



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 4

PARENTING CONTRACTS AND PARENTING ORDERS

40 Parenting contracts

- (1) This section applies where a person to whom this Part applies (“the young person”) is failing to fulfil the duty imposed by section 2.
- (2) A local education authority in England may enter into a parenting contract with a parent of the young person—
 - (a) if the parent is resident in England, and
 - (b) the authority considers that entering into the parenting contract would be desirable in the interests of the young person’s fulfilment of that duty.
- (3) A parenting contract is a document which contains—
 - (a) a statement by the parent that the parent 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 education authority that it agrees to provide support to the parent for the purpose of complying with those requirements.
- (4) The requirements mentioned in subsection (3) may include (in particular) a requirement to attend a counselling or guidance programme.
- (5) A parenting contract must be signed by the parent and signed on behalf of the local education authority.

Status: This is the original version (as it was originally enacted).

- (6) A parenting contract does not create any obligations in respect of whose breach any liability arises in contract or in tort.

41 Parenting orders

- (1) This section applies where a person to whom this Part applies (“the young person”) is failing to fulfil the duty imposed by section 2.
- (2) A local education authority in England may apply to a magistrates' court for a parenting order in respect of a parent of the young person, if the parent is resident in England.
- (3) If such an application is made, the court may make a parenting order in respect of the parent if it is satisfied that—
- (a) the young person is failing to fulfil the duty imposed by section 2, and
 - (b) the making of the order would be desirable in the interests of the young person’s fulfilment of that duty.
- (4) A parenting order is an order which requires the parent—
- (a) to comply, for a period not exceeding 12 months, with such requirements as are specified in the order, and
 - (b) subject to subsection (5), to attend, for a concurrent period not exceeding 3 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 attendance at a non-residential course in the interests of the young person’s fulfilment of the duty imposed by section 2.
- (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.

42 Parenting orders: supplemental

- (1) In deciding whether to make a parenting order under section 41, a court must take into account (amongst other things)—
- (a) any refusal by the parent to enter into a parenting contract under section 40 in respect of the person to whom this Part applies, 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) Subsections (3) to (7) of section 9 of the Crime and Disorder Act 1998 (c. 37) (supplemental provisions about parenting orders) apply in relation to a parenting order under section 41 as they apply in relation to a parenting order under section 8 of that Act.

43 Parenting orders: appeals

- (1) An appeal lies to the Crown Court against the making of a parenting order under section 41.
- (2) Subsections (2) and (3) of section 10 of the Crime and Disorder Act 1998 (appeals against parenting orders) apply in relation to an appeal under this section as they apply in relation to an appeal under subsection (1)(b) of that section.

44 Parenting contracts and parenting orders: further provisions

- (1) Local education authorities in England and responsible officers must, in carrying out their functions in relation to parenting contracts under section 40 and parenting orders under section 41, have regard to the extent to which any failure by, or anything done by, a parent of a person to whom this Part applies is affecting, or is likely to affect, that person's fulfilment of the duty imposed by section 2.
- (2) Regulations may make further provision about the exercise by local education authorities in England of their functions relating to—
 - (a) parenting contracts under section 40, or
 - (b) parenting orders under section 41.
- (3) The provision that may be made under subsection (2) includes—
 - (a) provision limiting the power of a local education authority to enter into a parenting contract, or apply for a parenting order, in prescribed cases;
 - (b) provision requiring one local education authority to consult with another before taking any prescribed step;
 - (c) provision requiring the provision of information by one local education authority in England to another;
 - (d) provision as to how the costs associated with parenting contracts under section 40 or parenting orders under section 41 (including in each case the costs of providing counselling or guidance programmes) are to be met.
- (4) In this Chapter—
 - “parent”, in relation to a young person, is to be construed in accordance with section 576 of the Education Act 1996 (c. 56), but does not include a person who is not an individual;
 - “responsible officer”, in relation to a parenting order, means an officer of a local education authority who is specified in the order.