



# Sentencing Act 2020

## 2020 CHAPTER 17

### FOURTH GROUP OF PARTS Further powers relating to sentencing

#### PART 11

##### BEHAVIOUR ORDERS

#### CHAPTER 4

##### PARENTING ORDERS

#### *Provisions applying generally to parenting orders under Code*

#### **370 Parenting order: availability**

A court may not make a parenting order under this Chapter in respect of a person unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the person resides or will reside (and the notice has not been withdrawn).

#### **371 Parenting order: references where local authority has parental responsibility**

Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this Chapter.

#### **372 Making a parenting order**

- (1) This section applies where a court makes a parenting order under this Chapter in respect of a person ("the parent").
- (2) Requirements specified in a parenting order under this Chapter must, as far as practicable, be such as to avoid—
  - (a) any conflict with the parent's religious beliefs, and

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- (b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.
- (3) Before making a parenting order, a court must explain to the parent in ordinary language—
  - (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under section 375) if the parent fails to comply with those requirements, and
  - (c) that the court has power (under section 374) to review the order on the application either of the parent or of the responsible officer.
- (4) The parenting order must specify the responsible officer.
- (5) The responsible officer must be—
  - (a) an officer of a provider of probation services acting in the local justice area in which it appears to the court that the parent resides or will reside,
  - (b) a social worker of the local authority in whose area it appears to the court that the parent resides or will reside,
  - (c) a person nominated by—
    - (i) a person appointed as director of children’s services under section 18 of the Children Act 2004, or
    - (ii) a person appointed as chief education officer under section 532 of the Education Act 1996, or
  - (d) a member of a youth offending team established by the local authority in whose area it appears to the court that the parent resides or will reside.
- (6) For the purposes of this Chapter, the Inner Temple and the Middle Temple form part of the City of London.

### **373 Directions by the responsible officer**

Directions given by a responsible officer under a parenting order under this Code must, as far as practicable, be such as to avoid—

- (a) any conflict with the parent’s religious beliefs, and
- (b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

For this purpose, “parent” means the person in respect of whom the parenting order is made.

### **374 Discharge and variation of parenting order**

- (1) This section applies where—
  - (a) a parenting order made under this Chapter is in force, and
  - (b) an application is made under this section by—
    - (i) the responsible officer, or
    - (ii) the person in respect of whom it is made
 to the court which made the order.
- (2) The court may make an order—
  - (a) discharging the parenting order, or

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- (b) varying the parenting order—
  - (i) by cancelling any provision included in it, or
  - (ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that the court could include, if it were now making the order.
- (3) Where an application under this section for the discharge of a parenting order is dismissed, no-one may make a further application under this section for its discharge except with the consent of the court which made the order.

### **375 Offence of failure to comply with a requirement of a parenting order**

- (1) It is an offence for a person in respect of whom a parenting order made under this Chapter is in force to fail to comply with any requirement—
  - (a) included in the order, or
  - (b) specified in directions given by the responsible officer.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.