



department for  
**children, schools and families**

# Parenting Contracts and Orders Guidance

Ministry of Justice/ Department for Children, Schools and Families/ Youth Justice Board

First issued February 2004, Revised October 2007

# PARENTING CONTRACTS AND ORDERS GUIDANCE

## Contents

	<i>Page</i>
<b>Section 1: Scope and status of guidance</b>	<b>1</b>
<b>Section 2: Background to parenting programmes</b>	
a) Research evidence	2
b) Helping parents help their children	3
c) Overview of parenting contracts and orders	4
d) Assessment process	6
e) Co-ordinating parenting support	7
f) Looked after children	7
g) Feedback to courts	7
h) Human Rights Act 1998	7
i) Race and diversity	8
j) Disability, mental health problems and special educational needs	8
<b>Section 3: Parenting contracts</b>	
a) Description of a parenting contract	8
b) When can a parenting contract be offered?	9
c) Negotiating a contract	10
d) Length of contracts	11
e) Delivering the contract	11
f) Dealing with non-compliance by parents	11
g) Non-compliance by YOTs	12
h) Refusal to enter into contract	12
<b>Section 4: Free-standing parenting orders</b>	
a) Availability of the order	12
b) Assessing whether appropriate	13
c) Evidence of criminal conduct or anti-social behaviour	13
d) Evidence that making the order would be desirable in the interests of preventing further criminal conduct or anti-social behaviour	13
e) Application form and time limits	14

## **Section 5: Parenting orders linked to conviction or to another order**

- a) Availability 14
- b) Assessing when parenting order is appropriate 15

## **Section 6: Procedural points common to all parenting orders**

- a) Information about family circumstances 16
- b) Parental attendance at court 17
- c) Explaining the order to the parent 18

## **Section 7: Requirements of parenting orders**

- a) **Requirement for a parenting programme** 18
- b) Residential requirement 19
- c) Specific requirements 20

## **Section 8: Managing parenting orders and further court involvement**

- a) Role of the responsible officer 21
- b) Variation and discharge 22
- c) Appeals 22
- d) Breach 22
- e) Time limit for breach proceedings 23
- f) Monitoring compliance 23
- g) Warnings 24
- h) Review meeting 24
- i) Referral to the police 24
- j) Cautions 25
- k) Referral to the Crown Prosecution Service 25
- l) Court hearing 25
- m) Further engagement with parents 26
- Legal advice /assistance 26
- Enquiries 26
- Dealing with failure to comply - Summary 27

## **Annexes:**

- A) Relevant legislation 28
- B) Definitions 36
- C) Example parenting contract 37
- D) Suggested form to apply for free-standing parenting orders 39
- E) Suggested forms for parenting orders. 41

## Section 1: Scope and status of guidance

- 1.1 This guidance is about the operation of **parenting orders**<sup>1</sup> and of **parenting contracts**<sup>2</sup> arising from **criminal conduct or anti-social behaviour** in England and Wales.
- 1.2 It is mainly intended for youth offending teams (YOTs), responsible officers and the courts but may also be of use to the wider children, young people and families services, police, youth offender panels, parenting programme providers, the CPS and defence lawyers.
- 1.3 This is the guidance referred to in sections 25(8) and 27(4) of the Anti-social Behaviour Act 2003 (“the ASB Act 2003”). YOTs and responsible officers are therefore required by law to have regard to the relevant parts of the guidance when carrying out their functions in relation to parenting contracts and parenting orders including making decisions on:
- entering into a parenting contract under section 25 of the Anti-social Behaviour Act 2003; and
  - applying for or monitoring a parenting order under section 26 of the Anti-social Behaviour Act 2003
- 1.4 This means that while the guidance does not have the force of statute, 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. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.
- 1.5 It should not be regarded as providing legal advice, which should be sought

if there is any doubt as to the application or interpretation of legislation.

- 1.6 The guidance is non-statutory in relation to parenting orders made under the Crime and Disorder Act 1998 (“CD Act 1998”) and Powers of Criminal Courts (Sentencing) Act 2000.
- 1.7 It is principally technical guidance on the provisions but also aims to reflect good practice. It does **not** offer guidance on practice in engaging with parents and children or on the content or quality of parenting programmes. It does provide references and links for sources of practice guidance.
- 1.8 Extracts from the relevant legislation on parenting orders and contracts are included at Annex A. Key terms are defined at Annex B.
- 1.9 Parenting Orders under the CDA 1998 were implemented across England and Wales on 1 June 2000. Parenting contracts and orders under the ASB Act 2003 and the Powers of Criminal Courts (Sentencing) Act 2000<sup>3</sup> were implemented on 27 February 2004.
- 1.10 An earlier version of this guidance was originally published in February 2004. This is the first revised version. The guidance will be updated from time to time and the latest version will be held on the Ministry of Justice website.
- 1.11 Related material which may be helpful:
- “National Standards for Youth Justice Services 2004” published by the Youth Justice Board (YJB) for England and Wales. Paragraphs 8.72-8.81 deal specifically with the parenting order. This guidance cross-refers to relevant parts of the National Standards.

<sup>1</sup> Under section 8 of the Crime and Disorder Act 1998 (CD Act 1998), sections 18, 26-29 & 85 of the Anti-Social Behaviour Act 2003 (ASB Act 2003) and Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (by virtue of section 324 of and schedule 34 to the Criminal Justice Act 2003 (CJ Act 2003)).

<sup>2</sup> Under s25 of the ASB Act.

<sup>3</sup> By virtue of the Criminal Justice Act 2003 (“the CJ Act 2003”)

- YJB publications on good practice in working with parents of young offenders. See in particular “Key Elements of Effective Practice – Parenting”, “Key Elements of Effective Practice – Parenting (source)” and the YJB’s “Effective Practice Reader on parenting” at: <http://www.yjb.gov.uk/Publications/Scripts/default.asp?eP=>
- DCSF-sponsored Commissioners Toolkit available at: <http://www.toolkit.parentinguk.org/>
- Guidance on parenting orders and contracts arising from truancy and exclusion from school has been published by the DCSF.<sup>4</sup>
- Guidance on parenting contracts and parenting orders for anti-social behaviour made under the Police and Justice Act 2006 is being developed by the Home Office. These powers came into force on 29 June 2007 and will be available to local authorities and registered social landlords.
- Documents to support measures introduced by the Children Act 2004 including achievement of the five Every Child Matters outcomes available to download at [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)
- The National Academy for Parenting Practitioners launched in October 2007, will be an important source for training, practice guidance and research.

showed that 42% of young people aged 10-17 who had low or medium levels of parental supervision had offended, whereas for those who had experienced high levels of parental supervision the figure was only 20%. The same research showed that the quality of relationship between the parent and child is crucial. Research also suggests that the children of parents whose behaviour towards them is harsh or erratic are twice as likely to offend.<sup>6</sup>

2.2 In the United States, a study as long ago as 1973 showed that by training parents in negotiation skills, sticking to clear rules and rewarding good behaviour, offending rates among children were halved.<sup>7</sup> Parenting can also be an important protective factor that moderates a child’s exposure to risk.<sup>8</sup>

2.3 Parenting programmes are designed to develop parents’ skills to reduce parenting as a risk factor and enhance parenting as a protective factor. Throughout this guidance the term “parenting programmes”<sup>9</sup> is used to refer to the variety of different approaches that may be used by YOTs to help parents address their child’s behaviour as part of an overall parenting intervention. These include cognitive behaviour programmes, mentoring, parenting advice, individual family based therapy, functional family therapy, solution focussed (brief) therapy, family group conferencing and group based programmes.

## Section 2: Background to Parenting Programmes

### a) Research evidence

2.1 Inadequate parental supervision is strongly associated with offending. For example, a Home Office study<sup>5</sup>

<sup>4</sup> To obtain a copy go to: <http://www.dcsf.gov.uk/behaviourandattendance/index.cfm> or request a copy from DCSF Publications (tel 0845 6022260 or [dcsf@prolog.uk.com](mailto:dcsf@prolog.uk.com) quoting ref 00530-2007BKT-EN

<sup>5</sup> Graham and Bowling (1995) “Young People and Crime” Home Office Research Study 145

<sup>6</sup> “Family backgrounds of aggressive youths” by DP Farrington (In “Aggressive and anti-social behaviour in childhood and adolescence” by L Hersov et al. Pergamon Press, 1978. ISBN 0080218105).

<sup>7</sup> “Short term behavioural intervention with delinquent families: impact on family process and recidivism by JF Alexander and BV Parsons (In “Journal of Abnormal Psychology”, 81(3) 1973).

<sup>8</sup> See Anderson, B et al (2002) Risk and Protective Factors, London: Youth Justice Board for England and Wales and Baker, K et al (2003) The Evaluation of the Validity and Reliability of the Youth Justice Board’s Assessment for Young Offenders. London: Youth Justice Board.

<sup>9</sup> Parenting Programmes are referred to throughout the relevant legislation as “counselling or guidance programme”.

- 2.4 Parenting support needs to be coordinated with other interventions. Evidence supports the coordinated delivery of parenting interventions and interventions with the child or young person.
- 2.5 Following the introduction of parenting orders through the CD Act 1998, YOTs have established or commissioned parenting programmes to support court orders and to provide support for parents on a voluntary basis. The YJB's effective practice guidance requires YOTs to use evidence-based programmes and methods. The DCSF-sponsored Commissioners Toolkit for local authorities also includes information about the effectiveness of programmes in various contexts.
- 2.6 There are always a number of difficulties to overcome in evaluating parenting programmes including: identifying how far they have contributed to outcomes when in many cases they are delivered alongside other interventions with the young person; the establishment of a suitable comparison group and the self selection of parents who participate in the evaluation.
- 2.7 An evaluation of various parenting programmes delivered by YOTs was sponsored by the Youth Justice Board and published by the Policy Research Bureau in 2002.<sup>10</sup> This research reported various positive outcomes including a reduction in offending but limitations in the research methodology limit the conclusions that can be drawn.
- 2.8 The YJB is currently developing an evaluation of the whole prevention programme which will include parenting programmes. The Ministry of Justice and YJB are also carrying out a longitudinal evaluation of youth

justice interventions, which will include parenting orders.

**b) Helping parents help their children**

2.9 Parenting is a challenging job. Parents need to be able to discipline, guide and nurture their child effectively. Helping parents to develop their skills is intended to support all children and young people achieving the *Every Child Matters* outcomes. Effective parenting can help prevent early problems in a child or young person's behaviour before they escalate into more serious negative outcomes for the child or young person, families and the communities around them.

2.10 Help and support for the parents of young people who become involved in offending or anti-social behaviour should be part of a wider programme of action to support families. Parents are the single biggest influence on a child's life, and have an important role to play in preventing their children engaging in behaviour such as offending: they have a responsibility to the child and to the community to do this. Some parents may need help, support, encouragement and direction. Such assistance may be provided at an early stage by or on behalf of the local authority or by a voluntary agency and could be in the form of group work or one to one counselling. Or there could be work involving the whole family or parents and child. Early advice is also available over the telephone from Parentline Plus on 0808 800 2222.

