

## **Regulatory Impact Assessment**

- 1. Title:** Extending parenting contracts and orders
- 2. Purpose and intended effect – the rationale**

The PM announced in September 2005 his commitment to making parenting contracts and parenting orders more widely available. Our proposals will allow local authorities and Registered Social Landlords (RSLs) to enter into parenting contracts and apply for parenting orders. These agencies already intervene with the child/young person and parents at an early stage of anti-social behaviour and should have the full range of tools at their disposal.

Better parenting is a key part of the emerging Respect agenda and part of the drive to combat anti-social behaviour and fits in with the twin track approach of enforcement and support.

The new power will enable more agencies to engage with families earlier on therefore preventing anti-social behaviour from escalating.

Parenting contracts are voluntary agreements that are used by a range of agencies, parenting orders are court orders (issued in the magistrates' court). Both parenting contracts and orders are used to gain compliance from parents (single or both parents) on a range of specific requirements to help curb various problem behaviours of their children including anti-social behaviour (ASB) and to help them become better parents. Both are needed so that if a parent fails to comply with a contract than a parenting orders could be used to secure the co-operation of parents who would not otherwise be willing or motivated to engage with support from relevant local agencies.

It should be noted that in addition to parenting contracts and orders there are voluntary interventions and support which parents can be offered and which are taken up without the need for contracts or orders.

Currently Youth Offending Teams (YOTs) can enter into parenting contracts and apply for parenting orders if the child who is referred to them is involved in anti-social behaviour or criminal conduct. However, in practice a child will usually only come to the attention of the YOT if they are already offending or at very high risk of doing so. We wish to extend the range of agencies that can enter into parenting contracts and orders so that parenting interventions can happen when anti-social behaviour first emerges and before it becomes serious.

### Consultation

We have consulted the Department of Health (DH), Department for Education and Skills (DfES), Department for Constitutional Affairs (DCA), Office of the Deputy Prime Minister (ODPM), Youth Justice Board (YJB) and the Housing Corporation (HC) and discussions are ongoing.

The ODPM are supportive; RSLs and local authorities are their stakeholders and they wish to see them equipped to tackle ASB before it takes hold. The Housing Corporation are supportive of RSLs (their stakeholders) obtaining powers in relation to parents of children that are committing ASB which directly or indirectly affects their ability to carry out their housing management function. DfES recognise that parenting is key to achieving better outcomes for children and we are working closely with officials to ensure that our proposals dovetail with the Government's wider parenting strategy. Youth Offending Teams overseen by the YJB already intervene with parents and enter into parenting contracts and apply for parenting orders and the YJB see parenting as key to challenging ASB in young people. They are supportive of the provisions and again we will be working closely with them on implementation. Our discussions with the DCA have centred on downstream costs and training for judges.

### Current arrangements

For contracts, currently school governors (in practice head teachers) and Local Education Authorities (LEAs) were given the power via the Anti-social Behaviour Act 2003 to enter into parenting contracts with the parent of a child who has been truanting or been excluded from school. The same Act also gave YOTs the power to enter into parenting contracts with a parent of a child who was engaged in or is likely to engage in criminal conduct or ASB.

A contract might include some of the following conditions:

- to ensure their child stays away unless supervised from a part of town where he or she has misbehaved;
- to ensure their child is effectively supervised at certain times;
- to ensure their child avoids contact with certain disruptive individuals;
- to ensure their child avoids contact with someone he or she has been harassing;
- to ensure their child attends school regularly;
- to ensure that they (the parents) attend all school meetings concerning their child.

The contract might include a requirement to attend a parenting programme.

Parenting orders, issued by the court can be made in various circumstances. The Crime and Disorder Act 1998 allows courts to make parenting orders in the following situations provided the relevant conditions are met:

- when a Child Safety Order is made or breached;
- when an Anti-social Behaviour Order (ASBO) or a Sex offender Order is made in respect of a young person;
- when a young person is convicted of an offence; and
- when a person (parent or guardian) is convicted of an offence under section 443 (failure to comply with a school attendance order) or section 444 (failure to secure regular attendance at a school) of the Education Act 1996.

