract must be signed by the parent and signed on behalf of the registered social landlord.

(6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.

(7) In carrying out their functions in relation to parenting contracts—
(a) registered social landlords on the register maintained by the Housing Corporation shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
(b) registered social landlords on the register maintained by the National Assembly for Wales shall have regard to any guidance which is issued by the Assembly from time to time for that purpose."

(2) In section 29(1) of that Act (interpretation of sections 25 to 29) the following definitions are inserted at the appropriate places—

""housing accommodation" has the meaning given by section 153E(9) of the Housing Act 1996;"

""housing management functions", in relation to a registered social landlord, include—
(a) functions conferred by or under any enactment;
(b) the powers and duties of the landlord as the holder of an estate or interest in housing accommodation;"

""local authority” means—
(a) a county council in England;
(b) a metropolitan district council;
(c) a non-metropolitan district council for an area for which there is no county council;
(d) a London borough council;
(e) the Common Council of the City of London;
(f) the Council of the Isles of Scilly;
(g) a county council or county borough council in Wales;"

""registered social landlord" means a body registered as such under Chapter 1 of Part 1 of the Housing Act 1996;".

24 Parenting orders: local authorities and registered social landlords
In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 26 there is inserted—

“26A Parenting orders in respect of anti-social behaviour: local authorities
(1) A local authority may apply for a parenting order in respect of a parent of a child or young person if—
   (a) the local authority has reason to believe that the child or young person has engaged in anti-social behaviour, and
   (b) the child or young person resides, or appears to reside, in the local authority’s area.

An application for such an order may be made to a magistrates’ court or, where section 26C so allows, to a county court.

(2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
   (a) that the child or young person has engaged in anti-social behaviour, and
   (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.

(3) A parenting order is an order which requires the parent—
   (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
   (b) subject to subsection (4), to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the Responsible Officer.

(4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.

(5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.

(6) The first condition is that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the child or young person from engaging in further anti-social behaviour.

(7) The second condition is that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.

(8) A person is eligible to be the Responsible Officer in relation to a parenting order under this section only if he is—
   (a) an officer of the local authority which applied for the order, or
   (b) a person nominated by that authority or by a person or body requested by the authority to make a nomination.

A person may not be nominated under paragraph (b) without his consent.

26B Parenting orders in respect of anti-social behaviour: registered social landlords

(1) A registered social landlord may apply for a parenting order in respect of a parent of a child or young person if—
   (a) the registered social landlord has reason to believe that the child or young person has engaged in anti-social behaviour, and
   (b) the behaviour in question directly or indirectly relates to or affects the housing management functions of the registered social landlord.

An application for such an order may be made to a magistrates’ court or, where section 26C so allows, to a county court.
(2) If such an application is made, the court may make a parenting order in respect of a parent of the child or young person if it is satisfied—
(a) that the child or young person has engaged in anti-social behaviour, and
(b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.

(3) A parenting order is an order which requires the parent—
(a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
(b) subject to subsection (4), to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the Responsible Officer.

(4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(b) in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.

(5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.

(6) The first condition is that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the child or young person from engaging in further anti-social behaviour.

(7) The second condition is that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.

(8) A registered social landlord must not make an application under this section without first consulting the local authority in whose area the child or young person in question resides or appears to reside.

(9) A person is eligible to be the Responsible Officer in relation to a parenting order under this section only if he is—
(a) an officer of the registered social landlord which applied for the order, or
(b) a person nominated by that registered social landlord.

A person may not be nominated under paragraph (b) without his consent.

(10) In deciding whom to nominate under subsection (9)(b) a registered social landlord must take into account the views of—
(a) the local authority mentioned in subsection (8), and
(b) such other persons or bodies as the registered social landlord thinks appropriate.

26C Applications under section 26A or 26B in county court proceedings

(1) Where a local authority or registered social landlord (a “relevant authority”)—
(a) is a party to proceedings in a county court, and
(b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application for a parenting order under section 26A or 26B (a “parenting order application”),

it may make such an application to that court in relation to that person.

(2) Where—
(a) a relevant authority considers that a party to proceedings in a county court is a person in relation to whom it would be reasonable for it to make a parenting order application, but
(b) the relevant authority is not a party to those proceedings, it may apply to be joined to those proceedings to enable it to make a parenting order application.

(3) Where—
(a) there are proceedings in a county court to which a relevant authority is a party, and
(b) the relevant authority considers that a child or young person has engaged in anti-social behaviour that is material in relation to the proceedings, the relevant authority may apply for a person who is a parent of the child or young person to be joined to the proceedings to enable it to make a parenting order application in relation to him.

(4) A person must not be joined to proceedings in pursuance of subsection (3) unless the anti-social behaviour in question is material in relation to those proceedings.”