2.11 When children or young people are subject to the attention of a YOT, as a matter of good practice, work with them should always involve parents, fathers as well as mothers. Fathers should be actively engaged in issues concerning their children unless there are clear and recorded reasons not to. The extent and nature of individual and joint interventions or programmes working with parents

<sup>10</sup> Ghate D and Ramella M (2002) "Positive Parenting: The effectiveness of the Youth Justice Board's Parenting Programme" London: YJB (<http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idProduct=21&eP=PP>).

- alone should be determined through assessment.
- 2.12 If following assessment the YOT determines that parenting is a significant factor in the child or young person's behaviour, and a parenting intervention is necessary, it would work with the parents on a voluntary basis, possibly using a parenting contract. Where the voluntary approach has failed or is not appropriate YOTs can work with parents through a parenting order. This work with parents should be planned and delivered so as to complement work with the child or young person. The YOT should involve both parents unless there are reasons why it should not do so. The local authority parenting strategy and any youth justice plan should set out the arrangements for delivering parenting orders and parenting support more generally. Parents have varying needs and interventions should be tailored to meet them. YOTs need to provide a menu of parenting services: one to one support and group programmes and referral to specialist parenting support services where required.
- c) **Overview of parenting contracts and orders**
- 2.13 A parenting contract is a voluntary agreement negotiated between a YOT worker and the parents of the child involved in or likely to become involved in criminal conduct or anti-social behaviour. A parenting order is a civil order.
- 2.14 Parenting contracts and orders are intended to prevent offending - which section 37 of the CD Act 1998 established as the principal aim of the youth justice system. They are supportive interventions and should not be seen as a punitive measure against the parent.
- 2.15 They are intended to provide additional options for working with the parent to bring about an improvement in behaviour and reinforce parental responsibility. They can help in identifying and focusing on the issues behind the child's behaviour and in developing a productive relationship with parents to address these issues.
- 2.16 Parenting contracts and orders can consist of two elements:
- (i) a **parenting programme** (which may in a parenting contract be supplemented by other support) designed to meet the individual needs of parents so as to help them address their child's behaviour. This is not a punishment but a positive way of bolstering parental responsibility and helping parents develop their skills so they can respond more effectively to their child's needs.
- (ii) **specific requirements** for the parent designed to address particular factors associated with offending or anti-social behaviour. Examples would be attending meetings at their child's school or ensuring the child is home during certain hours.
- 2.17 Under the CD Act 1998 parenting orders resulting from criminal conduct or anti-social behaviour are available in any court proceedings where:
- (a) a child safety order (CSO) has been made or a court determines that a child has failed to comply with a requirement of a CSO;
- (b) an anti-social behaviour order or sexual offences prevention order has been made in respect of a child or young person;
- (c) a parental compensation order ("PCO") has been made in relation to a child's behaviour (N.B. PCOs are only available in certain pilot areas); or
- (d) a child or young person has been convicted of an offence.
- 2.18 Under the Powers of Criminal Courts (Sentencing) Act 2000 a parenting order can be made when a referral

order is made or when a Youth Offender Panel<sup>11</sup> refers a parent back to court for failing to attend panel meetings.

- 2.19 The ASB Act 2003 allowed YOTs to apply for free-standing parenting orders. This made parenting orders available at an earlier stage as a preventive measure, without the child or young person needing to have appeared in court.
- 2.20 The ASB Act 2003 also gave YOTs a statutory power to make a parenting contract and in return to help parents deliver their part of the contract. These contracts can provide a formal structure for work with parents on a voluntary basis, encouraging an effective partnership between YOTs and parents.
- 2.21 Contracts are voluntary. The parent cannot be compelled to enter into a parenting contract and there is no obligation on the YOT to offer one. There is no penalty for refusing to enter into or failing to comply with one. However, previous failure to co-operate with support offered through a contract is a relevant consideration for a court when deciding whether to make a parenting order. A contract provides more formality when a YOT is attempting to secure voluntary co-operation from parents.
- 2.22 When parents are unwilling to engage with parenting support on a voluntary basis and a YOT assesses that a parent could be supported to improve the child's behaviour, YOTs can apply for a free-standing parenting order or recommend a parenting order linked to a child's conviction or another order. However before applying for an order, YOTs should normally have tried to engage with parents on a voluntary basis whether or not through a contract.

### Three ways of working with parents

#### 1) Voluntarily

Many parents want and may even ask for support. YOTs may work with parents on a voluntary basis without using a contract or order in most cases.

#### 2) Voluntarily with a parenting contract

If parents do not co-operate despite efforts to engage them, a more formal voluntary approach may be useful. A YOT can suggest a parenting contract. Refusing to enter into a contract can be used as evidence to support an application for an order and this point may persuade a reluctant parent to engage.

#### 3) Parenting order

If parents do not co-operate despite efforts to engage, and it would be in the interests of preventing further anti-social or offending behaviour, the YOT can apply for, or recommend, a parenting order.

- 2.23 Any parent or guardian of a child or young person including natural and step parents and carers may enter into a parenting contract or can be made subject to a parenting order if the relevant conditions apply. Throughout this guidance references to "parent" include "guardian" and mean each and every person coming within these definitions (detailed in Annex B).
- 2.24 Contracts and orders may be made in respect of both parents or one of them. Each parent or guardian should be fully involved if they can be supported to positively influence their child, In addition, a contract or order could also include a step parent, a parent's partner, grandparents or, in some circumstances, another adult significantly involved in a child's upbringing unless there are reasons why this would be unsuitable for instance because of domestic violence or abuse.
- 2.25 The evaluation of the YJB's parenting programmes has shown that few fathers have been involved in parenting programmes. However, **when both parents are participating in**

<sup>11</sup> When a young offender is made subject to a referral order they are referred to a Youth Offender Panel and the parent may be required to attend panel meetings. .



**the upbringing of a child, 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 (see also 2.29 below).

2.26 By contrast, working with only one of the parents means that positive results achieved through one of them can be undermined by the influence of the other. Encouraging one parent to set consistent and fair boundaries will have less effect if the other parent continues to be inconsistent and unfair.

2.27 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. It is important for YOTs to work with both parents, fathers as well as mothers where possible. In some cases a YOT will be able to work with one parent voluntarily but may have to explore using a parenting order to engage the other.

**d) Assessment process**

2.28 Assessment is needed to form a picture of the child and the family circumstances. This should be informed by information from other agencies. If a Common Assessment Framework (CAF) has been used, it should inform and feed into assessment by the YOT. The YOT will consider an ONSET assessment prepared by the YISP or complete an ASSET assessment. (The YOT or YISP may also produce a CAF for instance where there are complex needs that require the intervention of different agencies). Where an assessment suggests that parenting is a significant factor in the child or young person's misbehaviour, a detailed assessment of the parents should be carried out. Both parents should be

assessed. Assessment should identify:

- parenting risk and protective factors;
- the individual needs and circumstances of the parents;
- whether a programme could support the parents so they can positively influence their child and if so, what form it should take and whether and why it should involve a parenting contract or an order - both parents (fathers as well as mothers) should be involved unless there are clear and recorded reasons not to;
- any cultural, racial, linguistic, literacy, religious or gender specific issues that may affect the kind of programme that will be effective for a particular parent;
- the facts relating to a particular parent or child without invalid assumptions relating to culture, race or gender;
- whether the parent has any disability, special educational need or mental health problem that would affect the parent's ability to participate in a programme and if so, how it can be accommodated;
- any other issue that could affect a parent's ability to participate (such as transport or child care).

2.29 The parenting assessment and the ASSET assessment should be linked and the proposed parenting work should take full account of them. The YOT should be ready to present them in court if applying for, or recommending, a parenting order. The assessment should be updated in light of any significant new information and should be regularly reviewed.

2.30 Any intervention must be in accordance with any existing child safeguarding plan or child 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 Local

Safeguarding Children Board 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.**<sup>12</sup>

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.<sup>13</sup>

**e) Co-ordinating parenting interventions**

2.32 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. When a child or young person is at risk of not achieving the *Every Child Matters* outcomes, the Local Authority will be providing help, via their children's trusts arrangements for example through targeted youth support. Parenting interventions should be co-ordinated with any such wider

interventions with the child and family to reduce overlap and inconsistency.

2.33 A lead professional may have been appointed. Other agencies, statutory or voluntary, should be engaged where appropriate. A meeting of the child, family and relevant professionals may be appropriate.

2.34 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>

**f) Looked after children**

2.35 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).

2.36 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.

**g) Feedback to courts**

2.37 YOTs should regularly inform all courts able to make parenting orders about the parenting service covering the frequency of parenting programmes delivered locally, what they can achieve, when they are likely to be effective and what is carried out voluntarily and under parenting orders.

**h) Human Rights Act 1998 (HRA)**

2.38 YOTs must apply their powers consistently and in a proportionate manner, having regard to this

<sup>12</sup> 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>).

<sup>13</sup> See YJB "Guidance for Youth Offending Teams on Information Sharing" (2001) (<http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=74&eP=YJB>) and "Sharing Personal and Sensitive Information in Respect of Children and Young people at Risk of Offending. A Practical Guide" issued by the YJB and Association of Chief Police Officers (2003) (<http://www.youth-justice-board.gov.uk/PractitionersPortal/News/NewsArchive/InfoSharing.htm>).

guidance where appropriate. A disproportionate or inconsistent use of the power may lead to challenges under the HRA. Further information on the HRA can be found at <http://www.humanrights.gov.uk/>

2.39 Following a judicial review, the parenting order has been held to be compliant with the Human Rights Act 1998.<sup>14</sup>

**i) Race and Diversity**

2.40 Direct or indirect discrimination against parents on grounds of race, colour, nationality (including citizenship), or ethnic or national origin by criminal justice agencies including YOTs is unlawful under the Race Relations Act. YOTs have a duty to consider the promotion of racial equality in carrying out their work. YOTs 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. In parenting interventions, equal treatment will be particularly important in assessing parents and their children, making recommendations to courts and deciding whether to pursue a parent for breach of an order.

2.41 YOTs should plan how they can support the delivery of parenting programmes to black and minority ethnic parents and should take into account and form links with voluntary sector organisations with relevant expertise and experience. Whether through such organisations or direct, YOTs should consider making contact with relevant community groups to explain the purpose of the programmes, seek their support in influencing parents to take advantage of them, encourage the formation of

parent support groups and seek volunteer mentors from the community to help advise parents in greatest difficulty.

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

2.42 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.

2.43 Where a child (or parent) has a disability, mental health problem or special educational needs, the YOT will need 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. A specialist involved in the assessment process will therefore inform the nature of any subsequent parenting intervention.

2.44 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.

2.45 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.