The Anti-social Behaviour Act 2003 introduced free standing Parenting Orders:

- LEAs can apply for a Parenting Orders in respect of a parent of a child excluded (permanently or for two fixed periods) from school for misbehaviour;
- YOTs can apply for Parenting Orders when a young person has engaged in criminal conduct or ASB. This power does not require that the child is convicted of an offence.

The Anti-social Behaviour Act 2003 strengthened the Crime and Disorder Act 1998 and placed a duty on courts to issue a Parenting Order on a 10-15 year old when issuing an ASBO, when it is satisfied it would be desirable in the interests of preventing a repetition of the behaviour which lead to the ASBO and where it isn't satisfied that a parenting order is desirable the court must explain why.

A parenting order issued by the court would set out specific requirements for the parent to comply with for not more than 12 months. These may be what the court considers desirable to prevent any repetition of the particular behaviour which led to the child safety, anti-social behaviour or sex offender order, or any further offence by the child or young person.

For free standing orders applied for by YOTs and LEAs the following conditions might be appropriate and could also be included in orders granted by the court of their own volition:

- attends school or other relevant educational activities, such as mentoring in literacy or numeracy or a homework club;
- attends a programme or course to address relevant problems, such as anger, management or drug or alcohol misuse.
- avoids contact with disruptive and, possibly, older children;
- avoids unsupervised visits to certain areas; such as shopping centres;
- is at home during certain hours at night and is effectively supervised.

As well as parenting contracts and orders, local agencies, for example YOTs engage successfully with parents on a completely voluntary basis. Youth Justice Board (YJB) data indicates that almost 80% of parenting interventions with parents are of this nature – not requiring a contract or an order.

### 3. Options

#### a) **Option 1. Extend the range of agencies that can enter into parenting contracts and parenting orders to include other parts of the local authority and RSLs. (The preferred option).**

Already agencies on the frontline tackling ASB have a range of tools available to them to confront parents and young people with the aim of curbing their anti-social behaviour. These tools include Acceptable Behaviour Contracts (ABCs), ASBOs, Anti-social Behaviour Injunctions (ASBIs), demotion of tenancy, dispersal of intimidating groups and

possible eviction from the home. This proposal fits well with existing tools and will give practitioners, such as housing officers, ASB co-ordinators a further tool to reach for. The inclusion of these new provisions will provide for a more balanced toolkit reinforcing the 'support and enforcement' approach that Government has adopted in tackling ASB.

It will be appropriate to use the new provisions where parenting is assessed as a factor in the child's ASB and where the parents are likely to benefit from the support on offer. A parenting intervention, such as a contract or an order would need to be coordinated to complement interventions with the child.

- b) **Option 2. Partial extension. Extend the proposal to other parts of the local authority only, not RSLs.** Local authorities are statutory partners in local Crime and Disorder Reduction Partnerships (CDRPs) and work with other agencies to reduce anti-social behaviour. Option 2 seeks to extend the ability to enter into parenting contracts and apply for parenting orders to other parts of the local authority (for example, Housing Officers, ASB co-ordinators). Local authorities have a range of duties and powers in relation to tackling anti-social behaviour and also own and manage a substantial amount of social housing. RSLs are not statutory partners of CDRPs but do own or manage a substantial amount of housing stock. If we did not extend the provisions to RSLs then the tenants of RSLs might miss out on parenting interventions, their children's ASB might continue and direct or indirect victims will continue to suffer.
- c) **Option 3. Do nothing.** The current arrangements in relation to parenting contracts and parenting orders are set out in section 2. In short, voluntary engagements would continue and the LEAs and YOTs would be able to enter into contracts and apply for freestanding court orders and courts will be able to issue orders of their own volition, in certain circumstance (e.g. when the court issues an ASBO, when a young person is convicted of an offence or when a Child Safety Orders is issued). The do nothing option would mean that these provisions remain in place but that other agencies that might be best placed to enter into contracts and apply for orders would not be in a position to do so. Providing a situation where those agencies at the sharp end of dealing with ASB would not have the necessary tools to intervene when the parents were a contributing factor in the young person's ASB.

#### 4. Benefits

- a) **Extend the range of agencies that can enter into parenting contracts and parenting orders to include other parts of the local authority and RSLs. (The preferred option).**

Parenting contracts are important for nipping issues in the bud and whilst there are no formal sanctions for non compliance with a

parenting contract, any non compliance can be cited in proceedings for a parenting order.