25 Contracting out of local authority functions with regard to parenting contracts and parenting orders

In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 28 there is inserted—

“28A Contracting out of local authority functions
(1) An order made by—
(a) the Secretary of State as regards local authorities in England, or
(b) the National Assembly for Wales as regards local authorities in Wales, may provide that a local authority may make arrangements with a person who is specified in the order, or is of a description so specified, for the exercise of any function it has under or by virtue of section 25A or 26A.

(2) The order may provide—
(a) that the power of the local authority to make the arrangements is subject to such conditions as are specified in the order;
(b) that the arrangements must be subject to such conditions as are so specified;
(c) that the arrangements may be made subject to such other conditions as the local authority thinks appropriate.

(3) The order may provide that the arrangements may authorise the exercise of the function—
(a) either wholly or to such extent as may be specified in the order or arrangements;
(b) either generally or in such cases or areas as may be so specified.

(4) An order under this section may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.

(5) The Secretary of State or (as the case may be) the National Assembly for Wales must not make an order under this section without first consulting—
(a) such representatives of local government as appear to be appropriate;
(b) such other persons as appear to be appropriate.

(6) Any arrangements made by a local authority in pursuance of an order under this section do not prevent the local authority from exercising the function to which the arrangements relate.
(7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
   (a) section 72 (effect of contracting out);
   (b) section 73 (termination of contracting out);
   (c) section 75 and Schedule 15 (provision relating to disclosure of information);
   (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).

(8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function is to be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.

(9) Local authorities in England and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.

(10) Local authorities in Wales and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the National Assembly for Wales for the purposes of this section."
Annex B
Application for Parenting Order
(Section 24 of the Police and Justice Act 2006 amending Section 26 A & B of the Anti-social Behaviour Act 2003)

<table>
<thead>
<tr>
<th>Date</th>
<th>[Add here]</th>
<th>Magistrates’ Court (Code)</th>
<th>[Add here]</th>
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<table>
<thead>
<tr>
<th>Child or young person</th>
<th>Child or young person’s address</th>
<th>Child or young person’s age</th>
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<td>[Add here]</td>
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</table>

Parent/ Guardian | Parent/ Guardian’s address |
[Add here] | [Add here] |

Applicant | [Add here] |

Responsible Officer | [Add here] |

It is alleged that:

(a) the child or young person has acted on [insert date] at [insert place] in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; or

**Short description of acts** (evidence of these acts is attached)
[Add here]

Delete as applicable

The parent(s)/guardian(s) entered into a parenting contract on [insert date] it is alleged that the parent(s)/guardian(s) have failed to comply with the parenting contract, a copy of which is attached to this application form.

**Short description of alleged failure to comply with parenting contract**
(Evidence of this alleged failure to comply is attached)
[Add here]
[It is alleged that the parent(s)/guardian(s) have refused to enter into a parenting contract.]
[The child or young person is under 16.] [Information as to the family circumstances of the child or young person is attached]

**It is alleged that [Delete as applicable]**

(a) the attendance of the parent(s)/guardian(s) at a residential course is likely to be more effective than their attendance at a non-residential course in preventing the child or young person from engaging in further criminal conduct or anti-social behaviour; and

(b) any interference with family life which is likely to result from the attendance of the parent(s)/guardian(s) at a residential course is proportionate in all the circumstances.

The court is requested to order that the counselling or guidance may [include] [consist of] a residential course.

Evidence to support the request for a residential requirement is attached.

Short description of the counselling/guidance programme to be attended by the parent(s)/guardian(s):

[Add here]

Further requirements to be included in the order:

[Add here]
Annex C
Parenting Contract

Copy for parent/carer and Local Authority/RSL

Personal details

Name [Add here]  
Case ID [Add here]  

Local Authority/RSL [Add here]  
Date [Add here]  

Main objective

We are going to support you to prevent your child from engaging in criminal conduct and/or anti-social behaviour, by working on:

[Add here]

Major targets for the next three months

<table>
<thead>
<tr>
<th>What are our targets?</th>
<th>How is this going to be done?</th>
<th>Who is going to do it?</th>
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<tbody>
<tr>
<td>1 [Add here]</td>
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<td>5</td>
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</table>

Future targets

[Add here]
To achieve these targets
I/We (the parent/s) agree to:

[Add here]

The Local Authority/RSL agrees to:

[Add here]

Consent – Parent or Carer

I/We also understand and agree that information about me/us has been and will continue to be collected for the purpose of assessing and providing appropriate services. The Local Authority/RSL may also use this information for service planning, monitoring and research purposes. This information may also be shared with external agencies and providers of relevant services that the Local Authority/RSL needs to consult and work with to ensure that I/we are provided with the most appropriate services. I/We understand that this information will be stored either electronically or in the manual records by the Local Authority/RSL for case management purposes for the length of the programme and for [x] months following, to monitor and evaluate the effectiveness of the plan. The Local Authority/RSL will keep the information updated and notify all recipients of any changes to ensure corrections are made.