**Section 3: Parenting contracts**

**a) Description of a parenting contract**

3.1 A parenting contract is a voluntary written agreement between a YOT and the parents or guardians of a

<sup>14</sup> R (M) v Inner London Crown Court, [2003] EWHC 30; [2003] 1 FLR 944. [http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2003/301.html&query=\[2003\]+EWHC+301&method=all](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2003/301.html&query=[2003]+EWHC+301&method=all)

- child or young person. A contract consists of two elements:
- (a) **a statement by the parents or guardians that they agree to comply for a specified period with requirements specified in the contract; and**
  - (b) **a statement by the YOT agreeing to provide support to the parents or guardians for the purpose of complying with the contract.**
- 3.2 The requirements for the parents in (a) may include, in particular, a requirement to attend a parenting programme.
- 3.3 Parenting contracts are not intended to replace all voluntary work with parents but to provide an additional option backed by statute. As many parents want support, YOTs will often be able to work effectively with them without using a contract. Where a parent is reluctant to engage or would benefit from a more formal arrangement, a YOT may wish to negotiate a parenting contract.
- 3.4 The purpose of a parenting contract is to prevent the child or young person from engaging or persisting in criminal conduct or anti-social behaviour. The YOT will need to consider whether a parenting contract is required to serve this purpose in light of the parenting assessment.
- b) When can a parenting contract be offered?**
- 3.5 A YOT may enter into a parenting contract:
- when a child or young person has been referred to the YOT and
  - a YOT member has reason to believe that the child or young person has engaged, or is likely to engage, in criminal conduct or anti-social behaviour.
- 3.6 The phrase “is likely to engage” allows for work with parents without the child or young person having received a reprimand, final warning, conviction or civil order whether or not parents accept that their child’s behaviour is criminal or anti-social, This allows early supportive work with parents who have consented to be referred to a YOT as their child has been identified as being at risk of engaging in criminal conduct or anti-social behaviour.
- 3.7 Where a child has not engaged in criminal conduct or anti-social behaviour, the referral to the YOT and any subsequent intervention must be on a voluntary basis.
- 3.8 Children referred to a YOT, when a parenting contract may be suitable, will include:
- a child convicted of an offence;
  - a child who is referred to the YOT in connection with a reprimand or a final warning;
  - a child under 10 that a member of the YOT has reason to believe has committed an act, which if the child had been older, would have constituted an offence;
  - a child has behaved anti-socially;
  - a child identified as being at risk of offending or engaging in anti-social behaviour by a Youth Inclusion Support Panel.
- 3.9 In considering whether it would be appropriate to offer a parenting contract, YOTs should have regard to their statutory duties and to the points set out in section 2 of this guidance.
- 3.10 The YOT should consider all the issues behind the behaviour, in particular whether it may be improved through working with the parents and providing support to them and, if so, what form this support should take. Contracts are most likely to be effective where the parents wish to

- address their child's poor behaviour but need support to do so effectively.
- 3.11** The child and family may already be in contact with or receiving support from other agencies. Before the YOT decides to enter into a parenting contract, it should identify and consult other statutory and voluntary agencies involved with the child or parents to ascertain any underlying issues that should be taken into account when deciding whether a parenting contract would be appropriate and the types of support that could usefully be included if it is.
- 3.12** The YOT should be responsive to the needs of the parents in deciding what type of support to provide. The issues behind the behaviour may be a complex and the type of support required will depend on each individual case.
- 3.13** School governing bodies, LAs and YOTs should consider in each case whether the contract should cover the areas of misbehaviour, exclusion, truancy, criminal conduct and anti-social behaviour. If there is agreement that the contract should cover a combination of these areas, one agency should take on the role of the lead agency in offering the contract and arranging support. Local agreements will need to be made about cooperating and supplying resources for such cases.
- c) Negotiating a contract**
- 3.14** If a YOT considers a parenting contract would be useful, the YOT worker should consult with other agencies working with the child or young person or with the parents or guardians, to establish how a parenting contract would fit with any existing interventions and whether other statutory and voluntary agencies should be involved in the work on the contract.
- 3.15** It will be for the YOT to decide how best to engage the parents in discussions leading to a contract depending on the circumstances. Usually both parents or guardians should be involved and, subject to age, maturity and understanding the child or young person as well.
- 3.16** 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, in the case of the parents, what they think of the idea of a parenting contract. The YOT worker should outline what a parenting contract is and why one may be appropriate. The parents and YOT worker will also be able to discuss support the parents would like and what the YOT is able to provide. The aim should be to work in partnership to improve the behaviour of the child or young person.
- 3.17** 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.
- 3.18** If a contract is negotiated, the specific requirements for the parents will need to be designed to prevent criminal conduct or anti-social behaviour or further criminal conduct or anti-social behaviour. Parents should be asked about any requirements they would find helpful in addition to those the YOT suggest. Examples are:
- to ensure their child stays away unless supervised from a part of town where he or she has misbehaved;
  - 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 they (the parents) attend all school meetings concerning their child.

- 3.19 The contract should 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.<sup>15</sup>
- 3.20 Contracts should normally include a parenting programme, arranged by the YOT and based on an assessment of the parents' needs. Other useful support might include family group conferencing, peer mentoring, literacy classes, benefits / drugs/alcohol advice and provision of a key link worker for the parent. This list is not exhaustive.
- 3.21 The contract will need to be written in language the parents can understand (including a translation where appropriate) and should balance specific and general requirements (specific requirements are normally clearer about what parents/guardians should actually do while general requirements are normally clearer about aims).
- 3.22 A YOT may include more than one parent or guardian in a contract or negotiate separate contracts 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.
- 3.23 The YOT's side of the contract must include a statement that it agrees to provide the parents with support for the purpose of complying with the requirements. This statement should detail the specific support the YOT has agreed to provide, such as the parenting programme. The YOT can also include any other action it has agreed to take.

- 3.24 The parents and a representative of the YOT (preferably the person who will deliver the YOT's part of the contract) must sign the contract and they should each be given a copy. It may also be helpful to give a copy to other statutory and voluntary agencies working with the child or family. 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.

**d) Length of contracts**

- 3.25 There is no specified time limit for contracts in the Anti-social Behaviour Act so this is a question of what is reasonable and effective. The 12-month limit for parenting orders can be taken as the limit normally applying to contracts as a matter of good practice.

**e) Delivering and managing the contract**

- 3.26 A particular YOT worker must be responsible for delivering the YOT's part of the contract and for helping to manage its overall outcome. This will require regular contact with the parents to discuss progress and any problems in meeting the contract's requirements; and contact with other interested statutory and voluntary agencies working with the child or parents such as the provider of a parenting programme or, where truancy is an issue, the school authorities.

**f) Dealing with non-compliance by parents**

- 3.27 The YOT should work with the parents to gain their co-operation 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. Failure, by parent or YOT to keep to the terms of the parenting contract cannot lead to action for breach of contract or for civil damages. However, if the conditions

<sup>15</sup> see "Guide to Anti-social Behaviour Orders", Home Office, 2006. (<http://www.together.gov.uk/cagetfile.asp?rid=536>)

for an order are met and the YOT considers an application for a parenting order is appropriate, the court will be required to take this into account in deciding whether to make such an order.

3.28 It is therefore important that any non-compliance with the contract is recorded so that it can be presented to the court if necessary.

3.29 Any instance of non-compliance that is discovered must therefore be recorded and acted upon. The YOT worker responsible for overseeing the contract should contact the parents to seek an explanation. If it is reasonable and overall the contract is still proving useful then the non-compliance and reasons should all be recorded and the contract should continue as normal. If the explanation shows that the contract is proving difficult to comply with through no fault of the parents, the YOT worker should meet the parents to review and, if appropriate, amend the contract.

3.30 If no explanation is given or the YOT worker is not satisfied with the explanation, the YOT should serve the parents with a warning, which may be in the form of a letter and keep a record of it. If further failures to comply are undermining the contract's effectiveness, the YOT worker should meet the parents to discuss how the contract can be made to work. In light of this meeting, it should be decided whether the non-compliance is undermining the contract to the extent that it is no longer useful in which case an alternative course of action would need to be decided upon. The decision and reasons for that decision should be recorded. This can be used in any future application for a parenting order.

**g) Non-compliance by YOT**

3.31 The YOT worker responsible for the contract should ensure that the

parents receive all the support that the YOT agreed to provide. Where for any reason the YOT fails, or will clearly fail to meet one of the contract's requirements, the YOT worker should contact the parents and provide a full explanation. As with non-compliance by parents, this should be recorded on file. The YOT worker should also encourage the parents to voice any concerns they have about the delivery of the YOT's side of the contract and explain the YOT's complaints procedure if concerns cannot be addressed.

**h) Refusal to enter into contract**

3.32 Parenting contracts are voluntary but the YOT should make all efforts to engage with the parent to negotiate a parenting contract if it considers that it would be appropriate and helpful to the parent to do so. If a parent refuses to enter into a contract then the YOT officer responsible for overseeing the contract should seek constructively to meet all legitimate concerns and ensure that a written record is kept of all efforts to negotiate a contract. This would include whether the parent was willing to meet to discuss the possibility and, if so, what was said. The record may be used in the event of a later application for a parenting order. The court will take into account the refusal to enter into a parenting contract (s27(1)(a) of the ASB Act 2003).

**Section 4: Free-standing Parenting orders**

*The procedure for making free-standing parenting orders is different from that for orders linked to a conviction or order on the child, set out in section 5. The content and operation of the actual order will be the same, as in sections 6-8.*

**a) Availability of the order**

4.1 In considering whether the necessary conditions for a free-standing

parenting order are fulfilled, YOTs should have regard to their statutory duties and to the points set out in section 2 of this guidance.

4.2 A member of the YOT can apply to the Magistrates' Court for a parenting order in respect of a parent or guardian of a child or young person who has been referred to the YOT.

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

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

4.4 For the first condition to be met, magistrates will need to make a finding about alleged criminal conduct or 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.<sup>16</sup> The second condition is a judgement, so does not involve a standard of proof. Note sections 6 and 7 of this guidance which will have a bearing on evidence.

**b) Assessing whether order is appropriate**

4.5 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.

4.6 YOTs should form a view about the suitability of a parent for a parenting order following assessment of the child and family circumstances. In deciding

whether a parenting order might be appropriate, the YOT must make a judgement about 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.

4.7 A YOT should normally only apply for a free-standing order after a parent has refused to enter into or failed to comply with a parenting contract or the YOT has failed in attempts to gain parental co-operation on a voluntary basis without attempting a contract, for which evidence has been kept.

**c) Evidence of criminal conduct or anti-social behaviour**

4.8 The YOT will need to prepare evidence in support of the application. A child or young person referred to a YOT will generally have been involved in criminal conduct or anti-social behaviour and may have already received a police reprimand, final warning or penalty notice for disorder. If parents deny such past involvement by their child, YOTs will need to present evidence and ensure any witnesses including staff from other agencies are able to attend. If a YOT is not sure whether there is sufficient evidence it should seek legal advice before applying.

4.9 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 professional witnesses, video or CCTV evidence, previous convictions, reprimands and final warnings and copies of custody records of previous arrests relevant to the application.

**d) Evidence that making the order would be desirable in the interests of preventing further criminal conduct or anti-social behaviour**

<sup>16</sup> 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. House of Lords [2002] UKHL 39 Clingham (formerly C (a minor)) v Royal Borough of Kensington and Chelsea (on Appeal from a Divisional Court of the Queen's Bench Division); Regina v Crown Court at Manchester Ex p McCann (FC) and Others (FC)



4.10 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. The YOT's assessments of the child or young person and the parents or guardians and details of its ability to provide the parenting programme should be presented in support of the application.