Parenting orders can secure the co-operation of parents who would not otherwise be willing to engage and receive voluntary support. Although experience in the youth justice system tells us that most parents will welcome the support on a voluntary basis and that most parents subject to orders grow to value the support they receive and those that initially fail to comply end up doing so.<sup>1</sup> Data from the Home Office Court Proceedings Database shows that prosecution for breach is rare (less than 1% of orders issued).

Non compliance with a parenting order is an offence punishable by a fine (level 3) or community sentence.

We know from studies in the UK and abroad that parenting is strongly relevant to juvenile anti-social and criminal behaviour and can be a risk factor or can be a factor which protects children and young people from being involved in such behaviour. There is evidence particularly from the United States that shows that parenting interventions which include the improvement of parenting skills can be effective in reducing anti-social and criminal behaviour.

An independent evaluation of the Youth Justice Board's parenting programme published in 2002<sup>1</sup> involving nearly 3,000 parents who started a parenting programme run by one of the 34 parenting projects between spring 1999 and the end of 2001, found that most parents valued the parenting programmes they had undertaken and wished they had received such support earlier. The study observed a reduction in offending but the lack of a comparison group meant that this could not be attributed to parenting programmes.

Currently the range of agencies that can enter into contracts and apply for orders is limited. We wish to see a greater range of agencies able to work with parents via contracts or orders (as set out in the option 1 in the proposal section). Based on the success outlined in the YJB research, we see these proposals as having benefits for parents, the community and for the staff working on the frontline to reduce anti-social behaviour, as well as contributing to positive outcomes for young people. We do not envisage that the proposals will increase bureaucracy or add significant additional burdens to local agencies – this is explored later on.

The Government has over recent years strengthened the ASB toolbox by providing additional powers to enable local agencies to intervene with appropriate interventions to tackle ASB, such as ASBOs, ASBIs,

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<sup>1</sup> Ghate D and Ramella M (2002) Positive Parenting: The effectiveness of the Youth Justice Board's Parenting Programme London: YJB

demotion, dispersal of intimidating groups, closure of crack houses, to name a few. Practitioner tells us that extending the availability of parenting contracts and orders is necessary to strengthen the toolbox even further but moreover to ensure that a balance of tools are available which will enable the Government's strategy for tackling ASB; a strategy of support and enforcement to have the right mix of tools.

Currently the tools focus on the behaviour of the perpetrator, for example applying for an ASBO on a young person who is committing ASB, when in cases where the behaviour of the parent is contributing factor in the young person's bad behaviour there are limits as to how the parents behaviour can be addressed.

We do not envisage that the new power would overburden practitioners. This is a power not a duty. Frontline workers at the sharp end of tackling ASB will already be trying to engage with parents and young people working up plans, interventions and contracts to address ASB. The new provisions will enable practitioners, when assessing what tools to use, to have available to them a wider range of interventions and where parents are a contributing factor to the ASB of a young person then the parenting contract or order would be a good tool to reach for. Nevertheless there will be additional burdens in drawing up parenting contracts and applying for orders.

This power is likely to lead to an increased number of interventions, which in turn are likely to lead to an increased demand on associated services e.g. Child and Adolescent Mental Health Services, adult substance misuse or mental health services. The extent and resource implications of such additional demand is difficult to quantify at this stage without knowing the circumstances of those parents that might find themselves on the receiving end of these proposals.

The new provisions could be a substitute for something else that is currently available and which the agency might have reached for in any case e.g. ASBO or eviction. A parenting contract and order would carry a lower administrative burden than an ASBO or eviction. The cost of applying for an ASBO, according to recently published Home Office research is £2,500<sup>2</sup> and ODPM estimate that eviction costs to the applicant agency (local authority or registered social landlord) will be in the region of £600-£7500 giving an average cost of £3200 (1999 prices) per eviction.<sup>3</sup> We estimate later on in the cost section that a parenting contract will cost £700 and a parenting order will cost £2480.

