

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (PARENTING CONTRACTS AND PARENTING ORDERS)  
(ENGLAND) REGULATIONS 2007**

**2007 No. 1869**

**1.** This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007 SI No.1869 set out the detailed arrangements for those using school behaviour-related parenting contracts and parenting orders. This Instrument revokes the Education (Parenting Orders) Regulations 2004 (SI 2004 No. 182) which came into force on 27 February 2004.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The Instrument is required to fully implement amendments to Part 2 of the Anti-social Behaviour Act 2003 made by Chapter 2 of Part 7 of the Education and Inspections Act 2006. The amendments allow for: schools and local authorities (LAs) to offer parenting contracts as an earlier intervention for pupils at risk of exclusion; schools to apply for behaviour related parenting orders; and, parenting orders to be applied for in cases of serious misbehaviour.

**5. Territorial Extent and Application**

5.1 This Instrument applies to England only.

**6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 Parenting contracts and parenting orders have been available since commencement of the relevant provisions in the Anti-social Behaviour Act 2003 on 27 February 2004. It is important that children behave well in school in order to raise attainment. Parental engagement is important if poor behaviour by pupils is to be tackled effectively. Behaviour-related parenting contracts and parenting orders were introduced

in the Anti-social Behaviour Act 2003 in order to help secure such engagement, whether on a voluntary or compulsory basis.

7.2 Parenting contracts are voluntary agreements between a parent and a school and/or local authority. The parent agrees to undertake certain actions to improve their child's behaviour and the school/ LA agrees to provide support to enable them to do so. The original legislation made provision for behaviour-related contracts to be available following exclusion (fixed term or permanent) of a pupil.

7.3 A parenting order is a civil court order which consists of two elements:

a requirement on the parent to attend counselling or guidance sessions (for example, parenting education or parenting support classes) where they will receive help and support to enable them to improve their child's behaviour or attendance. This is the core of the parenting order and lasts for up to 3 months; and

a requirement on the parent to comply with such obligations as are determined necessary by the court for improving their child's behaviour or attendance at school. This element can last up to 12 months.

The original legislation made provision for behaviour-related orders to be available following exclusion on the application the local authority.

7.4 In 2006 the Department for Education and Skills published a report *Learning Behaviour: The Report of the Practitioners' Group on School Behaviour and Discipline* (Steer Group) with recommendations to improve behaviour and discipline in schools. The group consisted of head teachers and other practitioners. The Department set out its response to the recommendations in the White Paper "*Higher Standards Better Schools for All*" (Cm 6677 October 2005). The recommendations relating to parenting contracts and orders required primary legislation in order to be implemented and were taken forward in the Education and Inspections Act 2006 (sections 97 to 99).

7.5 Provisions in the 2006 Act allow for: schools and LAs to offer parenting contracts as an earlier intervention for pupils at risk of exclusion; schools to apply for behaviour-related parenting orders; and, parenting orders to be applied for in cases of serious misbehaviour whether or not the pupil has been excluded.

7.6 These Regulations detail the arrangements and conditions that must be in place in order for schools and LAs to use the new measures. The Department consulted key stakeholders, earlier this year, on the draft regulations and associated guidance. There were no negative comments on the regulations.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is in relation to local authorities and schools in England. These measures should contribute to improved attainment and teacher retention, fewer exclusions with a corresponding reduction in the costs of alternative provision (the

average total expenditure on alternative provision in 2002-03 was £1.8 million per local authority). Therefore, overall, these measures will have a nil or de minimis cost.

8.3 An Equality Impact Assessment has been prepared for this Instrument.

## **9. Contact**

**Peter Baldwinson** at the Department for Education and Skills (tel: 020 7273 6152 or e-mail: [peter.baldwinson@dfes.gsi.gov.uk](mailto:peter.baldwinson@dfes.gsi.gov.uk)) can answer any queries regarding the instrument.