

## Summary: Intervention & Options

<b>Department /Agency:</b> <b>Home Office</b>	<b>Title:</b> <b>Impact Assessment of : Mandatory parenting orders for parents or carers of 10 to 15 years olds who breach an ASBO</b>	
<b>Stage:</b> Final	<b>Version:</b> 1	<b>Date:</b> 28 July 2009
<b>Related Publications:</b>		

### Available to view or download at:

<http://www.crimereduction.homeoffice.gov.uk/crimeandsecuritybill/>

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### What is the problem under consideration? Why is government intervention necessary?

It is essential that parents or carers take responsibility for the behaviour of their children. We understand that practitioners find voluntary engagement with parents to be the most effective approach but when children breach their ASBO and parents (anecdotally around 15%) refuse to engage with the authorities more compulsion is necessary. Government intervention by legislating for a mandatory parenting order is necessary to achieve this.

### What are the policy objectives and the intended effects?

To be given an ASBO a young person must have persistently committed anti-social behaviour and failed to respond to early intervention tools such as warning letters and anti-social behaviour contracts. We acknowledge practitioners' views that voluntary engagement with authorities by parents is preferable to bring about change but not all do so. When behaviour reaches the point where an ASBO is breached parents should be compelled to engage. A mandatory parenting order at the breach of ASBO stage will achieve that effect.

### What policy options have been considered? Please justify any preferred option.

Option One. Do nothing. This means that ASB practitioners will have to rely on existing voluntary practices to get unwilling parents to control their childrens' behaviour. Option 2 Legislate for mandatory parenting orders for parents of 12 to 15 year olds who breach their ASBOs. Option 2 is preferred because without this law practitioners will continue to rely on voluntary co-operation which is not forthcoming in around 15% of cases.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?** Data on ASBOs is collected and published annually. Analysis of this will enable us to measure the impact of the policy. In particular, a reduction in the breach rate would be an indicator of success.

**Ministerial Sign-off For**

**Impact Assessments:**

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:

.....Date:

**Summary: Analysis & Evidence**

**Policy Option:**

**Description:**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Although the latest data show that 390 ASBOs were issued to this age group, the number of additional Parenting Orders being issued per annum is very difficult to quantify. £97m is paid to the Youth Justice Board for prevention work and parenting programmes are funded out of this.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	£ Unknown		
	<b>Average Annual Cost</b> (excluding one-off)		
	£ Unknown		<b>Total Cost (PV)</b> £ Unknown
Other <b>key non-monetised costs</b> by 'main affected groups' The parenting order is issued by the court and this will be zero cost - as confirmed by the Ministry of Justice. £97 million is paid to the Youth Justice Board for prevention work and parenting programmes are funded out of this.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Please see Annex for analysis.
	<b>One-off</b>	<b>Yrs</b>	
	£ Unknown		
	<b>Average Annual Benefit</b> (excluding one-off)		
	£ Unknown		<b>Total Benefit (PV)</b> £ Unknown
Other <b>key non-monetised benefits</b> by 'main affected groups' Successful parenting orders will bring about a reduction in the breach rate and improve the behaviour of the young person. This would save court time as well as agencies' time. It also prevents future offending but we cannot estimate the cost of this.			

**Key Assumptions/Sensitivities/Risks**

Price Base Year	Time Period Years	<b>Net Benefit Range (NPV)</b> £	<b>NET BENEFIT (NPV Best estimate)</b> £
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What is the geographic coverage of the policy/option?	England and Wales
On what date will the policy be implemented?	After Royal Assent
Which organisation(s) will enforce the policy?	Home Office
What is the total annual cost of enforcement for these organisations?	£
Does enforcement comply with Hampton principles?	Yes/No
Will implementation go beyond minimum EU requirements?	No
What is the value of the proposed offsetting measure per year?	£ N/A

What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		Yes/No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)		(Increase - Decrease)		
Increase of £	Decrease of £	<b>Net Impact</b>	£	

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Background on ASBOs

To understand the purpose of the proposal it is first necessary to grasp the purpose of Anti-social Behaviour Orders (ASBOs) to which it is inextricably linked. ASBOs were introduced by the Crime and Disorder Act 1998 in England and Wales and have been available since April 1999. The powers to impose ASBOs were strengthened and extended by the Police Reform Act 2002, which introduced orders made on conviction in criminal proceedings, orders in the county court proceedings and interim orders. The Anti-Social Behaviour Act 2003 together with the Serious Organised Crime and Police Act 2005 strengthened and clarified the law further. The Home Office has published guidance to help practitioners make best use of ASBOs as a tool for tackling ASB in their area, and the “Respect” website supplements this with case studies, guidance updates, templates etc.

The approach to ASBOs made against young people is generally the same as for adults. ASBOs are community orders and the needs of the community should be equally balanced against those of the young person. Although the welfare of the young person should be considered, it is not the principal purpose of the order. The harm a young person’s behaviour causes to others must be given just as much consideration.

ASBOs are used where a young person has persistently committed anti-social behaviour and has refused to respond to other interventions. They provide the last opportunity for young people to mend their ways before entering the criminal justice system. It also presents a key opportunity to engage with parents and carers. This is why, in tandem with this measure, we are proposing to introduce compulsory parenting assessments for 10 to 15 year olds who are being considered for an ASBO. Most interventions prior to this, such as acceptable behaviour contracts, are voluntary so it is not possible to legislate for a compulsory parenting assessment before the youth’s behaviour escalates to that level.