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<sup>2</sup> Francesca Lemetti, Sally Parkinson, March 2005. Cost of Anti-Social Behaviour Orders – a summary report. London: Home Office

<sup>3</sup> Hal Pawson, John Flint, Suzie Scott, Rowland Atkinson, John Bannister, Carol McKenzie and Carl Mills, Glasgow University and Heriot-Watt University June 2005. The use of possession actions and evictions by social landlords. London: ODPM

**b) Partial introduction. Extend the proposal to other parts of the local authority only, not RSLs.**

This proposal has partial merit. Whilst local authorities are at the forefront of tackling ASB and would benefit greatly from this option, RSLs who are also at the forefront of tackling ASB would not benefit. Currently 52% of social housing is RSL owned. This is set to increase due to new build and further transfers from local authorities. Given this, RSLs play and will continue to play a critical and growing role in managing housing and wider neighbourhoods, including tackling ASB. We have sought to provide RSLs with the same powers as local authorities that hold housing stock, to enable them to effectively tackle ASB when it occurs in their stock or interferes with their ability to carry out their housing management function. For example, we amended the Crime and Disorder Act in 2002, to add RSLs to the list of 'relevant authorities' that could apply for ASBOs. In 2003 we placed the same duty on RSLs to publish policies and procedures for tackling ASB as we placed on local authorities. In 2003 we provided RSLs with same powers that were available to local authorities in respect of ASBIs.

Housing officers and tenancy support officers working for RSLs already work to engage their tenants and the children of their tenants who are committing anti-social behaviour and the availability of parenting contracts and orders would provide them with an additional option.

To not include RSLs in this provision would be a step backwards and would leave them less able to deal with ASB happening in their stock or in the vicinity of their stock. There is little benefit in excluding them from the new provisions.

**c) Do nothing**

The do nothing option would mean that the current arrangements remain in place but that other agencies that might be best placed to enter into contracts and apply for orders would not be in a position to do so. The status quo would leave families without interventions until they come to the attention of the LEA or YOT, who have the power to enter into a parenting contract or apply for a parenting order. Or when the young person comes before the court and the court decides that a parenting intervention is desirable.

**5. Volume assumptions**

The provisions are related to support for parents not for children. There are already a range of interventions and support provisions to tackle the ASB of the child. These specific provisions are about enabling the parent to become a better parent and the services will be centered on the parent.

Using the youth justice system as a suitable benchmark last financial year there were, according to YOT figures supplied to the YJB 78% voluntary parenting interventions (without a contract), 7% parenting contracts and 15% parenting orders.

When translated into figures, this amounts to 8,319 YOT parenting interventions (of which 555 were contracts and 1273 were orders) for the last financial year.

Putting voluntary interventions (without a contract) to one side the YJB figure indicates that there are more orders than contracts. However, we see this being the reverse for the new proposals. This is based on the way ABCs and ASBOs have been used over the years. Furthermore, YOTs are routinely dealing with those young people that have an offending history although they also deal with those on the cusp of offending. It is fair to say that a lot of the young people who YOTs are working with will have been in receipt of a number of interventions which have not deterred their offending or ASB and might have deeply entrenched problems. It is therefore more likely that parenting orders would be sought more than say a parenting contract for this client group.

With our proposals we wish to see agencies intervening **much earlier on**. Not waiting for the young person to offend or engage in serious ASB.

A good proxy for measuring take up of orders compared to contracts is the take up of ASBOs and Acceptable Behaviour Contracts (ABCs), albeit an ASBO and an ABC are aimed at the perpetrator rather than the parent or guardian of a young perpetrator but are similar in terms of legal standing and desired impact. ASBOs would be akin to parenting orders and ABCs akin to parenting contracts. Since April 1999 up to June 2005 there have been 6497 ASBOs issued across England and Wales with local authorities accounting for 31% (2040) of all applications and registered social landlords accounting for 1.6% (104) of all applications. A one off survey of CDRPs by the Anti-social Behaviour Unit at the Home Office in October 2004 provided information on the number of ABCs issued between 1<sup>st</sup> October 2003 – 1<sup>st</sup> September 2004. 239 CDRPs out of 376 replied to the survey and of those that replied a total figure of 5383 ABCs issued was calculated.

In contrast in the same period 787 ASBOs were issued on young people. Whilst the figure for ABCs cannot be broken down by age we know that they are predominately used for young people.

This illustrates that ASBOs are used sparingly with ABCs (similar to parenting contracts) being used more widely to nip issues in the bud, a ratio of 1 ASBO per 7 contracts

We anticipate that volume assumptions for the first five years will be as follows based on our best estimates and our experience of how ABCs and ASBOs have operated.