4.11 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.

4.12 The YOT should also provide evidence of any experience of trying to engage with the parents through a parenting contract. 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. The YOT needs 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.

**e) Application form and time limits**

4.13 Applications must be made in accordance with the Magistrates' Courts (Parenting Order) Rules [2004] (being revised Autumn 2007) which specify the form of application that should be used. A form is attached at Annex D.

4.14 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 that is done, a summons may be issued to the parents later, but not so late as to prejudice them through unreasonable delay.

4.15 The YOT will need to disclose the supporting evidence to the parent, at the latest, once the summons has been issued.

**Section 5: Parenting orders linked to conviction or to another order**

**a) Availability**

5.1 A court can make a parenting order in any proceedings where:

- (a) a child safety order is made or the court determines a child has failed to comply with a requirement of a child safety order;
- (b) a parental compensation order is made<sup>17</sup>;
- (c) an anti-social behaviour order or sexual offences prevention order is made in respect of a child or young person;
- (d) a child or young person is convicted of an offence (including where he/she receives a referral order); or
- (e) a parent is referred back to court by a Youth Offender Panel after failing to attend panel meetings.

5.2 This means that parenting orders can be made in any of the following courts:

- (i) a Family Proceedings Court;
- (ii) a Magistrates' Court acting under civil jurisdiction;
- (iii) all criminal courts, i.e. a Youth Court, an adult Magistrates' Court or the Crown Court.

5.3 The parenting order is made under the court's own motion (suggested forms for the order are at Annex E). The consent of the parent or guardian is not required.

5.4 There are conditions, one of which must apply before the court can make a parenting order. They are that the

---

<sup>17</sup> PCO is available in pilot areas only.

- court is satisfied that the order would be desirable in the interests of preventing:
- (a) a repetition of the kind of behaviour which led to a child safety order, an anti-social behaviour order or a sexual offences prevention order being made; or
  - (b) the commission of further offences, where the child or young person has been convicted of an offence or issued with a referral order.
- 5.5 There is an additional condition when a Youth Offender Panel refers a parent back to court. The court may make a parenting order if it is proved to its satisfaction that the parent has failed without reasonable excuse to comply with the order to attend panel meetings and the court is satisfied that the parenting order would be desirable in the interests of preventing the commission of any further offence by the child or young person.
- 5.6 The court has discretion to consider all the circumstances of the case in deciding whether it is desirable to make a parenting order. The court may wish to consider, for example, how much help, support and encouragement the parent or guardian has offered the child, and whether they are willing to receive assistance and support from the YOT or other provider on a voluntary basis. Where the parent is fully co-operating or willing to co-operate voluntarily a parenting order will not usually be desirable. If the parent has attended a programme without changing his or her behaviour, then an order might be called for.
- 5.7 Under s9 of the CDA, where a child or young person under the age of 16 has been convicted of an offence (except where a referral order is made) or made subject to an anti-social behaviour order, the court is **required**
- to make a parenting order if it is satisfied that it is desirable to do so in the interests of preventing further offending or anti-social behaviour by the child or young person. **If it is not so satisfied, the court must state this in open court and explain why not.**
- b) **Assessing when parenting order is appropriate**
- 5.8 The suitability of a parent or guardian for a parenting order is normally determined by an assessment process carried out by a practitioner from a YOT. If the assessments provide evidence that parents could be supported to positively influence their child's behaviour and the parents are not willing to engage with support voluntarily 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.
- 5.9 A judgement about the suitability of a parenting intervention and recommendations are usually made in a written report or, in criminal proceedings, in a pre-sentence report ("PSR").
- 5.10 YOTs are expected to include an assessment of parenting support needs in all youth court PSRs.
- 5.11 When preparing PSRs in cases where a parenting order is inappropriate due to, for example, domestic violence, abuse or continuing civil disputes, practitioners will need to take into account the level of information the court needs to make a decision. It may be that detailed sensitive information will not be necessary and that a general phrase such as 'while family tensions or civil matters are to be resolved' will be sufficient for the purpose.

5.12 Before making a parenting order with a referral order the court has to consider a report by an “appropriate officer” because the court needs to have the information necessary to decide whether a parenting order would be desirable. An “appropriate officer” can be an officer of a local probation board<sup>18</sup>, a social worker or a member of a YOT. The report should say which requirements should be included in the order and why they are in the interest of preventing further offending and, where the child or young person is below 16, give information about the person’s family circumstances and the likely effect of the order on them.

5.13 If the court is considering serious offences when a referral order could be made and a PSR is required, in appropriate cases, the court may request a parenting assessment at the same time.

5.14 Parenting orders would normally only be made at the same time as referral orders if there is enough already known about the parents and family circumstances to enable a satisfactory report to be written in the time before the hearing. This would usually be where the YOT has already attempted to engage with parents for instance where a young person has received a Final Warning with an intervention. In this case the YOT may be able to provide the court with a report describing the attempts to engage the parents, with an update of the original parenting assessment in the time between notification and court appearance.

5.15 Where the parents are not already known to the YOT in this way, the courts are likely to want to provide the opportunity for the Youth Offender Panel to engage parents and young people in agreeing a contract which could include provision of parenting

support on a voluntary basis or through a parenting order. If the parents do not attend the panel their case can be referred back to court, and the YOT would provide an assessment. The court would then consider whether a parenting order is desirable.

## **Section 6: Procedural points common to all parenting orders**

### **a) Information about family circumstances**

6.1 Before making a parenting order where the child or young person is under the age of 16, 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. Where a young person is aged 16 or 17, the court may obtain such information but is not required to do so.

6.2 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.

6.3 The YOT’s assessment (see section 2d) and subsequent report, should cover the family circumstances and the likely effect of the order on those circumstances although the court may decide to obtain further information by questioning the YOT officer in court or the parents or guardians if they are in court. The court could therefore rely on an oral report by the YOT in court (e.g. where the family circumstances are known to the YOT), or ask questions of the parent or, if necessary, of the child if present in court. The format in which

---

<sup>18</sup> An “officer of a local probation board” is to be replaced if the provisions of the Offender Management Bill, currently in Parliament, are enacted.

- this information should be presented will be for the court to determine and will depend on the circumstances of the case.
- b) Parental attendance at court**
- 6.4 The Government believes that parents need to be in court when their children appear so as to support them and help take responsibility for tackling their offending behaviour. Magistrates' Courts, including Youth Courts, and Crown Courts, have powers to enforce parental attendance at court where appropriate. It is usually desirable to ensure both parents attend court and are involved in any parenting intervention. **An important exception to this may be where one parent has a history of being violently or sexually abusive towards the child or other parent.**
- 6.5 In discussions and correspondence with parents before coming to court, whenever possible YOTs will wish to encourage them to attend court. However, parents, particularly single parents, will sometimes find it difficult to attend court hearings. YOTs should explain that if a parent cannot attend court, reasons should be communicated to the court and that if valid reasons are not provided, any parent who does not attend will risk being subject to a parenting order. YOTs will also wish to consider whether a non-resident parent should be encouraged to attend. The courts can adjourn to secure attendance and have power to require attendance if thought necessary. But against this they will also weigh up the desirability of completing proceedings.
- (i) In a criminal court or a Magistrates' Court acting under civil jurisdiction**
- 6.6 Section 34A of the Children and Young Persons Act 1933 provides that, where a child or young person is charged with an offence or is for any other reason brought before a court, the court may in any case and shall in the case of a child or young person who is under the age of 16 require a person who is a parent or guardian to attend the court during all stages of the proceedings, unless the court is satisfied that it would be unreasonable to do so.
- 6.7 The court can issue a summons to secure the attendance of the parents or guardians.
- 6.8 Section 34A applies to Crown Courts and Magistrates' Courts when dealing with either civil or criminal proceedings against the child or where the child's actions are the subject of a parenting order application. Because the provision relates not only to offences but to cases where the child or young person is for any other reason brought before the court, section 34A applies in the case of all proceedings in relation to parenting orders where the child or young person is brought before the court and his or her actions act as the trigger for the parenting order. Parents who fail to attend such hearings will be subject to the existing rules of those courts.
- (ii) In a Family Proceedings Court**
- 6.9 These courts hear applications for, and breaches of, Child Safety Orders. The child is not required to attend, but under the Family Proceedings Courts (Children Act 1989) Rules 1991 the court may require a parent or guardian to attend.
- (iii) In an adult Magistrates' Court (where an application is made for a free-standing parenting order).**
- 6.10 When a YOT has applied for a free-standing parenting order, the court should then summons the parents to attend the proceedings.
- (iv) Where a parent fails to attend**
- 6.11 It is important that courts consider making orders in relation to both

parents even if only one attends. Often it is just the mother who attends court whereas engaging both the mother and father will be most effective in tackling their child's misbehaviour. In fact where one or both parents do not attend and there is no reasonable explanation, this may lend weight to an existing recommendation for a parenting order. Where there has been no recommendation for a parenting order, particularly if there were a pattern of non-attendance without valid reasons, then the court may consider whether there is now sufficient evidence for an order. Alternatively, the court may consider whether the YOT should be asked to re-assess the need for an order and return to the court at a later date with a recommendation (if proceedings involving the child have not been completed) or an application for a free standing order (if proceedings have already been completed).

**c) Explaining the order to the parent**

**6.12** Before making a parenting order the court must as required by s9(3) of the CD Act 1998, explain to the parent or guardian in ordinary language the effect of the order and of the requirements proposed to be included; the consequences which may follow if he or she fails to comply with any of them; and that the court has the power to review the order on the application of the parent or guardian or of the responsible officer. This requirement can be dealt with if the parent or guardian is present in court using an interpreter where appropriate.

**6.13** Experience has shown it is crucial how a parenting order is explained to parents or guardians. It should be stressed that parenting orders are not a punishment and emphasis should be placed on building parents' existing strengths and skills.

**6.14** It is highly desirable for parents to be present in court but a parenting order can be made in their absence. Where the parent or guardian is not present, the court will need to find a different way to comply with s9(3) before it can make a parenting order.<sup>19</sup> One would be to write to the parents or guardians (provided literacy is not a problem), explaining that the court has decided to make a parenting order, when the hearing will be, the effect of the order, the nature of its requirements and the consequences of non-compliance; and to invite the parent or guardian to attend the hearing. The YOT or other agency responsible for the proceedings could deliver the letter. There must be proof that the letter has been served.

**6.15** A court may include more than one parent or guardian in an order or issue separate orders to different parents or guardians. Consideration should include whether the parents or guardians are being asked to comply with the same requirements over the same period. All parents or guardians named in an order should be given copies.

**Section 7: Requirements of parenting orders**

**7.1** The requirements of parenting orders or in directions given under them should, as far as practicable, avoid any conflict with the parent's religious beliefs and any interference with the times when the parent normally works or attends educational courses.

