



Police and Justice Act 2006

2006 CHAPTER 48

PART 3

CRIME AND ANTI-SOCIAL BEHAVIOUR

Parenting contracts and parenting orders

23 Parenting contracts: local authorities and registered social landlords

- (1) In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 25 there is inserted—

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

- (1) A local authority may enter into a parenting contract with a parent of a child or young person if—
- (a) the local authority has reason to believe that the child or young person has engaged, or is likely to engage, in anti-social behaviour, and
 - (b) the child or young person resides, or appears to reside, in the local authority’s area.
- (2) 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 local authority that it agrees to provide support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.

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- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the local authority.
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.
- (7) In carrying out their functions in relation to parenting contracts—
 - (a) local authorities in England shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
 - (b) local authorities in Wales shall have regard to any guidance which is issued by the National Assembly for Wales from time to time for that purpose.

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

- (1) A registered social landlord may enter into a parenting contract with a parent of a child or young person if—
 - (a) the registered social landlord has reason to believe that the child or young person—
 - (i) has engaged in anti-social behaviour, or
 - (ii) is likely to engage in such behaviour,
 - and
 - (b) that behaviour directly or indirectly relates to or affects the housing management functions of the registered social landlord (or, where paragraph (a)(ii) applies, would do so if the behaviour were engaged in).
- (2) 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 registered social landlord that it agrees to make arrangements for the provision of support to the parent for the purpose of complying with those requirements.
- (3) The requirements mentioned in subsection (2)(a) may include (in particular) a requirement to attend a counselling or guidance programme.
- (4) The purpose of the requirements mentioned in subsection (2)(a) is to prevent the child or young person from engaging in anti-social behaviour or further anti-social behaviour.
- (5) A parenting contract must be signed by the parent and signed on behalf of the registered social landlord.
- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.

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- (7) In carrying out their functions in relation to parenting contracts—
- (a) registered social landlords on the register maintained by the Housing Corporation shall have regard to any guidance which is issued by the Secretary of State from time to time for that purpose;
 - (b) registered social landlords on the register maintained by the National Assembly for Wales shall have regard to any guidance which is issued by the Assembly from time to time for that purpose.”
- (2) In section 29(1) of that Act (interpretation of sections 25 to 29) the following definitions are inserted at the appropriate places—
- ““housing accommodation” has the meaning given by section 153E(9) of the Housing Act 1996;”;
- ““housing management functions”, in relation to a registered social landlord, include—
- (a) functions conferred by or under any enactment;
 - (b) the powers and duties of the landlord as the holder of an estate or interest in housing accommodation;”;
- ““local authority” means—
- (a) a county council in England;
 - (b) a metropolitan district council;
 - (c) a non-metropolitan district council for an area for which there is no county council;
 - (d) a London borough council;
 - (e) the Common Council of the City of London;
 - (f) the Council of the Isles of Scilly;
 - (g) a county council or county borough council in Wales;”;
- ““registered social landlord” means a body registered as such under Chapter 1 of Part 1 of the Housing Act 1996;”.

24 Parenting orders: local authorities and registered social landlords

In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 26 there is inserted—

“26A Parenting orders in respect of anti-social behaviour: local authorities

- (1) A local authority may apply for a parenting order in respect of a parent of a child or young person if—
- (a) the local authority has reason to believe that the child or young person has engaged in anti-social behaviour, and
 - (b) the child or young person resides, or appears to reside, in the local authority’s area.

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to a county court.

- (2) 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—

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- (a) that the child or young person has engaged in 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 anti-social behaviour.
- (3) 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 (4), 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.
- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(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.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (6) 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 anti-social behaviour.
- (7) 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.
- (8) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
- (a) an officer of the local authority which applied for the order, or
 - (b) a person nominated by that authority or by a person or body requested by the authority to make a nomination.

A person may not be nominated under paragraph (b) without his consent.

26B Parenting orders in respect of anti-social behaviour: registered social landlords

- (1) A registered social landlord may apply for a parenting order in respect of a parent of a child or young person if—
- (a) the registered social landlord has reason to believe that the child or young person has engaged in anti-social behaviour, and
 - (b) the behaviour in question directly or indirectly relates to or affects the housing management functions of the registered social landlord.

An application for such an order may be made to a magistrates' court or, where section 26C so allows, to a county court.

