

Anti Social Behaviour Act 2003

Behaviour Provisions

CONSULTATION DOCUMENT

Proposed code of conduct for the issuing of parenting contracts and parenting orders in relation to fixed term and permanent exclusions

Parenting contracts and parenting orders are intended to engage parents more in the management of their children's behaviour, on a voluntary (contracts) or compulsory (orders) basis. They should be adopted as part of the LEA's and individual schools' behaviour policies. In considering whether a parenting contract or a parenting order should be drawn up, the LEA and the school as appropriate, must have regard to all their statutory duties in relation to behaviour and to the full DfES guidance.

Parenting contracts

Contracts are considered to be appropriate where a **parent wishes to be helped** to improve their child's behaviour. They may be a very useful tool in tackling poor behaviour early on and so prevent the re-occurrence of significant behavioural difficulties from arising later on in the child's education. They are voluntary and there are no sanctions where parents refuse to co-operate or where they fail to comply with the terms of a contract. This may be taken into account later, however, by the courts if the school or LEA decide to take out a parenting order.

Schools will need to decide whether and how to incorporate parenting contracts within their attendance and behaviour policies. LEA guidance may follow the following route:

In general

- a) as in the case of non-attendance, the governing body will need to decide whether and how parenting contracts resulting from exclusion should form a part of their school's attendance and behaviour policy; if yes :
- b) the governing body will need to delegate the decision to issue a parenting contract to the headteacher, who may in turn delegate to a senior member of staff and
- c) agree to fund the provisions made in such contracts

Q1. Do you agree that schools should fund their own parenting contracts where requirements fall outside normal Council provision ? It is intended to develop a network of support for parents under the Family Support Strategy which schools could access. However it will take time to roll out a comprehensive programme across the county.

Q2. *Do you consider that in secondary schools, existing resources, including those delegated for the purpose of reducing exclusions, should be used for the purpose of funding parenting contracts ?*

Q3. *Do you consider primary schools should fund parenting contracts from their own resources with the proviso that those schools deemed to be 'small schools' should receive supplementary funding ?*

In applying parenting contracts :

A. Fixed term exclusions

- a) The decision to execute a fixed term exclusion should be based on the usual criteria. According to the DfES guidance on exclusions the decision to exclude should depend on:
 - the severity of the behaviour in terms of breaching the school's behaviour policy
 - whether remaining in school would seriously harm the education or welfare of other pupils or others in the school
 - it is advised that most fixed term exclusions should not exceed 2 or 3 days to be effective
- b) The head or designated member of staff should decide whether the pupil's behaviour may be improved by closer working with his/her parent and if so, how this could be achieved and whether a formal contract would help
- c) The availability of funding
- d) Consideration should be given to whether the contract would add benefit to the pupil's pastoral support plan or individual education plan if a pupil has a statement.
- e) It will be the individual school's decision to execute a parenting contract after a fixed term exclusion. This should be related to the circumstances of the offending behaviour, the possible benefits to accrue from the contract, the amount of work involved in drawing up and monitoring the contract and the cost to the school.
- f) If it is decided that a parenting contract would be appropriate, it should be arranged as soon as possible after the governing body has endorsed the exclusion or, if it is not considered by the governing body, the date on which the exclusion began.
- g) The designated teacher should check which agencies are already involved with the pupil and his/her family (SSD, Health, YOT, Connexions, New Horizons Centre, Cuckmere House etc)
- h) The designated teacher should identify any possible underlying issues at this stage and consider how support to address them might be included within the contract, eg increased support from Social Services where they are already involved with the family, improved communications between Connexions Service and family, whether the pupil and their family have been referred to specific support projects eg Youth Offending Team
- i) The school should telephone or visit the parent and suggest the proposed action. This should be followed up in a letter, with a copy of any relevant documentation

eg guidance for parents on parenting contracts. In some cases it may be more appropriate for an agency already involved with the family to speak to them about the contract ie a Children's Fund support worker, Connexions personal adviser, home link worker, outreach behaviour support worker, school nurse, social worker etc

j) Schools must have regard to the full guidance on drawing up the contract. A model contract could be issued by the LEA. Examples of specified requirements may include :

- The parent agreeing to sign a daily or weekly behaviour report
- The parent ensuring that the pupil does not have contact with certain pupils, in or out of school
- The parent being available during lunch times to deal with unwanted behaviour
- Attending any meetings with school staff or other agencies involved with the pupil to learn about strategies to use at home which are consistent with the school's policy
- Attending guidance or counselling programmes for parents
- Attending a family group conference
- Providing the parent with peer mentoring or access to support groups with parents
- Providing literacy classes for parents
- Receiving drugs/alcohol support/advice
- Providing a key worker for the parent

k) the contract must be managed and funded by the governing body via the designated member of staff.