Parenting Orders and Individual Support Orders (ISOs) can already be attached to ASBOs. The ISO provides a means by which a 10-17 year old with an ASBO is required to receive interventions that address the cause of their anti-social behaviour. Parenting Orders contain requirements on the parent or guardian tailored to their individual circumstances and will help the parent or guardian to respond more effectively to the challenges of parenting. Both of these orders help young people and parents to observe the prohibitions set out in the ASBO, and so avoid breach.

Breach of an ASBO is a criminal offence and criminal penalties apply. These range from a fine or community order to up to 2 years in youth custody for a young person, although in practice this would be reserved only for the most serious, exceptional circumstances.

## **Rationale**

The breach rate for all young people aged 10 to 17 is high at 64% up to December 2007, up 3% from 2006. We wish to do all we can to help them abide by the conditions of their ASBO, mend their ways and not breach. Requiring parents to take responsibility for the behaviour of their children is seen as vital to this. Current practice by Youth Offending Teams (YOTs) favours voluntary engagement over compulsion with parenting orders being used rarely – only 128 were made up to 2007. This is despite the fact that courts must consider making a parenting order every time they make an ASBO on a young person. While the decision is the courts' in practice the YOTs can influence over the decision. The response by the courts to using them is very uneven nationally and there are various reasons given for not making use of them. Legislating for the courts to impose mandatory parenting orders for parents or carers of 10 to 15 year olds who breach their ASBO will provide agencies with a tool to compel such parents to confront their behaviour.

The rationale is that this measure provides a key opportunity to ensure that parents are equipped to help their child behave and meet the terms of the ASBO. Importantly, it is also provides leverage to compel the engagement of parents that refuse to co-operate.

Thus young people, whose parenting needs have been assessed and met, subsequently go on to breach their ASBO there is a strong case for applying more coercive measures on the parents. A mandatory parenting order for parents whose children breach their ASBO is designed to do just this.

## **Appraisal**

### **Options**

1. Do nothing
2. Legislate for mandatory parenting orders for parents or carers of 10 to 15 year olds who breach their ASBO

### **Analysis of the options**

#### **1. Do nothing**

If we do nothing ASB practitioners will have to continue to rely on the current system for making parents of young people on ASBOs take responsibility for behaviour of their children. In practice the Youth Justice Board have advised that around 85% of parents are willing to engage with the authorities but there is little leverage for compelling unwilling parents to co-operate. The breach rate for young people aged 10 to 17 has been rising (64% in 2007 up from 61%) so if we do nothing this could rise further still creating more potential victims and costly damage.

#### **2. Legislate for mandatory parenting orders for parents or carers of 10 to 15 year olds who breach their ASBO**

The breach rate for young people on ASBOs overall is high at 64% but it is the older group (outside this proposal) which push the rate up. If the behaviour of the younger age group is tackled earlier the rate should drop overall. If not it could continue to escalate. This proposal for the courts to impose a mandatory parenting order on parents and carers of 10 to 15 year olds who breach their ASBO will provide the agencies with a tool to compel parents of children who do not comply with their ASBO to take action to control their children.

## **Costs**

Current legislation states that for each ASBO application the court must consider making a parenting order on parents/carers of 10 to 15 year olds provided that the relevant condition is met. Therefore some young people's parents/carers will already have been given a parenting order at that stage. Unfortunately take up is very low for a variety of reasons.

Data from the courts shows that between 2000 and 2007, 2925 ASBOs were issued to this age group leading to 1448 breaches (this is actual numbers of breaches rather than the number of orders that were breached). Since 2006 there has been a decline in the use of ASBOs as other ASB tools and powers have been introduced. The number of breaches for the 10 to 15 group is also declining: between 2006 and 2007 the number of breaches dropped from 260 to 126.

The YJB's budget for prevention, which is jointly provided by the Home Office, Department for Children, Schools and Families and the Ministry of Justice) is used to fund parenting programmes and stands at £97 million from 2008 to 2011. The cost of a programme varies around the country and is tailored to the individual rather than there being a "one size fits all approach" but averages at around £2k each. However, as stated above, the fact that the court must consider making a PO at the hearing where the ASBO is made means that this should already be resourced from the YOT's prevention budget. We know from speaking to the YOTs that around 85% of parents comply voluntarily with them without the need for an order and that these are normally on a parenting programme. This leaves 15% that refuse to engage voluntarily.

There should be minimal additional court costs because the PO should be made at the same hearing as the ASBO breach.

## **Benefits**

The aim of the proposal is to make parents whose children have breached their ASBO take responsibility for the behaviour of their children and support them. This engagement is intended to prevent further ASB and reoffending which would have an impact on reducing court costs and the resources of the agencies that tackle ASB. Crucially it prevents further victimisation and the physical and emotional costs of this.

It is acknowledged that the number of cases this will apply to is small but research has identified that it is a small but significant minority that is responsible for a disproportionate amount of ASB. A study by the Youth Justice Board in December 2004 identified the majority of young people entering custody as a result of breaching an ASBO as *prolific offenders*. In the study, 43 young people who received custody for breach of an ASBO had a total of 1779 offences between them.

## **MONITORING**

This proposal would be commenced after Royal Assent. There would first need to be a full consultation on the content of the guidance to practitioners and to courts and time to issue the guidance itself before it is enacted.

Success would be monitored by a reduction in the breach rate for young people on ASBOs although this would not be the only factor affecting the breach rate. The Home Office publishes annual court data on ASBOs and breaches. The effectiveness and quality of the parenting programmes delivered are also relevant.

## **EVALUATION**

There will not be a formal evaluation as to the success of the intervention. However, there will be continued input from practitioners to enable us to gauge the success of the new legislation.

## **FEEDBACK**

It seems unlikely that any feedback will be used to change the original policy, but this would be considered if anything does become apparent from feedback from practitioners.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

## Annexes