Complaints procedure provided and understood  
Date: [Add here]

Information exchange policy provided and understood  
Date: [Add here]

Legal rights and responsibilities information provided and understood  
Date: [Add here]
### Important dates

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>When are we next going to meet?</td>
<td>[Add here]</td>
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<tr>
<td>How often do we meet?</td>
<td>[Add here]</td>
</tr>
<tr>
<td>Are there any other important dates?</td>
<td>[Add here]</td>
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<tr>
<td>Date of review/plan:</td>
<td>[Add here]</td>
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<tr>
<td>End of contract:</td>
<td>[Add here]</td>
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</table>

### Contact details

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parenting Support practitioner’s name:</td>
<td>[Add here]</td>
</tr>
<tr>
<td>Practitioner’s tel. No:</td>
<td>[Add here]</td>
</tr>
<tr>
<td>If unavailable contact:</td>
<td>[Add here]</td>
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</tbody>
</table>

### Agreeing the intervention plan/contract:

I/We have agreed the parenting support plan and will work with the Local Authority/RSL as detailed above to prevent our child from engaging in anti-social behaviour.

I/We also agree to the information sharing under the Data Protection Act.

Signed  
(Parent/s)  
Date: [Add here]

The Local Authority/RSL will provide the support detailed above and has provided and explained the relevant information as indicated.

Signed  
(Practitioner)  
Date: [Add here]
Annex D: Training

Parenting Training
Various courses are available which would be beneficial for those involved with working with parents to attend:

a. **Referral to Parenting Programme Training.** This is aimed at professionals who work with parents and trains practitioners in how to assess parents for referral to parenting programmes. Further information is available from Parenting UK: info@parentinguk.org

b. **Training to become a parenting practitioner.** A directory of courses for parenting practitioner training in each locality is available from the National Academy of Parenting Practitioners at [www.parentingacademy.org](http://www.parentingacademy.org). It is recommended that evidence based courses are used.

c. **Community Consultants Training.** This is training for parents who have successfully taken part in a parenting course and are willing to help offer advise and encouragement to other parents for whom a parenting course has been recommended. This training has national accreditation. Parents who are trained as Community Consultants can be very helpful partners for Local Authorities and Registered Social Landlords in working with the most difficult to reach parents. Further information is available from Parenting UK: info@parentinguk.org
Annex E

Cited References


5. Refer to Department for Children, Schools and Families (DCSF) guidance on education-related contracts and parenting orders which can be obtained from Prolog publications centre on 0845 6022260 quoting reference 00530-2007BKT-EN or via website at: http://www.dcsf.gov.uk/behaviourandattendance/guidance/Penalty%20Notices/Guidance.cfm


10. For further information the Youth Justice Board’s “Effective Practice Reader on Parenting” includes detailed guidance and ‘Working Together to Safeguard Children’ DOH HMSO 1999 is the key reference document for inter-agency working (http://www.doh.gov.uk/quality5.htm).


12. www.parentinguk.org

13. Further information on Specialist Parenting Assessments used by the Youth Justice Board see their Directory of emerging Practice www.yjb.gov.uk/dep


19. See for instance the case of McCann where the House of Lords held that anti-social behaviour orders are civil orders to which the criminal standard of proof applies to the past acts of anti-social behaviour.


Other References

Publications
Every Parent Matters can be downloaded from:
www.teachernet.gov.uk/docbank/index.cfm?id=11184

**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**

MoJ/ YJB guidance on Parenting contract and Orders 2007
http://www.crimereduction.gov.uk/youth/youth51.htm

DCSF guidance on Parenting contracts and Orders 2007
http://www.dcsf.gov.uk/behaviourandattendance/guidance/Penalty%20Notices/Guidance.cfm

**Legislation**

**The Police and Justice Act 2006**

**The Anti–Social Behaviour Act 2003**

**The Magistrates’ Courts (Parenting Orders) (Amendment) Rules 2007**
Annex F: Definition of terms (used in the guidance)

Responsible Officer
The court must specify a Responsible Officer when making a parenting order. A Responsible Officer is the person specified in a Parenting order who supervises the requirements of the parenting order and arrangements for guidance or parenting programme for the parents.

Nominated Officer
A Nominated Officer is the officer nominated by the Local Authority or Registered Social Landlord to lead and monitor the parenting contract. The legislation does not specify that there must be a Nominated Officer although it is good professional practice to appoint a person to this role.

Parenting Order
A Parenting Order is a legally binding order issued by the court 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.

Parenting Contract
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.

Parenting Programme
Refers to counselling or guidance programmes or courses for parents.