**a) Requirement for a parenting programme**

**7.2** The core requirement of a parenting order is that the parent attends, for a period not exceeding three months, a parenting programme.<sup>20</sup> The court will decide the length of this requirement.

---

<sup>19</sup> New court rules including this are being considered by the Criminal Procedure Rules Committee.

<sup>20</sup> Referred to in legislation as a counselling or guidance programme.

- All orders must include this requirement unless the parent or guardian has previously received a parenting order.
- 7.3 The parenting programme can be delivered at any time during the currency of the order “specific requirements” (see 7.18 below). The programme does not have to run from the date the order is made.
- 7.4 The specific requirements will usually need to be longer than the parenting programme to allow for programme to be delivered, and, if appropriate, an allowance of time to enable parents to catch up with missed sessions. If the only requirement included in the order is attendance at a programme then the court could set the requirement for up to 12 months if it considers it reasonable to do so.
- 7.5 YOTs should recommend to the court what the length of the requirement should be and explain why. The YOT should therefore make sure the court is aware that the order should allow time for activities including:
- assessing parents in advance of the programme;
  - any work with individual parents needed to prepare for the programme;
  - any waiting time before the programme can start;
  - the duration of the programme itself;
  - a contingency for missed sessions to be provided.
- 7.6 Details of the programme are specified in directions given by the **responsible officer**.
- 7.7 The responsible officer will need to assess what kind of programme is required, in consultation with the provider (if not provided by the responsible officer) and the parent and in light of the planned intervention with the child. This should cover for example who will provide the sessions; whether they should be group, individual or family-based; and whether there are particular cultural and social factors to be considered.
- 7.8 The responsible officer should set directions in writing and include details of when and where each session will be. A copy should be kept on file
- 7.9 During the programme the responsible officer and the programme provider (if different) will need to monitor the parents’ progress at suitable intervals.
- 7.10 The parent might also find it helpful to be involved in some voluntary follow-up work when the order has been completed, such as attending a parent support group.
- b) Residential requirement**
- 7.11 A parenting order can include a residential course but only if two conditions are met:
- (a) that the attendance of the parent or guardian 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 a repetition of the behaviour which led to the making of the order; and
- (b) that any likely interference with family life is proportionate in all the circumstances.
- 7.12 These conditions are designed to ensure that residential requirements are made only where proportionate under Article 8 of the European Convention on Human Rights (Right to respect for private and family life).
- 7.13 A YOT recommending a parenting order with a residential component should provide details of the programme and evidence that these conditions are met. The conditions

may be met where the parents' home life is so chaotic that they need a structured setting where sustained counselling and guidance can be undertaken. The YOT will need to take account of all those affected by the residential course and the suitability or unsuitability of the proposed environment for particular children.

- 7.14 A residential element need not be continuous; a small number of residential weekends structured within a wider non-residential programme may be suitable.
- 7.15 Normally the child (and any siblings and dependants) should be invited to attend on a voluntary basis as work with a whole family can be beneficial. Where they do not attend, arrangements for their care will be a crucial consideration.
- 7.16 YOTs will need to meet all statutory requirements for such courses (depending on their content and format) covering health and safety, criminal record checks and registration with the National Care Standards Commission.
- 7.17 A residential course could be used to bring together work with the parents and child; to reinforce lessons; to allow practitioners to witness the parent/child relationship first hand and to provide intensive family support.

**c) Specific requirements**

- 7.18 The court may also include in a parenting order specific requirements for the parent to comply with for not more than 12 months if it considers them to be desirable in the interests of preventing any repetition of the particular behaviour which led to the order or any further offence by the child or young person.
- 7.19 The YOT should recommend requirements to the court and how long the parenting order should be

imposed for. This will depend on the circumstances of the case but it will be desirable to recommend to the court that the parenting order should last for the full 12 months where this more likely to bring about sustained improvement as a consequence of the support and monitoring delivered through the order.

- 7.20 Any requirements would need to be tailored to address the problems which led to the parenting order and should, if possible, be linked to the requirements of any order imposed on the child or young person. They could include requiring the parent to ensure that the child:
- attends school or other relevant educational activities, such as mentoring in literacy or numeracy or a homework club;
  - attends a programme or course to address relevant problems, such as anger management or drug or alcohol misuse;
  - avoids contact with disruptive and, possibly, older children;
  - avoids unsupervised visits to certain areas such as shopping centres;
  - is at home during certain hours at night and is effectively supervised.
- 7.21 It may be helpful to include a requirement for the parent to attend all appointments made by the responsible officer. This would ensure the responsible officer can complete any assessment and other preparatory work needed before the parenting programme begins, regularly review progress with the parent and to help with monitoring compliance.
- 7.22 When formulating specific requirements it is important to recognise that failing without reasonable excuse to comply with requirements of the order or with directions of the responsible officer is a criminal offence. Requirements and directions must therefore be specific and clear enough for a parent

or guardian to know when they are breaching them and for the responsible officer to be able to monitor the parent's compliance.

## **Section 8: Managing parenting orders and further court involvement**

### **a) Role of the responsible officer**

**8.1** A parenting order must name an individual person as responsible officer, who will be a member of a YOT or a social worker from a local authority social services department, an officer of a local probation board<sup>21</sup> or a person nominated by the director of children's services or chief education officer such as an education welfare officer. The responsible officer will need to provide or arrange for the provision of the parenting programme, and supervise any other requirements included in the order.

**8.2** Where a parenting order is made and the young offender is, or is going to be, supervised by the YOT, it may be appropriate for a member of the team to act as responsible officer under the parenting order, to help ensure a coherent approach to the family situation as a whole. Similarly, where the child is being supervised by a social worker, for instance under a child safety order, it may be appropriate for a social worker from the social services department to act as responsible officer under the parenting order.

**8.3** If a member of the YOT is not due to attend court, the relevant social worker or other person who is there will need to consult the YOT before advising the court on who is to be responsible officer. If the RO is not a YOT member, he or she must consult relevant agencies, such as the YOT, as appropriate.

**8.4** Paragraph 8.74 of the YJB National Standards for Youth Justice Services 2004 says: "The first contact between the YOT officer or other responsible officer and the parent must be before the end of the next working day following the court hearing.". 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.

**8.5** Under paragraph 8.75, if the counselling or guidance programme under the order is to be provided by someone else, he or she should meet the parent up to two weeks before the programme is due to start.

**8.6** It is important for the responsible officer to establish a good relationship with the parent or guardian because this will help ensure the order is successfully completed. 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.

---

<sup>21</sup> See footnote 29 re "an officer of a local probation board"



**b) Variation and discharge**

8.7 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 procedures 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.

8.8 The order can be varied either by adding or replacing any provision that could originally have been included, or by cancelling any provision.

8.9 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.

8.10 An order may be discharged for instance if the parent has fully complied with the requirements and the behaviour of the child has improved.

8.11 Where an application to discharge a parenting order has been dismissed, no further application may be made without the court's consent. This is largely to prevent spurious or repeat applications.

**c) Appeals**

8.12 Where a parenting order has been made:

- in proceedings relating to the making or breach of a child safety order, an appeal against it can be made to the High Court

(the Divisional Court of the Queen's Bench Division);

- in the same proceedings as an anti-social behaviour order, parental compensation order, sexual offences prevention order or proceedings when a parent fails to attend meetings of a youth offender panel, an appeal against it can be made to the Crown Court.

8.13 Appeals against a free-standing order can be made to the Crown Court.

8.14 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.

**d) Breach**

8.15 A parent is in breach who without reasonable excuse fails to comply with any requirement included in the parenting order, or specified in directions given by the responsible officer.

8.16 The order is primarily designed to help parents to address their child's behaviour so 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. Where parents have not initially complied with the order, enforcement action short of prosecution such as warning by the responsible officer or police caution may in some cases be sufficient to secure compliance. Formal breach

proceedings may however be required in some cases to ensure the order is complied with.

8.17 The process of bringing a breach of a parenting order before a court is different to that for breached community orders – where the responsible officer can apply to court for enforcement action. Breach of a parenting order without reasonable excuse is a summary offence that the CPS may decide to prosecute following a police investigation and referral.

**e) Time limit for breach proceedings**

8.18 Section 127 of the Magistrates' Court Act 1980 allows breach proceedings to be brought up to 6 months after the breach occurred. This allows some time for the police and CPS to consider a case. 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.

**f) Monitoring compliance**

8.19 Monitoring compliance with a requirement to attend a parenting programme will be straightforward. Any failure by the parent to attend should be immediately reported by the programme provider if different from the responsible officer. Where a parent has failed to fully comply with the requirement to attend the programme as directed by the responsible officer, the responsible officer can direct the parent to attend enough sessions to make up the missed sessions or, if that is impractical, a whole new programme if there is enough time left in the order for the new programme to take place.

8.20 How the responsible officer monitors specific requirements will depend on the circumstances. For example, where attending school is a

requirement, the responsible officer should ask the school authorities to inform him or her of any non-attendance. Where the parents are required to ensure their child does not go to a particular area unsupervised, the responsible officer may be informed of a breach after the police receive a complaint about further anti-social or criminal behaviour by the child in that area.

8.21 Under paragraph 8.78 of the National Standards: "If the parent(s) fail(s) to comply with a requirement, including missing an appointment, the responsible officer must make contact with the parent within one working day by visit, telephone or letter. If there is no acceptable reason for the failure, a formal warning must be issued;" Any letter should be sent by registered post and a copy placed on file. Any conversation should be recorded on file.

8.22 What constitutes a **reasonable excuse** will depend on circumstances and the responsible officer will need to make a judgement on each occasion taking into account all the circumstances.

8.23 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.

8.24 Where non-compliance relates to a specific requirement, 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. Where the parents have made all reasonable efforts to control the child, even if he or she commits a further offence, this will not constitute a breach of a specific requirement.

8.25 Other agencies working with the family may be aware of extenuating circumstances and should be consulted before breach procedures are undertaken,

**g) Warnings**

8.26 Under the Youth Justice National Standards, as described at paragraph 8.21 above, a formal warning must be issued. The purpose of the warning is to secure the parent's compliance during the remaining period of the order.

**h) Review meeting**

8.27 Under paragraph 8.79 of the National Standards, if there is more than one unacceptable failure to comply within three months the responsible officer should meet the parent to review the order and how it can be made to work. It may be appropriate to draw up a new plan with the parents better suited to their needs and circumstances. Variation of the order may be an option. If the responsible officer cannot make contact with the parents or agree a positive way forward the responsible officer should consider whether the failure should be reported to the police for investigation. Whatever is decided, the responsible officer should ensure that a full record is kept.

**i) Referral to the police**

8.28 The police are responsible for investigating the alleged breach. Where they consider there is sufficient evidence they may refer the case to the CPS or administer a caution.

8.29 If a parent continues to fail to comply following a review meeting it will usually be appropriate to refer the case to the police.

8.30 If the responsible officer decides to refer the parent to the police, he/she should provide:

- 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.

8.31 The police will then ask the responsible officer to make a statement.

8.32 The police investigation should establish whether the parent failed to comply with a requirement and if so whether they had a reasonable excuse. Normally this will consist of interviews with the parent, the responsible officer, and any other witnesses (such as the programme provider if different from the responsible officer).

