



Anti-social Behaviour Act 2003

2003 CHAPTER 38

PART 3

PARENTAL RESPONSIBILITIES

Criminal conduct and anti-social behaviour

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.

Status: This is the original version (as it was originally enacted).

- (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 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,
 - “guardian” has the same meaning as in the Children and Young Persons Act 1933 (c. 12),
 - “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 1998 Act (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;”.