- (2) 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 anti-social behaviour, and

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- (b) that making the order would be desirable in the interests of preventing the child or young person from engaging in further anti-social behaviour.
- (3) 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 (4), 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.
- (4) A parenting order under this section may, but need not, include a requirement mentioned in subsection (3)(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.
- (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (3)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (6) 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 anti-social behaviour.
- (7) 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.
- (8) A registered social landlord must not make an application under this section without first consulting the local authority in whose area the child or young person in question resides or appears to reside.
- (9) A person is eligible to be the responsible officer in relation to a parenting order under this section only if he is—
- (a) an officer of the registered social landlord which applied for the order, or
 - (b) a person nominated by that registered social landlord.
- A person may not be nominated under paragraph (b) without his consent.
- (10) In deciding whom to nominate under subsection (9)(b) a registered social landlord must take into account the views of—
- (a) the local authority mentioned in subsection (8), and
 - (b) such other persons or bodies as the registered social landlord thinks appropriate.

26C Applications under section 26A or 26B in county court proceedings

- (1) Where a local authority or registered social landlord (a “relevant authority”)—
- (a) is a party to proceedings in a county court, and
 - (b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application for

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a parenting order under section 26A or 26B (a “parenting order application”),

it may make such an application to that court in relation to that person.

(2) Where—

- (a) a relevant authority considers that a party to proceedings in a county court is a person in relation to whom it would be reasonable for it to make a parenting order application, but
- (b) the relevant authority is not a party to those proceedings,

it may apply to be joined to those proceedings to enable it to make a parenting order application.

(3) Where—

- (a) there are proceedings in a county court to which a relevant authority is a party, and
- (b) the relevant authority considers that a child or young person has engaged in anti-social behaviour that is material in relation to the proceedings,

the relevant authority may apply for a person who is a parent of the child or young person to be joined to the proceedings to enable it to make a parenting order application in relation to him.

(4) A person must not be joined to proceedings in pursuance of subsection (3) unless the anti-social behaviour in question is material in relation to those proceedings.”

25 Contracting out of local authority functions with regard to parenting contracts and parenting orders

In Part 3 of the Anti-social Behaviour Act 2003 (c. 38) (parental responsibilities), after section 28 there is inserted—

“28A Contracting out of local authority functions

(1) An order made by—

- (a) the Secretary of State as regards local authorities in England, or
- (b) the National Assembly for Wales as regards local authorities in Wales,

may provide that a local authority may make arrangements with a person who is specified in the order, or is of a description so specified, for the exercise of any function it has under or by virtue of section 25A or 26A.

(2) The order may provide—

- (a) that the power of the local authority to make the arrangements is subject to such conditions as are specified in the order;
- (b) that the arrangements must be subject to such conditions as are so specified;
- (c) that the arrangements may be made subject to such other conditions as the local authority thinks appropriate.

(3) The order may provide that the arrangements may authorise the exercise of the function—

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- (a) either wholly or to such extent as may be specified in the order or arrangements;
 - (b) either generally or in such cases or areas as may be so specified.
- (4) An order under this section may provide that the person with whom arrangements are made in pursuance of the order is to be treated as if he were a public body for the purposes of section 1 of the Local Authorities (Goods and Services) Act 1970.
- (5) The Secretary of State or (as the case may be) the National Assembly for Wales must not make an order under this section without first consulting—
 - (a) such representatives of local government as appear to be appropriate;
 - (b) such other persons as appear to be appropriate.
- (6) Any arrangements made by a local authority in pursuance of an order under this section do not prevent the local authority from exercising the function to which the arrangements relate.
- (7) The following provisions of the Deregulation and Contracting Out Act 1994 apply for the purposes of arrangements made in pursuance of an order under this section as they apply for the purposes of an authorisation to exercise functions by virtue of an order under section 70(2) of that Act—
 - (a) section 72 (effect of contracting out);
 - (b) section 73 (termination of contracting out);
 - (c) section 75 and Schedule 15 (provision relating to disclosure of information);
 - (d) paragraph 3 of Schedule 16 (authorised persons to be treated as officers of local authority).
- (8) For the purposes of subsection (7), any reference in the provisions specified in paragraphs (a) to (d) to a person authorised to exercise a function is to be construed as a reference to a person with whom an arrangement is made for the exercise of the function in pursuance of an order under this section.
- (9) Local authorities in England and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the Secretary of State for the purposes of this section.
- (10) Local authorities in Wales and any person with whom they make arrangements in pursuance of an order under this section must have regard to any guidance issued by the National Assembly for Wales for the purposes of this section.”