We envisage that after 3 years the volume of orders will only increase slightly. The published quarterly figures for ASBOs being 4%, 13% and 1% show a decrease in the % of orders issued.

**Table 1**

<b>Volume consumption</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Option 1	Contracts <b>1500</b>	Contracts <b>2500</b>	Contracts <b>3400</b>	Contracts <b>3600</b>	Contracts <b>3800</b>
	Orders <b>214</b>	Orders <b>428</b>	Orders <b>485</b>	Orders <b>514</b>	Orders <b>542</b>
Option 2	Contracts <b>1200</b>	Contracts <b>1990</b>	Contracts <b>3000</b>	Contracts <b>3120</b>	Contracts <b>3244</b>
	Orders <b>171</b>	Orders <b>284</b>	Orders <b>428</b>	Orders <b>445</b>	Orders <b>463</b>
Option 3	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>
	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>

## **6. Costs**

### **Parenting contracts**

Parenting contracts are voluntary contracts that enable a local agency to gain the co-operation of the parent of a young person who is engaged in anti-social behaviour. A parenting contract will set out what actions the parent will take in setting boundaries around the child's behaviour and the contract might also set out what support the relevant agencies would offer such as a parenting programme. Although there are no formal sanctions for breach of a contract, non compliance can be cited as evidence in any subsequent hearing for a parenting order.

It was estimated for the Anti-social Behaviour Bill that the cost of negotiating a parenting contract is £750 and that this is in addition to the cost of any parenting programme which could cost in the region of a further £625. However, since parenting contracts have been in place this figure has been revisited. The latest estimate from the YJB is that the cost of negotiating a parenting contract is around £35. YJB advised that £665 is the average cost of a parenting programme including staff time on engagement, etc, therefore the cost of a parenting contract including the parenting programme, assessment, negotiation and monitoring is £700 overall.

### **Parenting orders**

Parenting orders can last for up to one year and involve (in most cases) a non-residential parenting course/programme, as opposed to residential

courses/programmes. The cost of a non residential parenting order including application costs to the court by the applicant authority, supervision and the parenting course/programme is estimated at £1,040, according to YJB figures based on the type of programmes suitable for parents of young people engaged in ASB or criminal conduct. This is for a non-residential parenting order with a three month parenting programme attached to it. We envisage the YJB programmes providing a similar content to the programmes needed to support the new provisions.

The costs to the court system are set out later but amount to £1440 per parenting order.

Our proposals allow the court to include a residential element if it is desirable and will not impact adversely on family life. Therefore additional costs might include the cost of a residential weekend course in a programme and this is estimated at £1,840 per person attending. Children (including siblings of the child subject to intervention) can also attend the residential course so assuming 2 children per parent the cost per course would be £5520. There is currently sparse provision of residential parenting and no conclusive research as to its added impact. More research is needed and for the time being it's not likely to form a significant part of the new provisions we are proposing.

### **Court costs for parenting orders**

The following figures were provided by DCA to the Home Office in December 2005 and represent the downstream costs (legal aid, cost of hearing and cost of making the order) to the courts of dealing with an application for a parenting order in the magistrates' court:

- £340 - average cost of a case in magistrates' court
  - £1100 - average cost of legal help and costs making an order
- TOTAL = £1440**

The above costs would apply to **all** parenting orders made in the magistrates' court.

We are proposing that parenting orders could be available in the county court as well as the magistrates' court and the DCA have indicated that costs would be similar to that in the magistrates' courts.

The following costs would **only** apply to cases that went to **appeal stage** or were **breached** and the **breach prosecuted**:

- Court cost of appeal is estimated at £700
- Cost of legal help for appeal is estimated at £312
- Cost of breach hearings is estimated at £340
- Cost of legal help for breaches is estimated at £344
- Ongoing legal costs relating to enforcement of fine following breach is estimated at £344

## Total costs

The total cost for a non-residential free-standing parenting order with a three month programme which is not appealed is £2480 (including £1440 court costs).

The total cost for a parenting contract is £700.

Our five year costings are set out in Table 2. These are based on volume assumptions set out in Table 1.

