

Report to: **Cabinet**

Date: **29 June 2004**

By: **Director of Education and Libraries**

Title of report: **Anti-social Behaviour Act 2003 – Education related provisions**

Purpose of report: **To seek approval from the Cabinet to consult widely on the provisions contained within the Act relating to Parenting Contracts, Parenting Orders and Penalty Notices.**

RECOMMENDATIONS

The Cabinet is recommended to:

- 1. authorise the Director of Education and Libraries to consult more widely on the code of conduct for issuing parenting contracts and penalty notices for poor school attendance as set out in Annex A;**
- 2. authorise the Director of Education and Libraries to consult schools and all appropriate agencies on the proposal to adopt a code of conduct on the behaviour provisions of the Anti-social Behaviour Act as set out in Annex B; and**
- 3. agree to receive a report from the Director of Education and Libraries at a later date on the outcomes of the above consultation and following further discussion with the Police and other agencies on the use of acceptable behaviour contracts and anti-social behaviour orders under the Anti-social Behaviour Act**

1. Financial Appraisal

1.1 The implementation of the new powers conferred on the Local Education Authority (LEA) will require additional resources. School governing bodies are expected to fund the requirements of parenting contracts for attendance and fixed term exclusions, and whilst this might reasonably be met by secondary schools from their additional resources for preventing exclusions, it may well present difficulties for some primary schools. Parenting contracts for permanent exclusions and parenting orders are to be funded by the LEA. It is intended that the cost of issuing and managing penalty notices will be covered by the income generated.

1.2 The magnitude of the additional costs incurred in operating these provisions of the Act will depend on the possible scope for restructuring current budgets for school attendance and behaviour management and the rate of take-up of the powers. An estimate of the likely additional cost of implementation will be made at the conclusion of the consultation period but is not expected to exceed £50,000 for a full year effect.

2. Supporting Information

2.1 The education related provisions of the Anti-social Behaviour Act 2003 came into force on 27 February 2004. They give extra powers to the LEA to encourage and, where necessary, enforce parents to fulfil their responsibilities for improving the attendance and behaviour of their children. LEAs and schools are expected to consider how to make use of these new powers within the context of existing attendance and behaviour strategies. Attendance rates in East Sussex have improved significantly over the past two years but the secondary unauthorised absence rate is still above the national average. The permanent exclusion rate was just above the national average for 2002/03 and has increased during this current school year.

2.2 The essential provisions of the Act are: parenting contracts for non-attendance; penalty notices for persistent truancy; parenting contracts for fixed term exclusions and permanent exclusions; and parenting orders for multiple fixed term exclusions and permanent exclusions.

3. Parenting contracts

3.1 Parenting contracts are voluntary formal agreements between the parent and the school's governing body or LEA. Contracts may be appropriate where a pupil fails to attend school regularly or is subject to a fixed term or permanent exclusion.

3.2 Parenting contracts are regarded within the Department for Education and Skills (DfES) guidance as early preventative measures to use where parents wish to be more actively helped in managing their child's attendance or behaviour. They will not be appropriate in all cases and indeed their use should be balanced against the additional workload and funding required of schools to implement them. They should be used as an integral part of existing procedures for managing attendance or behaviour.

4. Penalty Notices for Non-Attendance

4.1 Penalty notices are an alternative to prosecution under section 444 of the Education Act 1996 (as amended by the Anti-social Behaviour Act). The penalty notice regulations require the LEA to draw up and administer a local code of conduct which should form part of an overarching attendance strategy and be understood and agreed by all partners, eg the Police. A draft code of practice is set out in Annex A. A consultation exercise has been initiated with schools and the outcomes to date are attached at the end of Annex A. Given the low response rate it is considered desirable to extend and widen the consultation exercise.

5. Parenting Orders

5.1 The LEA may apply to the civil court for a parenting order where a pupil has had two or more fixed term exclusions or a permanent exclusion. Parenting orders compel the parent to address their child's behaviour and there is a requirement for them to attend counselling or guidance sessions for a period of up to 3 months. The order remains in force for 12 months.

6. Guidance in applying parenting contracts, parenting orders and penalty notices

6.1 Draft guidance for schools and partner agencies is attached as Annex A (attendance issues) and Annex B (exclusion issues). It is based on the recently published DfES guidance and set within the context of East Sussex strategies to reduce non-attendance and exclusion from school. The extent to which application can be made of the provisions may depend on the availability of support networks and training consortia for parents that schools can access, although not all requirements in parenting contracts will relate to such support.

7. Community Safety Issues

7.1 The Education related provisions of the Anti-social Behaviour Act should be considered within the overall context of reducing anti-social behaviour under other provisions of the Act. Schools are now able to apply Acceptable Behaviour Contracts (ABCs) which are voluntary flexible written agreements with young people designed to improve the young person's behaviour in school. Failure to abide by the terms of the agreement can lead to anti-social behaviour orders (ASBOs) being imposed by the Courts. ASBOs can be taken out by a range of other agencies, including the Police, housing associations and registered landlords. Clearly in the application of all these provisions of the Act, it is important to involve all other partner agencies who may be involved with a young person and family. It is intended to issue guidance to schools soon on the use of ABCs, following the issuing of advice from the Anti-social Behaviour Order Co-ordinators and the Youth Offending Team.

8. Conclusion and reason for recommendation

8.1 The timely and considered use of parenting contracts, parenting orders and penalty notices could provide schools and the LEA with further effective measures to raise attendance and reduce exclusion, thus contributing overall to increasing achievement in school. Due to the impact of implementation of these measures on school policies and resources, and the need to ensure

access for parents to a range of support and training opportunities, it is recommended that there is wide consultation with schools and partner agencies on the principles and procedures adopted in the attached codes of conduct, with a further report to the Cabinet in October.

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BACKGROUND DOCUMENTS

Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices, DfES

[C29June2004Anti-socialBehaviourAct2003-Educationrelatedprovisions.doc](#)