

POLICE AND JUSTICE ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 3: Crime and anti-social behaviour

Section 23: Parenting contracts: local authorities and registered social landlords

226. *Subsection (1)* of this section inserts two new sections (25A and 25B) in Part 3 of the Anti-social Behaviour Act 2003 so as to enable a local authority or a registered social landlord to enter into a parenting contract with a parent in respect of anti-social behaviour by his or her children. These provisions supplement the powers of schools and Local Education Authorities to enter into parenting contracts in cases of exclusion from school or truancy and youth offending teams to enter into parenting contracts in respect of criminal conduct or anti-social behaviour contained in Part 3 of the Anti-Social Behaviour Act 2003.

New section 25A: Parenting contracts in respect of anti-social behaviour: local authorities

227. New section 25A(1) sets out the circumstances in which a local authority can enter into a parenting contract with a parent of a child or young person. These are where it has reason to believe that the child or the young person has engaged, or is likely to engage, in anti-social behaviour and where the child or the young person resides, or appears to reside, in the authority's area.
228. New section 25A(2) indicates that a parenting contract is a document containing a statement by the parent that he or she agrees to comply with any requirements specified in the contract, for any period so specified, and a statement by the local authority that it agrees to provide support to the parent to help him or her comply with the requirements of the contract. New section 25A(3) states that the contract may, in particular, include a requirement for the parent to attend a counselling or guidance programme.
229. New section 25A(4) states that the purpose of any requirement in a parenting contract is to prevent the child or young person from engaging in anti-social behaviour, or further such behaviour. New section 25A(5) specifies that the contract must be signed by the parent and on behalf of the authority.
230. New section 25A(6) makes clear that no obligations in contract or tort are to arise from any breach of the contract.
231. New section 25A(7) requires local authorities in England, when carrying out their functions in relation to such contracts, to have regard to any guidance issued by the Secretary of State. It also requires local authorities in Wales, when carrying out their functions in relation to such contracts, to have regard to any guidance issued by the National Assembly for Wales.

**New section 25B: Parenting contracts in respect of anti-social behaviour:
registered social landlords**

232. New section 25B(1) sets out the circumstances in which a registered social landlord (an “RSL”) can enter into a parenting contract with the parent of a child or a young person. These are where the RSL has reason to believe that the child or young person has engaged in anti-social behaviour, or is likely to engage in such behaviour, and that the behaviour directly or indirectly relates to, or affects, the RSL’s housing management functions or, in the case of likely behaviour, would do so.
233. New section 25B(2) indicates that a parenting contract is a document containing a statement by the parent that he or she agrees to comply with any requirements specified in the contract for any period so specified, and a statement by the RSL that it agrees to make arrangements for the provision of support to the parent to help him or her to comply with those requirements. New section 25B(3) states that the contract may, in particular, include a requirement for the parent to attend a counselling or guidance programme.
234. New section 25B(4) states that the purpose of any requirement in the contract is to prevent the child or young person from engaging in anti-social behaviour, or further such behaviour. New section 25B (5) specifies that the contract must be signed by the parent and on behalf of the RSL.
235. New section 25B(6) makes clear that no obligations in contract or tort are to arise from any breach of the contract.
236. New section 25B(7) requires RSLs in England, when carrying out their functions in relation to such contracts, to have regard to any guidance issued by the Secretary of State. It also requires RSLs in Wales, when carrying out their functions in relation to such contracts, to have regard to any guidance issued by the National Assembly for Wales.
237. *Subsection (2)* of the section inserts in section 29(1) of the Anti-social Behaviour Act 2003 various definitions relating to the new sections 25A and 25B, namely, the definitions of “housing accommodation”, “housing management functions”, “local authority” and “registered social landlord”.