8.33 Unless the order has expired or been discharged, the parent will still be required to comply with the order and the responsible officer should continue to monitor compliance. The responsible officer should update the police about any changes in the parent's attitude to the order and any further breaches or compliance.

8.34 Police have power under section 110 of the Serious and Organised Crime and Police Act 2005 to arrest a person they have reasonable grounds for suspecting of committing an offence provided the officer has reasonable grounds to believe the arrest is necessary for one of the reasons specified in s110 (5). The most likely relevant reason would be "to allow the prompt and effective investigation of the offence or of the conduct of the person in question." This reason might be relevant where a

parent has refused to cooperate when the YOT has tried to establish any reasons for non – compliance.

#### **j) Cautions**

**8.35** Where a parent admits to breaching a parenting order and there is sufficient evidence to bring a charge the police have discretion to caution the parent if this would be in the public interest.

**8.36** Key considerations should include whether the parent has substantially complied with the order, whether the parent is of previous good character and whether there has been any repetition of the kind of behaviour by the child which led to the order being made.

**8.37** The decision to proceed by way of a simple caution can be taken by either the police or CPS. There is no requirement for the police to consult CPS before issuing a caution although they may wish to do so.

**8.38** If the police do issue a caution they should inform the responsible officer. Where the parenting order has not expired, the responsible officer should continue to try and work with the parent who, following the caution, may be prepared to comply with the remained of the order.

**8.39** The responsible officer should immediately report to the police for investigation any further unreasonable failures to comply. If a parent continues to fail to comply with an order after receiving a caution the public interest is more likely to favour a prosecution.

#### **k) Referral to the Crown Prosecution Service**

**8.40** If the police decide to refer the case to the CPS the file should include:

- a copy of the parenting order;
- the date on which it was made and details of the proceedings proceeding

the order (If the parenting order was made in the family proceedings court, the CPS will only have access to the court papers with the leave of the relevant justices' clerk or the court.)

- information about the order's duration;
- a copy of the responsible officers directions to attend the programme;
- details of any compliance;
- admissible evidence of the alleged breach including a statement by the responsible officer, evidence/copies of any warnings, details of any explanations given by the parent;
- details of any repeat of the behaviour by the child that led to the order; and
- a PNC print of any previous convictions/ cautions/ reprimands/ final warnings for the parent.

**8.41** 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.

**8.42** The Code for Crown Prosecutors will be applied to all cases. Paragraph 6.4(1) of the code lists breach of a court order as a common public interest factor in favour of prosecution, although crown prosecutors must have regard to all the circumstances of the case in reaching a decision.

**8.43** Crown prosecutors may decide the public interest favours a simple caution and refer the case back to the police. Where this happens but it proves impossible to caution the parent they should be charged (section 37B (7) PACE).<sup>22</sup>

#### **l) Court hearing**

**8.44** If a prosecution is brought and the parent pleads not guilty, there will be a summary trial to decide whether the

---

<sup>22</sup> Conditional cautions are a new disposal introduced through the Criminal Justice Act 2003 and are only available in pilot areas. The CPS in those areas may decide the public interest would be best served by a condition caution.

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.

8.45 If the parent 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.<sup>23</sup> 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.

8.46 The offence is not a recordable offence for the purposes of PACE.

**m) Further engagement with parents**

8.47 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.

8.48 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 (i.e. the duration of specific requirements).

8.49 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.

**For summary see page 27.**

**Legal advice /assistance**

Publicly funded legal advice/ 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](http://www.clsdirect.org.uk)

**Enquiries**

For enquiries about this guidance contact the Ministry of Justice, Youth Justice and Children Unit  
tel: **020 7035 1255** or  
email:  
[Public\\_Enquiry.YJCU@justice.gsi.gov.uk](mailto:Public_Enquiry.YJCU@justice.gsi.gov.uk)

For enquiries about operational matters and the National Standards on Youth Justice contact the Youth Justice Board  
Enquiries line tel. 020 7271 3033  
or email [enquiries@yjb.gov.uk](mailto:enquiries@yjb.gov.uk)

<sup>23</sup> Section 177 of the Criminal Justice Act 2003 refers.

### **Dealing with failure to comply - summary**

- 1** If a parent fails to comply with a requirement of the order, the responsible officer should make contact with the parent within one working day by visit, telephone or letter.
  - If there is no acceptable reason for the non-compliance, the responsible officer should give the parent a written warning and if possible a warning in person.
  - If the parent has good reason for the failure to comply with the requirements of the parenting order, it may be appropriate for the responsible officer to change the directions for the parenting programme or consider whether to apply to the court for the terms of the order to be varied.
- 2** If there is more than one unacceptable failure to comply within a period of three months, the responsible officer should meet the parent to review the order and how it can be made to work. A written record is kept. Responsible officer should consider whether the failure to comply should be reported to the police for investigation.
- 3** Responsible officer should consider whether the failure to comply should be reported to the police for investigation.
- 4** If reported to police, police then investigate. Police may issue a caution or provide the results of their investigation to the CPS.
- 5** CPS will have to be satisfied that there is sufficient evidence to prosecute and decide whether or not it is in the public interest to bring a prosecution.
- 6** If CPS decides to prosecute, case is heard in the adult Magistrates' Court. The hearing will determine whether the parent is guilty of failing without reasonable excuse to comply with a requirement of a parenting order or a direction of a responsible officer.
- 7** Court will determine whether to impose on conviction:
  - a fine not exceeding level 3 on the standard scale **and/or**
  - a community penalty **or**
  - an absolute or conditional discharge or community order.
- 8** The YOT will consider whether to pursue monitoring of order or revised directions and further engagement with parent.

## **Annex A: Relevant legislation**

### **Sections 8-10 of the Crime and Disorder Act 1998**

#### **8. Youth crime and disorder – Parenting orders**

- (1) This section applies where, in any court proceedings-
- (a) a child safety order is made in respect of a child or the court determines on an application under section 12(6) below that a child has failed to comply with a requirement included in such an order<sup>1</sup>;
  - (aa) a parental compensation order is made in relation to a child's behaviour;<sup>2</sup>
  - (b) an anti-social behaviour order or sexual offences prevention order is made in respect of a child or young person;
  - (c) a child or young person is convicted of an offence; or
  - (d) a person is 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.
- (2) Subject to subsection (3) and section 9(1) below, if in the proceedings the court is satisfied that the relevant condition is fulfilled, it may make a parenting order in respect of a person who is a parent or guardian of the child or young person or, as the case may be, the person convicted of the offence under section 443 or 444 ("the parent").<sup>1</sup>
- (3) A court shall not make a parenting order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the parent resides or will reside and the notice has not been withdrawn.
- (4) 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 (5) below, 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.
- (5) A parenting order may, but need not, include such a requirement as is mentioned in subsection 4(b) above 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.
- (6) The relevant condition is that the parenting order would be desirable in the interests of preventing-
- (a) in a case falling within paragraph (a), (aa) or (b) of subsection (1) above, any repetition of the kind of behaviour which led to the child safety order, parental compensation order, anti-social behaviour order or sexual offences prevention order being made;
  - (b) in a case falling within paragraph (c) of that subsection, the commission of any further offence by the child or young person;

---

<sup>1</sup> From "or the court" inserted by the s(60) of the Children Act 2004 which came into force on 1 March 2005.

<sup>2</sup> Subsection (1)(aa) was inserted by s144 and Schedule 10 of the Serious Organised Crime and Police Act 2005. It has only been commenced in pilot areas.

<sup>1</sup> This subsection was previously amended by Youth Justice and Criminal Evidence Act 1999 and later the Powers of Criminal Courts (Sentencing) Act 2000 to preclude making a parenting order with a referral order. The CJ Act 2003 removes this restriction and restores the original wording to the subsection.

- (c) in a case falling within paragraph (d) of that subsection, the commission of any further offence under section 443 or 444 of the Education Act 1996.
- (7) The requirements that may be specified under subsection (4)(a) above are those which the court considers desirable in the interests of preventing any such repetition or, as the case may be, the commission of any such further offence.
- (7A) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) above may be or include a residential course but only if the court is satisfied—
- (a) 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 any such repetition or, as the case may be, the commission of any such further offence, and
  - (b) 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.<sup>2</sup>
- (8) In this section and section 9 below "responsible officer", in relation to a parenting order, means one of the following who is specified in the order, namely-
- (a) an officer of a local probation board;
  - (b) a social worker of a local authority social services department;
  - (c) a person nominated by a person appointed as director of children's services under section 18 of the Children Act 2004 or by a person appointed as chief education officer under section 532 of the Education Act 1996; and
  - (d) a member of a youth offending team.<sup>3</sup>

## **9 Parenting orders: supplemental**

- (1) Where a person under the age of 16 is convicted of an offence, the court by or before which he is so convicted-
- (a) if it is satisfied that the relevant condition is fulfilled, shall make a parenting order; and
  - (b) if it is not so satisfied, shall state in open court that it is not and why it is not.
- (1A) The requirements of subsection (1) do not apply where the court makes a referral order in respect of the offence.<sup>4</sup>
- (1B) If an anti-social behaviour order is made in respect of a person under the age of 16 the court which makes the order –
- (a) must make a parenting order if it is satisfied that the relevant condition is fulfilled;
  - (b) if it is not so satisfied, shall state in open court that it is not and why it is not.<sup>5</sup>
- (2) Before making a parenting order-
- (a) in a case falling within paragraph (a) of subsection (1) of section 8 above;
  - (b) in a case falling within paragraph (b) or (c) of that subsection, where the person concerned is under the age of 16; or
  - (c) in a case falling within paragraph (d) of that subsection, where the person to whom the offence related is under that age,

<sup>2</sup> Subsection 7A allows a parenting order to include a residential course and was inserted by the ASB Act 2003.

<sup>3</sup> This subsection was amended by the Criminal Justice and Court Services Act 2000 to allow a person nominated by a chief education officer to act as responsible officer and also renames a probation officer as "an officer of a local probation board". The latter will be replaced if the provisions in the Offender Management Bill, currently before Parliament, are enacted.

<sup>4</sup> This subsection was initially inserted by the Powers of Criminal Courts (Sentencing) Act 2000 and has now been amended by the CJ Act 2003 to give courts discretion to make a parenting order when they make a referral order.

<sup>5</sup> This subsection was inserted by the ASB Act 2003 and strengthens the link between anti-social behaviour orders and parenting orders.



a court shall obtain and consider information about the person's family circumstances and the likely effect of the order on those circumstances.