Q4. *Would a model contract be useful ?*

Q5. *Is it reasonable to consider parenting contracts for foster carers ? (Note there are alternatives for foster carers such as support and training and the bursary scheme could be extended to provide funding for this purpose) without the need for a formal contract ?*

Q6. *Do schools consider there would be merit in undertaking parenting contracts for some pupils and their families ?*

B. Permanent exclusions

The school or the LEA may decide whether a parenting contract would be appropriate following a permanent exclusion. The LEA would be responsible for managing and funding the parenting contract. The LEA function would require additional resources. A possible protocol might include :

a) the governing body may decide that a parenting contract would be appropriate as an outcome of the GDC and following careful consideration of the circumstances which resulted in the permanent exclusion; this may affect their decision to uphold the permanent exclusion

- b) Where the permanent exclusion is upheld, the Area Re-integration Officer (ARO) will decide whether to proceed with issuing a contract. Where a parenting contract has already been issued to the parent following a fixed term exclusion, or where a parent has refused to co-operate with a contract, the LEA may decide to proceed straight to a parenting order (see next section)
- c) The school should release all relevant information to the ARO, including that on other agencies involved with the family, as soon as possible following the GDC.
- d) The intention of the parenting contract would be to support the parent during the period of exclusion and subsequent reintegration of their child to another school, with the aim of reducing behaviour problems at the new school.
- e) The ARO would be required to identify with the excluding school and other involved agencies, possible underlying issues affecting the pupil's behaviour and appropriate strategies to engage and empower the parent.
- f) The parenting contract must be issued as soon as possible following the date when it is known that the parent does not intend to appeal to the independent appeals panel or the date of the appeal panel's decision.
- g) The parenting contract would be drawn up and supervised by an LEA officer, working in conjunction with the EWS. It is considered that the transference of this function to the ARO would put significant workload demands on their current role, but this could be reviewed over time.

Q7. Do you consider that parenting contracts at the point of permanent exclusion would be effective in reducing the re-occurrence of behaviour problems ?

Q8. Should the above function (Q7) be undertaken by a) excluding school b) LEA through New Horizons and Cuckmere House c) central support services ? (Note there are financial implications for schools and/or the LEA)

Parenting Orders

The LEA may apply to the courts for a civil parenting order where a pupil is permanently excluded or has had more than one fixed term exclusion within a twelve month period. Parenting orders compel the parent to address their child's behaviour in school by providing support, including parenting classes.

The order consists of :

- A requirement for the parent to attend counselling or guidance sessions for help and support in managing and improving their child's behaviour; this can last up to 3 months
- A requirement for the parent to comply with such requirements as are specified in the order; this can last up to 12 months

The LEA is responsible for making the application and meeting all costs arising from it.

All orders must be supervised by a 'responsible officer', who could be an LEA officer, a headteacher or a person nominated by the headteacher.

If the parent fails to comply with the requirements of the order and are proven guilty of breaching the order, the parent is liable for a fine not exceeding level 3 (up to £1000) or another non-custodial sentence.

A proposed protocol may involve :

- a) the LEA may consider the appropriateness of a parenting order when difficulty has been experienced in enlisting support from a parent and any of the following conditions apply :
 - i) the pupil's parent has already been subject to a parenting contract and the pupil's behaviour has continued to deteriorate to the point where a second fixed term exclusion has been necessary within a 12 month period or
 - ii) the pupil has been excluded on more than one occasion for a fixed period and has subsequently lost 30 or more days of schooling or
 - iii) a pupil has been excluded for one fixed term period of 45 days or
 - iv) a permanent exclusion follows a prolonged history of serious misbehaviour
 - v) and the headteachers of both excluding and receiving schools consider it is an appropriate course of action
- b) Where YOT is involved with the pupil, they will act as lead agent; otherwise a specially appointed LEA officer will be responsible for drawing up the order and presenting the case to court. The officer will manage and monitor the order and arrange the necessary requirements.
- c) The LEA officer will work in conjunction with the excluding school, and Social Services or other services as appropriate, on compiling the evidence for the order
- d) The LEA officer will liaise with the new school on the impact of the order on the pupil's behaviour following reintegration, for the life of the order.
- e) The court must consider family circumstances and the likely effect of the order on these.
- f) It is not possible to take out a parenting order against the Local Authority as corporate parent but it can apply to foster carers. The protocol will recommend that parenting orders should not apply to foster carers, on the basis that behaviour issues should be identified and addressed at Care Plan or PEP review meetings and there are alternative routes for supporting foster carers. In addition where children are accommodated in children's homes it would not be possible to take out parenting orders against the Authority.

Q9. Do you agree that there are circumstances where it would be appropriate for the LEA to take out parenting orders ?

Q10. Do you agree with the criteria i – v for determining whether a parenting order might be considered ?

(note – as an indicator of need, between Sep 03 and the end of May 04, a total of 45 pupils in secondary schools had had more than two fixed term exclusions totalling 30 days).

Q11. Do you agree that parenting orders should not be issued to foster carers ?

Q12. In the above proposal parenting orders could be issued in cases where parents have not previously had parenting contracts ie it is not an hierarchical system. This is based on the premise that parenting contracts will only be appropriate and effective for those parents willing to co-operate with the school and at a relatively early stage in the pupil's history of behaviour problems. Parenting

orders are compulsory and appropriate for cases where more extreme measures may be necessary to attempt to control a pupil's behaviour through parental involvement.

Do you agree with this premise ?

List of consultees

School headteachers and governing bodies
New Horizons Centre and Cuckmere House (wrt pupil referral units and outreach
behaviour support services)
School Improvement Service
Social Services
Connexions Service
Youth Offending Team
The Police
Community Safety
Crime Reduction Partnerships
Young People's Strategic Group
Youth Development Service
Education Welfare Service
Education Service Managers
Education Action Zone
Greater Hollington Partnership