

Family Service Operating Guidance - Parenting Orders and Contracts

What are Parenting Orders and Contracts:

Section 25 of the Anti-Social Behaviour Act 2003 introduced **Parenting Contracts**.

A Parenting Contract is a voluntary written agreement between the responsible officer from the LA (Youth Justice or Family Service) and the parents or guardians of a child or young person. A contract will consist of two elements:

- A statement by the parents or guardians that they agree to comply for a specified period with requirements specified in the contract, for example attendance at a guidance or counselling programme; and
- A statement by the LA agreeing to provide support to the parents or guardians for the purpose of complying with the contract.

The legislation does not specify the time limit for contracts so duration should be a matter of what is considered reasonable and effective.

A **Parenting Order** may be imposed in any court proceedings where:

- A Child Safety Order has been made;
- An Anti-Social Behaviour Injunction or Sex Offender Order has been made in respect of a child or young person;
- A child has been convicted of an offence;
- A Referral Order has been made or when a Youth Offender Panel refers a parent back to the court after failing to attend panel meetings.
- A parent has been convicted of an offence of failing to ensure their child's regular attendance at school under the 1996 Education Act.

Parenting Orders can be made in the following courts •

- Family proceedings court;
- A magistrate's court acting under civil jurisdiction;
- All criminal courts, i.e. youth, magistrates and Crown Court.

Parenting orders will be time limited as specified by the court.

Parenting Orders are ancillary, that is separate to the main sentence or punishment imposed by the court. They seek to either ensure recompense by the offender, offer redress to the victim or put in place measures to prevent an offence reoccurring. Parenting Orders fall into the later category and are generally discretionary.

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Parenting Orders and Contracts will normally be held by the nominated lead professional for the family.

The activities required (parenting programmes) will be available through the Graduated Family and Parenting Offer provided by The Family Service Locality Family and Parenting teams.

Where a Parenting Order is being considered an assessment as to the appropriateness of this disposal should be commissioned from the Family and Parenting team prior to the court date. Where the Parenting Order is raised as an option in court without prior notice, referrals to the Family and Parenting Team for an assessment will be prioritised in order to comply with court timescales.

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	<p>Enforcement of Parenting Orders remains unchanged and is executed by a statement given to the police and potentially followed by arrest and either a Caution or prosecution by the CPS.</p> <p>Where a Youth Justice Case Manager holds a Parenting Order at the point at which the young person's order comes to an end, a new Responsible Officer must be named.</p> <p>Where there is ongoing work to be undertaken at Tier 3 the Youth Justice Case Manager should make a request for an Early Help Case Manager.</p> <p>Where there is no identified ongoing work and only monitoring is required, in addition to the monthly Parenting sessions, a designated Parenting Coordinator will become the responsible officer. They will make a request for an Early Help case manager if the need arises.</p>
Enforcement of Parenting Orders that have been Breached:	
	<p>Deciding whether a Breach has occurred:</p> <p>The designated Lead Professional or Responsible Officer will decide whether a Parenting Order has been breached,</p> <p>For Youth Justice cases the decision to breach should be taken following consultation by the YJ Case Manager with their Team Manager or another relevant Team Manager.</p> <p>Where cases are school attendance related a discussion should also take place with the Senior Education Welfare Practitioner and their Team Manager.</p> <p>Once a Parenting Order has been breached:</p> <ol style="list-style-type: none">1. Within One working day of the Breach the designated Lead Professional or Responsible Officer should contact the parents to ascertain reasons for non-compliance.2. Where the reason given is determined to be acceptable no further action will be taken.3. At this point the designated lead professional or responsible officer may wish to give consideration to any change in direction to the parent or whether a formal application to court should be made to vary the order. A request to vary a parenting order is only likely to be relevant where there are very specific requirements in the order that are subsequently considered to be unrealistic.4. Where the reason for the breach is determined to be unacceptable a discussion or meeting should be held with the parent to agree how further breaches will be avoided.5. The designated Lead Professional / Responsible Officer will issue a Warning Letter to the parent outlining the consequences of any further breaches of the order.6. Where there is more than one unacceptable breach within a 3 month period then a Breach Letter will be formally issued.7. The Lead Professional or designated responsible officer will convene and multi-agency meeting. The meeting will include police representation. The parent will also be invited to attend.

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	<p>8. Before referring a Breach of a Parenting Order to the Police the Local Authority will:</p> <ul style="list-style-type: none">• Ensure the Conditions set in the original parenting order are clearly defined so that the prosecution is in no doubt when and how a breach has occurred.• The original order from court needs to be kept safe and be the main documentary exhibit in all matters going forward.• Before any submission of a file to the police, the submitting authority needs to ensure that all statements, evidence and exhibits are present. <p>9. The designated Lead Professional or responsible officer will prepare a statement for the Police and a copy of the parenting order.</p> <p>10. The statement will include:</p> <ul style="list-style-type: none">• Chronology of events• Parenting Order (a copy of)• Any directions set by the Responsible Officer (NCC in this case)• Details of any Parenting Order proceedings e.g. if they've taken the parent to court already.• Detail exactly how the parent has failed to comply and how this has breached the order.• Any warnings/correspondence letters that have been issued.• Parenting Plan (copy)• Detail any repeat of the child's behaviour that led to the parenting order being put in place.• Details of any ongoing concerns about the child's attendance that resulted in a PO being issued and• Copies of any correspondence. <p>The above information should be sent in a PDF file to the relevant Neighbourhood Policing Team inbox for review and allocation by the NPT Sergeant. Contact details are available through the following Link: https://www.nottinghamshire.police.uk/neighbourhoods</p> <p>11. At the multi-agency meeting the Police will either a) issue a caution, b) decide no further actions or c) consult the CPS regarding possible charges and returning the case to court.</p> <p>12. The Parenting Order does not cease at this point. It should continue to run until the order is complete or the case has been returned to court.</p> <p>13. The Police should be kept informed about the progress of the order following the Multi-agency meeting.</p>
	<p>Once received by the police they will do the following:</p> <ol style="list-style-type: none">1. OIC allocated.2. Recorded on Niche as a "Breach Of Criminal Behaviour Order 066/98/01". There is no breach for parenting order for the time being (<i>perhaps this can be rectified through those who manage the software architecture</i>).3. OIC to scan the PDF file onto the system.4. OIC to ensure children concerned are also recorded on the system and submit a PPN in all cases. This is a default position.5. Once all evidence received OIC to interview / submit file.