**Table 2**

Costs (£m)	Year 1	Year 2	Year 3	Year 4	Year 5
Option 1	Contracts <b>£1.05M</b>	Contracts <b>£1.75M</b>	Contracts <b>£2.3M</b>	Contracts <b>£2.52M</b>	Contracts <b>£2.66M</b>
	Orders <b>£530K</b>	Orders <b>£1.06M</b>	Orders <b>£1.2M</b>	Orders <b>£1.27M</b>	Orders <b>£1.34M</b>
Option 2	Contracts <b>£840K</b>	Contracts <b>£1.39M</b>	Contracts <b>£2.1M</b>	Contracts <b>£2.18M</b>	Contracts <b>£2.27M</b>
	Orders <b>£424K</b>	Orders <b>£704K</b>	Orders <b>£1.06M</b>	Orders <b>£1.1M</b>	Orders <b>£1.14M</b>
Option 3	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>	Contracts <b>NIL</b>
	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>	Orders <b>NIL</b>

## Cost for breach

Based on data from the Court Proceedings Database the breach rate is around 1% of orders issued. The associated court costs for breach are as follows:

- Cost of breach hearings is estimated at £340
- Cost of legal help for breaches is estimated at £344
- Ongoing legal costs relating to enforcement of fine following breach is estimated at £344
- **TOTAL cost £1028 per breach**

Therefore the cost of breach for options 1 and 2 over 5 years is as follows:

**Option 1:** 1% of orders breached over all years = 22 x £1028 = **£22,616.**

**Option 2:** 1% of orders breached over all years = 18 x £1028 = **£18,504.**

## Cost of appeal

DCA has estimated that 5% of orders will be appealed. The associated costs for appeal are as follows:

- Court cost of appeal is estimated at £700
- Cost of legal help for appeal is estimated at £312
- **TOTAL cost £1012 per appeal**

Therefore the cost of appeal for options 1 and 2 over 5 years is as follows:

**Option 1:** 5% of orders appealed over all years =  $109 \times £1012 = £110,308$ .

**Option 2:** 5% of orders appealed over all years =  $90 \times £1012 = £91,080$ .

## One off costs

Magistrates' courts can already issue parenting orders so no extra training will be required. Our proposal provides for parenting orders to be made in the county court. It is estimated by DCA that one off training for county court judges for these new provisions will be in the region of £250K.

## 7. Impact on Public Sector

The provisions constitute a power not a duty.

### Staff burdens relating to assessment, monitoring and supervision

The biggest impact on the public sector will be in staff time; entering into contracts, applying for orders, making an assessment of parenting need and delivering the parenting programme that will make up a contract/order. The provisions will impact on staff in local authorities and in RSLs and on staff in the support sector (voluntary or statutory).

Those authorities that will be given the new power (local authorities and RSLs) will already be engaging with families and young people to address their ASB so we do not envisage these new provisions creating any significant extra burden, as in some cases the new provisions will be a substitute for something else that would have been tried, rather than always being something additional. However, there will be staff burdens and administrative costs in relation to negotiating a contract, monitoring and supervising it and in apply for a parenting order.

Whilst the above addresses issues of negotiation and supervision of a contract, and applying for an order and supervision of an order, they do not cover the assessment of parenting need or the delivery of a parenting programme/course.

Our guidance will stress that a 'suitably qualified person' should make an assessment of parenting need – this is right and proper. For the simplest of contracts this could be done by a local housing officer who has undergone appropriate training on parenting issues so as to be able to make a sensible and informed assessment early on regarding parenting need.

We will support local authorities and RSLs with free national training to undertake the simplest of assessments and will build supervision into the training to ensure that ongoing support is recognized.

This will be done via Home Office Together campaign (training, academy events, advice line and website). We would work closely with DfES and DH on the content for the Together material/event.

We propose to issue detailed guidance to practitioners on the proposals, setting out good practice and templates for contracts and orders to minimise training needs.

For more detailed contracts and orders an assessment would need to be made by a more experienced worker. The burden of carrying out more complex assessments by a 'suitably qualified person' – which we all agree is right and proper for a complex family case will increase the burden on existing 'suitably qualified staff' – be they working in YOTs or Children's' Trusts.