- (2A) In a case where a court proposes to make both a referral order in respect of a child or young person convicted of an offence and a parenting order, before making the parenting order the court shall obtain and consider a report by an appropriate officer—
- (a) indicating the requirements proposed by that officer to be included in the parenting order;
  - (b) indicating the reasons why he considers those requirements would be desirable in the interests of preventing the commission of any further offence by the child or young person; and
  - (c) if the child or young person is aged under 16, containing the information required by subsection (2) above.
- (2B) In subsection (2A) above “an appropriate officer” means—
- (a) an officer of a local probation board;
  - (b) a social worker of a local authority social services department; or
  - (c) a member of a youth offending team.<sup>6</sup>
- (3) Before making a parenting order, a court shall explain to the parent in ordinary language-
- (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under subsection (7) below) if he fails to comply with any of those requirements; and
  - (c) that the court has power (under subsection (5) below) to review the order on the application either of the parent or of the responsible officer.
- (4) Requirements specified in, and directions given under, a parenting order shall, as far as practicable, be such as to avoid-
- (a) any conflict with the parent's religious beliefs; and
  - (b) any interference with the times, if any, at which he normally works or attends an educational establishment.
- (5) If while a parenting order is in force it appears to the court which made it, on the application of the responsible officer or the parent, that it is appropriate to make an order under this subsection, the court may make an order discharging the parenting order or varying it-
- (a) by cancelling any provision included in it; or
  - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that could have been included in the order if the court had then had power to make it and were exercising the power.
- (6) Where an application under subsection (5) above for the discharge of a parenting order is dismissed, no further application for its discharge shall be made under that subsection by any person except with the consent of the court which made the order.
- (7) If while a parenting order is in force the parent without reasonable excuse fails to comply with any requirement included in the order, or specified in directions given by the responsible officer, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.<sup>4</sup>

---

<sup>6</sup> Subsections 2(A) and 2(B) have been inserted by the CJ Act 2003 and require courts to consider a report before making a parenting order with a referral order.

<sup>4</sup> See para 8.45 above and [section 177 of the Criminal Justice Act 2003](#) for community order options.

7(A) In this section “referral order” means an order under section 16(2) or (3) of the Powers of Criminal Courts (Sentencing ) Act 2000 (referral of offender to youth offender panel).<sup>7</sup>

### **10 Appeals against parenting orders.**

- (1) An appeal shall lie-
  - (a) to the High Court against the making of a parenting order by virtue of paragraph (a) of subsection (1) of section 8 above; and
  - (b) to the Crown Court against the making of a parenting order by virtue of paragraph (b) of that subsection.
- (2) On an appeal under subsection (1) above the High Court or the Crown Court -
  - (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
  - (b) may also make such incidental or consequential orders as appear to it to be just.
- (3) Any order of the High Court or the Crown Court made on an appeal under subsection (1) above (other than one directing that an application be re-heard by a Magistrates’ Court) shall, for the purposes of subsections (5) to (7) of section 9 above, be treated as if it were an order of the court from which the appeal was brought and not an order of the High Court or the Crown Court.
- (4) A person in respect of whom a parenting order is made by virtue of section 8(1)(c) above shall have the same right of appeal against the making of the order as if-
  - (a) the offence that led to the making of the order were an offence committed by him; and
  - (b) the order were a sentence passed on him for the offence.
- (5) A person in respect of whom a parenting order is made by virtue of section 8(1)(d) above shall have the same right of appeal against the making of the order as if the order were a sentence passed on him for the offence that led to the making of the order.
- (6) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, by order make provision as to the circumstances in which appeals under subsection (1)(a) above may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under paragraph 2 of Schedule 11 (jurisdiction) to the Children Act 1989 (“the 1989 Act”).
- (7) Except to the extent provided for in any order made under subsection (6) above, no appeal may be made against any decision of a kind mentioned in that subsection.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

### **Schedule 1, Part 1A<sup>8</sup> of Powers of Criminal Courts (Sentencing) Act 2000**

#### **Referral of parent or guardian for breach of section 20 order**

#### **Introductory**

#### **9A**

---

<sup>7</sup> This subsection was inserted by the CJ Act 2003.

<sup>8</sup> Part 1A was inserted by the CJ Act 2003 to allow courts to make parenting orders where a parent fails to attend meetings of a Youth Offender Panel.

(1) This Part of this Schedule applies where, under section 22(2A) of this Act, a youth offender panel refers an offender's parent or guardian to a youth court.

(2) In this Part of this Schedule—

- (a) "the offender" means the offender whose parent or guardian is referred under section 22(2A);
- (b) "the parent" means the parent or guardian so referred; and
- (c) "the youth court" means a youth court as mentioned in section 22(2A).

#### **Mode of referral to court**

9B

The panel shall make the referral by sending a report to the youth court explaining why the parent is being referred to it.

#### **Bringing the parent before the court**

9C

(1) Where the youth court receives such a report it shall cause the parent to appear before it.

(2) For the purpose of securing the attendance of the parent before the court, a justice acting for the petty sessions area for which the court acts may—

- (a) issue a summons requiring the parent to appear at the place and time specified in it; or
- (b) if the report is substantiated on oath, issue a warrant for the parent's arrest.

(3) Any summons or warrant issued under sub-paragraph (2) above shall direct the parent to appear or be brought before the youth court.

#### **Power of court to make parenting order: application of supplemental provisions**

9D

(1) Where the parent appears or is brought before the youth court under paragraph 9C above, the court may make a parenting order in respect of the parent if—

- (a) it is proved to the satisfaction of the court that the parent has failed without reasonable excuse to comply with the order under section 20 of this Act; and
- (b) the court is satisfied that the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.

(2) 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 sub-paragraph (3A) below, 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.

(3) The requirements that may be specified are those which the court considers desirable in the interests of preventing the commission of any further offence by the offender.

(3A) A parenting order under this paragraph may, but need not, include a requirement mentioned in subsection (2)(b) above in any case where a parenting order under this paragraph or any other enactment has been made in respect of a parent on a previous occasion.

(3B) A counselling or guidance programme which a parent is required to attend by virtue of subsection (2)(b) above may be or include a residential course but only if the court is satisfied-

- (a) 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 commission of any further offence by the offender, and
  - (b) 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.
- (4) Before making a parenting order under this paragraph where the offender is aged under 16, the court shall obtain and consider information about his family circumstances and the likely effect of the order on those circumstances.
- (5) Sections 8(3) and (8), 9(3) to (7) and 18(3) and (4) of the Crime and Disorder Act 1998 apply in relation to a parenting order made under this paragraph as they apply in relation to any other parenting order.

### **Appeal**

9E

- (1) An appeal shall lie to the Crown Court against the making of a parenting order under paragraph 9D above.
- (2) Subsections (2) and (3) of section 10 of the Crime and Disorder Act 1998 (appeals against parenting orders) apply in relation to an appeal under this paragraph as they apply in relation to an appeal under subsection (1)(b) of that section.

### **Effect on section 20 order**

9F

- (1) The making of a parenting order under paragraph 9D above is without prejudice to the continuance of the order under section 20 of this Act.
- (2) Section 63(1) to (4) of the Magistrates' Courts Act 1980 (power of Magistrates' Court to deal with person for breach of order, etc) apply (as well as section 22(2A) of this Act and this Part of this Schedule) in relation to an order under section 20 of this Act.

### **Sections 25-29 of the Anti-Social Behaviour Act 2003**

#### **25 Parenting contracts in respect of criminal conduct and anti-social behaviour**

- (1) This section applies where a child or young person has been referred to a youth offending team.
- (2) The youth offending team may enter into a parenting contract with a parent of the child or young person if a member of that team has reason to believe that the child or young person has engaged, or is likely to engage, in criminal conduct or anti-social behaviour.
- (3) 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 youth offending team that it agrees to provide support to the parent for the purpose of complying with those requirements.

- (4) The requirements mentioned in subsection (3)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (5) The purpose of the requirements mentioned in subsection (3)(a) is to prevent the child or young person from engaging in criminal conduct or anti-social behaviour or further criminal conduct or further anti-social behaviour.
- (6) A parenting contract must be signed by the parent and signed on behalf of the youth offending team.
- (7) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (8) Youth offending teams must, in carrying out their functions in relation to parenting contracts, have regard to any guidance which is issued by the Secretary of State from time to time for that purpose.

## **26 Free-standing parenting orders in respect of criminal conduct and anti-social behaviour**

- (1) This section applies where a child or young person has been referred to a youth offending team.
- (2) A member of the youth offending team may apply to a Magistrates' Court for a parenting order in respect of a parent of the child or young person.
- (3) 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 criminal conduct or 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 criminal conduct or further anti-social behaviour.
- (4) 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 (5), 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.
- (5) A parenting order under this section may, but need not, include a requirement mentioned in subsection (4)(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.
- (6) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (7) 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 criminal conduct or further anti-social behaviour.
- (8) 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.

## **27 Parenting orders: supplemental**

- (1) In deciding whether to make a parenting order under section 26, a court must take into account amongst other things—
  - (a) any refusal by the parent to enter into a parenting contract under section 25 in respect of the child or young person, or
  - (b) if the parent has entered into such a parenting contract, any failure by the parent to comply with the requirements specified in the contract.
- (2) Before making a parenting order under section 26 in the case of a child or a young person under the age of 16, a 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.
- (3) Subsections (3) to (7) of section 9 of the 1998 Act (supplemental provisions about parenting orders) are to apply in relation to a parenting order under section 26 as they apply in relation to a parenting order under section 8 of that Act.
- (4) Members of youth offending teams and responsible officers must, in carrying out their functions in relation to parenting orders, have regard to any guidance which is issued by the Secretary of State from time to time for that purpose.

## **28 Parenting orders: appeals**

- (1) An appeal lies to the Crown Court against the making of a parenting order under section 26.
- (2) Subsections (2) and (3) of section 10 of the 1998 Act (appeals against parenting orders) are to apply in relation to an appeal under this section as they apply in relation to an appeal under subsection (1)(b) of that section.

## **29 Interpretation and consequential amendment**

- (1) In this section and sections 25 to 28—

“anti-social behaviour” means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person,

“child” has the same meaning as in the 1998 Act,

“criminal conduct” means conduct which—

  - (a) constitutes a criminal offence, or
  - (b) in the case of conduct by a person under the age of 10, would constitute a criminal offence if that person were not under that age,

“parent” includes guardian,

“responsible officer”, in relation to a parenting order, means a member of a youth offending team who is specified in the order,

“the 1998 Act” means the Crime and Disorder Act 1998 (c. 37),

“young person” has the same meaning as in the 1998 Act,

“youth offending team” means a team established under section 39 of the 1998 Act.
- (2) In section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”) after paragraph (e) insert—

“(ee) the performance by youth offending teams and members of youth offending teams of functions under sections 25 to 27 of the Anti-social Behaviour Act 2003,”.

## **Annex B: Definitions**

**“Anti-social behaviour”** means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person. For further information see Guide to Anti-social Behaviour Orders at <http://www.together.gov.uk/cagetfile.asp?rid=536>

**“Child”** means a person under the age of 14 but any reference in this guidance to a child should be taken as including a young person unless the context indicates otherwise.

**“Criminal conduct”** is conduct that constitutes a criminal offence and in the case of conduct of a person under the age of 10, conduct that would constitute an offence were they not under that age.

**“Guardian”** includes any person who, in the opinion of the court, has for the time being the care of the child or young person (as defined by section 107 of the Children and Young Persons Act 1933). This may include people who do not have parental responsibility for the child or young person as defined by the Children Act 1989, such as step parents and is not the same as a guardian appointed under section 5 of the 1989 Act.

