

## Summary: Intervention & Options

<b>Department /Agency:</b> <b>Home Office</b>	<b>Title:</b> <b>Impact Assessment of Mandatory parenting needs assessment for 10 to 15 year olds who are being considered for an ASBO</b>	
<b>Stage:</b> Final	<b>Version:</b> 1	<b>Date:</b> 30 July 2009
<b>Related Publications:</b> Mandatory parenting orders for parents or carers of 10 to 15 years olds who breach an ASBO		

### 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?

ASBOs are used where a person has persistently committed anti-social behaviour but this proposal refers only to 10 to 15 year olds. It provides the last opportunity for young people to mend their ways before entering the criminal justice system. Parenting orders can be attached to ASBOs but take up is low and the ASBO breach rate for young people is 64%. A mandatory parenting needs assessment for those young people who are being considered for an ASBO provides the earliest opportunity to help parents of problem children be equipped to help their child behave and meet the terms of the ASBO.

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

A mandatory parenting needs assessment will determine what help parents need to manage their child's behaviour. Courts must, by law, consider a parenting order whenever they consider making an ASBO on this age group. Agencies should therefore already be providing an assessment to inform the court in carrying out this duty. This legislative proposal would formalise the approach and ensure that an assessment is undertaken for those children being considered for an ASBO.

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

Option 1: Do nothing. Option 2. Require an assessment of parenting needs through non-statutory guidance. Existing guidance states that an assessment of the child's needs must be made but does not provide specific detail on parenting needs. Some authorities already do so, but not all. Experience shows that, while it is simpler to do, non-binding guidance simply does not carry sufficient weight to make this practice universal. Option 3. Legally oblige agencies to carry out the assessments. This option is the only one that will ensure compliance.

**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: 3**

**Description: Legally oblige agencies to carry out the assessments.**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' Parenting Orders are issued by the courts and this will be zero cost (as confirmed by the Ministry of Justice). This is because the order is ancillary to the ASBO. £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 impact in monetary terms is difficult to quantify but the agencies affected would be those responsible for carrying out parenting needs assessments, mostly Youth Offending Teams.			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' See annex
	<b>One-off</b>	<b>Yrs</b>	
	£ Unknown		
	<b>Average Annual Benefit</b> (excluding one-off)		
	£ Unknown		
<b>Total Benefit (PV)</b>			£
Other <b>key non-monetised benefits</b> by 'main affected groups' Parenting assessments should enable the agencies to provide better support to parents . They should also theoretically lead to fewer ASBO breaches if parents are better equipped to care for their children.			

**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?	£ 0
Does enforcement comply with Hampton principles?	Yes/No
Will implementation go beyond minimum EU requirements?	Yes/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 on parenting orders it is first necessary to grasp the purpose of Anti-social Behaviour Orders (ASBOs) to which it is inextricably linked. Anti-social behaviour orders (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.

Parenting Orders (POs) and Individual Support Orders (ISOs) can 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 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 64% up to 2007. We aim to do all we can to help young people abide by the conditions of their ASBO, mend their ways and not breach. Requiring parents to take responsibility for the behaviour of their children at the earliest possible stage is seen as vital to this. Current practice by YOTs favours voluntary engagement over compulsion with parenting orders being used rarely. However, not all parents co-operate with the authorities. Although courts must consider making a parenting order every time they

make an ASBO on a young person take up is very low indeed. While the decision is the courts', in practice the YOTs have a great deal of influence over the decision. The response to using them is very uneven nationally and there are various reasons given for not making use of them.

ASBOs are used where the 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. 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. 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.

## **Objective**

This proposal is intended to operate in tandem with another proposal to legislate for mandatory parenting orders for breach of the ASBO. Thus if a young person, whose parenting needs have been assessed and met, subsequently goes on to breach his ASBO there is a strong case for applying more coercive measures on the parents, even if they have been co-operating with the authorities.

## **Appraisal**

There are 3 options.

### Option 1

Do nothing.

### Option 2

Require an assessment of parenting needs by producing new non-statutory guidance.

### Option 3

Putting a legal obligation on agencies to carry out the assessments.

## **Analysis of the options**

### Option 1

**Do nothing.**

Existing guidance on parenting orders that can be attached to ASBOs is contained within that for ASBOs at .

<http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour55.pdf>. It is also contained in the guidance on all types of parenting order issued by the Department for Children Schools and Families. Both state that an assessment of the child's needs must be made. While

this implicitly includes family circumstances, and therefore parenting needs, it is not explicitly a requirement to undertake a parenting needs assessment. This means that the agency considering applying for an ASBO on a young person may miss an opportunity to address the parenting needs and therefore provide the parents with the means to control their child's behaviour.

## **Option 2**

### **Require an assessment of parenting needs by producing new non-statutory guidance**

#### **Costs**

There would be costs to the Home Office for providing the guidance. In the recent past new guidance produced on ASB has cost around £3 to £5k depending on the numbers needed and the length of the document and this would be somewhere within that price range.

#### **Benefits**

This is fairly similar to doing nothing as existing guidance for practitioners on ASBOs and parenting orders already states that there should be an assessment of the child's needs. In practice, to ensure that this is done thoroughly, it should include an assessment of his or her parenting needs but it is not a requirement. If we were to issue non-statutory guidance for practitioners they would be under no further obligation than they are now to carry out the assessment of parenting needs. This means that there is unlikely to be any significant benefit.

## **Option 3**

### **Putting a legal obligation on agencies to carry out the assessments**

This option legally obliges agencies to carry out an assessment of parenting needs. This is an important policy objective, and experience shows that, although it is a simpler route to take, non-binding guidance simply does not carry sufficient weight to make this practice universal. For this reason we wish to legislate to ensure that the agencies considering a young person for an ASBO have properly examined the child's parenting needs before presenting the case in court. The assessment will also be of value to the court when it decides whether or not to make the ASBO on the young person.

#### **Costs**

We do not believe that there should be a noticeable increase in costs to the agencies from this option. As stated above, guidance already requires an assessment of the young person's circumstances and any such assessment should be covering parenting issues. Without this it would not be possible for the agencies to advise the court on whether or not to make a parenting order as required by the court's statutory duty. We will be issuing guidance on how best this should be carried out and it will allow for flexibility according to the agencies' working practices. We have received a model approach from a YOT which shows that this can be implemented without incurring extra costs. Since assessments are individual and there are different practice models throughout the country we cannot give precise costings on the assessments but the YJB advises that they normally cost no more than £200. This figure is

included for the purpose of the impact assessment but we do not expect there to be any noticeable additional costs.

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 because we do not know how many cases will fall into the category of “exceptional circumstances”.

The benefits of the provision would be a reduction in the breach rate for ASBOs and an improvement in the behaviour of the young person. This would save court time as well as agencies’ time. It would also prevent future offending. It has been identified that the majority of young people entering custody for breach of an ASBO were prolific offenders. YJB research confirms that a small but significant minority is responsible for a very high proportion of anti-social behaviour. In the study 43 young people were responsible for 1779 offences.

### **Benefits**

The aim of the proposal is to ensure that parents whose children’s behaviour is sufficiently serious to warrant being considered for an ASBO have their needs assessed and met. This will enable them to take responsibility for the behaviour of their children and give them a better chance to control 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. The latter cannot be quantified because each case is individual. Crucially it prevents further victimisation and the physical and emotional costs of this.

### **MONITORING**

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