**“Parent”** includes either of the natural or adoptive parents whether or not they were or are married to each other (as defined by section 1 of the Family Law Reform Act 1987).

Throughout this document any reference to “parent” includes “guardian” and means each and every person coming within the definitions and should not be taken to mean that provisions only apply to “parent” in the singular.

**“Parenting Programmes”** refers to counselling or guidance programmes.

**“Young person”** means a person who has attained the age of 14 and is under the age of 18.

**Annex C: Example parenting contract**

**Copy for Parent/Carer and YOT**

**Personal details**

Name \_\_\_\_\_ YOT ID \_\_\_\_\_

Youth Offending Team

\_\_\_\_\_

date

\_\_\_\_\_

**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:

\_\_\_\_\_

\_\_\_\_\_

**Major targets for the next three months**

	What are our targets?	How is this going to be done?	Who is going to do it?
1			
2			
3			
4			
5			

**Future targets**

\_\_\_\_\_

**To achieve these targets**

**I/We (the parent/s) agree to:**  
(Please detail)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The YOT agrees to:**

(Please detail)

\_\_\_\_\_

\_\_\_\_\_



**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 Youth Justice Services. The Youth Offending Team (YOT) 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 YOT 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 YOT 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 YOT will keep the information updated and notify all recipients of any changes to ensure corrections are made

Complaints procedure provided and understood	<input type="checkbox"/>	Date:
Information exchange policy provided and understood	<input type="checkbox"/>	Date:
Legal rights and responsibilities information provided and understood	<input type="checkbox"/>	Date:

**Important dates**

When are we next going to meet? \_\_\_\_\_ How often do we meet? \_\_\_\_\_

Are there any other important dates? \_\_\_\_\_

Date of review/plan: \_\_\_\_\_

End of contract: \_\_\_\_\_

**Contact details**

Parenting Support practitioner's name: \_\_\_\_\_

Practitioner's tel. No: \_\_\_\_\_ If unavailable contact: \_\_\_\_\_

**Agreeing the intervention plan/contract:**

**I/We have agreed the parenting support plan and will work with the YOT as detailed above to prevent our child from engaging in criminal conduct and/or anti-social behaviour.**

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

Signed (Parent/s) \_\_\_\_\_ Date:

The YOT will provide the support detailed above and has provided and explained the relevant information as indicated.

Signed (Practitioner) \_\_\_\_\_ Date:

**Annex D: Suggested form to apply for free-standing parenting orders**

**Application for Parenting Order (Anti-social Behaviour Act 2003, section 26)**

.....Magistrates' Court  
(Code)

Date:

Child or young person:

Child or young person's address:

Child or young person's age and date of birth (or date on which they are believed to have been born):

Parent/ Guardian:

Parent/ Guardian's address:

Parent/ Guardian:

Parent/ Guardian's address:

Applicant:

Responsible officer:

It is alleged that:

- (a) the child or young person has acted on *[insert date(s)]* at *[insert place(s)]* 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
- (b) the child or young person has on *[insert date(s)]* at *[insert place(s)]* engaged in criminal conduct.

Short description of acts:

[Evidence of these acts is attached.]

[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.]

[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 making the order would be desirable in the interests of preventing the child or young person from engaging in further criminal conduct or further anti-social behaviour. The court is requested to make such an order in respect of [*insert person's name*] [and] [*insert person's name*].

[The applicant requests the court to order that the person (s) named above attend for a period of [*insert number*] months a counselling or guidance programme to be specified in directions given by the responsible officer.]

[It is alleged that:

- (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 programme may [include][consist of] a residential course.

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

Short description of such residential course to be attended by the parent(s)/guardian(s):

The applicant requests the court to order that the parent(s)/guardian(s) comply for a period of [*insert number*] months with requirements to be specified in the Parenting Order as follows:

**Annex E: Suggested forms of parenting orders**

**A) Parenting Order (Anti-Social Behaviour Act 2003 section 26)**

..... Magistrates' Court

(Code)

Date: .....

Person(s) named in order: .....

Age(s) : ..... years (if under 18)

..... years (if under 18)

Address(es): .....

.....

.....

Applicant Youth Offending Team: .....

Responsible officer: .....

[insert child's/ young person's name] of [insert address], who is believed to have been born on [insert date of birth], has [behaved in a manner which is anti-social, 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] [engaged in criminal conduct] [delete as applicable].

Decision: In exercise of its powers under section 26(3) of the Anti-social Behaviour Act 2003 (the "2003 Act") and having complied with its duties under that section[, and having complied with its duty under section 27(1) of the 2003 Act in considering the failure of the persons named above to [enter into][comply with] a parenting contract], the court has decided to impose a parenting order on the person(s) named above because the court considers that the order would be desirable in the interests of preventing the child or young person from engaging in further [anti-social behaviour] [criminal conduct] [delete as applicable].

The requirements of the order are as follows:

[insert person's name] shall for a period of [insert length of requirement] beginning with the date of the order comply with such requirements as are listed in the Schedule to the order.

[*insert person's name*] shall for a concurrent period of [*insert length of requirement*] not exceeding three months attend a counselling or guidance programme as directed by the responsible officer.

[[*insert person's name*] shall on [*insert dates*] attend a residential course at [*insert address*] as directed by the responsible officer. The court is satisfied that the requirements of section 26(7) and (8) of the 2003 Act have been met.]

[(*In the event that the child/ young person is under 16.*) The court has complied with its duties under section 27(2) of the 2003 Act and has obtained and considered information about the child's/ young person's family circumstances, and the likely effect of the order on those circumstances.]

The court has complied with its duties under section 27(3) of the 2003 Act, and has explained to the person(s) named above the effect of the order and its requirements, what may happen if he/she/they fail(s) to comply with these requirements (as set out in section 9(7) of the Crime and Disorder Act 1998), and that the court has power (under section 9(5) of the Crime and Disorder Act 1998) to review the order on the application of the person(s) named above or the responsible officer.

Justice of the Peace  
[or By order of the Court,  
Clerk of the Court]

#### SCHEDULE

Any requirement(s) imposed by the court under section 26(4)(a) and (b) of the 2003 Act should be listed here.

**B) Parenting Order (Crime and Disorder Act 1998 section 8)**

..... [Family Proceedings][Youth][Magistrates’] Court  
(Code)

Date: .....

Person(s) named in order: .....

Age(s) : ..... years (if under 18)  
..... years (if under 18)

Address(es): .....  
.....  
.....

Responsible officer: .....

[[*insert child’s/ young person’s name*] of [*insert address*] who is believed to have born on [*insert date of birth*], has been [made subject to a [child safety order or the court has determined that a child has failed to comply with any requirement included in such an order ] [anti-social behaviour order][sexual offences prevention order][referral order]][found guilty of an offence, namely, [brief details of offence and statute]] [or a parental compensation order has been made in relation to the child’s behaviour]]. [The above named has been convicted of an offence under [section 443][section 444] of the Education Act 1996] [*delete as applicable*].

Decision: In exercise of its powers under section 8 of the Crime and Disorder Act 1998 (the “1998 Act”) and having complied with its duties under [section 9(1) and (2)] [section 9(2) and (2A) (*in the case of a referral order*)] of the 1998 Act, the court has decided to impose a parenting order on the person(s) named above because the court considers that the order would be desirable in the interests of preventing [a repetition of the kind of behaviour which led to the imposition of a [child safety order][anti-social behaviour order][sexual offences prevention order]][parental compensation order] [the commission of further offences by the child or young person][the commission of further offences under [section 443][section 444] of the Education Act 1996] [*delete as applicable*].

The requirements of the order are as follows:

[*insert person’s name*] shall for a period of [*insert length of requirement*] beginning with the date of the order comply with such requirements as are listed in the Schedule to the order.  
[*insert person’s name*] shall, for a concurrent period of not exceeding three months attend a counselling or guidance programme as directed by the responsible officer.

[[*insert person's name*] shall, on [*insert dates*] attend a residential course at [*insert address*] as directed by the responsible officer. The court is satisfied that the requirements of section 8(7A) of the 1998 Act have been met.]

[(*In the event that the child/ young person is under 16.*) The court has complied with its duties under section 9(2) of the 1998 Act and has obtained and considered information about the child's/ young person's family circumstances, and the likely effect of the order on those circumstances.]

The court has complied with its duties under section 9(3) to 9(7) of the 1998 Act, and has explained to the person(s) named above the effect of the order and its requirements, what may happen if he/she/they fail(s) to comply with these requirements, and that the court has power to review the order on the application of the person(s) named above or the responsible officer.

Justice of the Peace  
[or By order of the Court,  
Clerk of the Court]

#### SCHEDULE

Any requirement(s) imposed by the court under section 8(4)(a) and (b) of the 1998 Act should be listed here.

**C) Parenting Order (Powers of Criminal Courts (Sentencing) Act 2000 Schedule 1 paragraph 9D)**

..... Magistrates' Court

(Code)

Date: .....

Person(s) named in order: .....

.....

Age(s) : ..... years (if under 18)

..... years (if under 18)

Address(es): .....

.....

.....

Child or Young person: .....

Applicant Youth Offender Panel: .....

Responsible officer: .....

*[insert parent's name]* of *[insert address]*, the parent of *[insert name of child or young person]*, has failed without reasonable excuse to comply with the order made under section 20 of the Powers of Criminal Courts (Sentencing) Act 2000 (the "2000 Act") to attend meetings of the youth offender panel dated *[insert date(s)]*, a copy of which is attached to this order.

Decision: Having complied with its duties under paragraph 9D of Schedule 1 to the 2000 Act(a), the court has decided to impose a parenting order on the person(s) named above because the court is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the child or young person.

The requirements of the order are as follows:

*[insert person's name]* shall for a period of *[insert length of requirement]* not exceeding twelve months beginning with the date of the order comply with such requirements as are listed in the Schedule to the order.

*[insert person's name]* shall, for a concurrent period of *[insert length of requirement]* not exceeding three months attend a counselling or guidance programme as directed by the responsible officer.



*[[insert person's name]* shall on *[insert dates]* attend a residential course at *[insert address]* as directed by the responsible officer. The court is satisfied that the requirements of paragraph 9D(5) of Schedule 1 to the 2000 Act have been met.]

*[(In the event that the child/ young person is under 16.)* The court has complied with its duties under paragraph 9D(6) of Schedule 1 to the 2000 Act and has obtained and considered information about the child's/ young person's family circumstances, and the likely effect of the order on those circumstances.]

The court has complied with its duties under paragraph 9D(7) of Schedule 1 to the 2000 Act, and has explained to the person(s) named above the effect of the order and its requirements, what may happen if he/she/they fail(s) to comply with these requirements (as set out in section 9(7) of the Crime and Disorder Act 1998), and that the court has power (under section 9(5) of the Crime and Disorder Act 1998) to review the order on the application of the person(s) named above or the responsible officer.

Justice of the Peace  
[or By order of the Court,  
Clerk of the Court]

#### SCHEDULE

Any requirement(s) imposed by the court under paragraph 9D(2) of Schedule 1 to the 2000 Act should be listed here.