Our volume assumptions indicate that there will be more contracts than orders and it is likely that the orders will require these more comprehensive assessments in order to convince the court that an order is needed. Our volume assumptions for year one is 214 orders rising in year 5 to 542 orders. Given that there are 374 local authorities we do not envisage that in local areas the burden for undertaking such assessments on existing suitably qualified staff will be significant.

Nevertheless we need to be alert to the burden and monitor take up of the power and the demands placed on existing 'suitably qualified' staff.

It is also likely that if parenting orders and the necessary assessments are undertaken under these proposals then it will save on assessments that would have been taken out in any case later on when the anti-social behaviour had worsened.

Delivering the parenting programmes/support that will feature in contracts and orders will present additional burdens on current services. We know from YJB costings that a parenting programme costs on average £1040 per programme.

We are in discussions with DfES about the extra capacity needed for carrying out the assessment by a 'suitably qualified person' and the expansion of parenting programmes to meet the demands of the new contracts and orders and reduce the burdens on existing staff and provision.

However, whilst we have made some estimates on likely increase in parenting contracts and orders and the programmes that will go in to these, as with Individual Support Orders and indeed Parenting Orders attached to ASBOs, our assumptions on take up in advance of measures being introduced have proved to be over estimates. However, the funding for parenting programmes

to support any increase in the numbers of parenting contracts and orders will be met through a combination of means set out below.

- We intend parenting contracts and orders to be a core element of community safety/anti-social behaviour strategies. We therefore expect some of the additional demand generated to be met by Crime and Disorder Reduction Partnerships (CDRPs) from community safety budgets (in the way that we do for ASBOs).
- The Respect Action Plan commits DfES to a range of measures for improving parenting provision nationally including new requirements and expectations on local authorities, working through Children's Trusts, to improve the planning, commissioning and funding of parenting services; new funding for parenting support services in a series of pathfinder areas. These build on planned growth in provision through the roll out of children's centres and extended schools.
- Also, the YJB have additional funding of £45 million over the next three years to be channelled into measures for preventing youth crime and this will include parenting. The planning and commissioning of parenting services by YOTs will be co-ordinated with Children's Trusts and CDRPs.

#### Multi-agency working

We do not envisage these powers being used by housing officers in isolation, there would need to be input from relevant agencies and we would envisage the new powers being discussed along with other possible interventions in the already established forums that exist in local areas. We will reiterate the need for multi-agency working in our guidance.

We acknowledge that even if multi-agency meetings already exist or new ones emerge there will be a staffing burden related to attending meetings and taking forward action points. Nevertheless, the Government wants to encourage multi-agency working and moreover in relation to children it forms a key part of delivering Every Child Matters.

Whilst having the potential to impose extra staff burdens, we know that multi-agency working avoids duplication of effort, allows for better co-ordination of activities and timely information sharing and in the long term will save time and effort. If left unchecked minor anti-social behaviour can escalate requiring more input from local agencies and more in depth meetings to discuss interventions. Our provisions enable agencies to intervene earlier on.

#### A substitute for other action – reducing burdens

It is worth noting that the new provisions could be a substitute for something else that is currently available and which the agency might, in any case, have reached for, e.g. ASBO or eviction. Research undertaken by ODPM indicates that some 26,000 tenants were evicted from social housing in 2002/03. Evictions for ASB amounted to 7% of these or around 1500.<sup>4</sup> We do not know

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<sup>4</sup> Hal Pawson, John Flint, Suzie Scott, Rowland Atkinson, John Bannister, Carol McKenzie and Carl Mills, Glasgow University and Heriot-Watt University June 2005. The use of possession actions and evictions by social landlords. London: ODPM

how many of these evictions involved families or single person households. If social landlord had available to them the ability to enter into parenting contracts or orders then the number of evictions could decrease.

A parenting contract and order would carry a lower administrative burden than an ASBO or eviction. The cost of applying for an ASBO, according to recently published Home Office research is £2,500<sup>5</sup> and ODPM estimate that eviction costs to the applicant agency (local authority or registered social landlord) will be in the region of £600-£7500 giving an average cost of £3200 (1999 prices) per eviction.<sup>6</sup> We have estimated that a parenting contract will cost £700 and a parenting order will cost £2480, these not just include supervision, negotiation, and application but also include the parenting programme.

#### Burden on health services

The provisions are related to support for parents not for children. There are a range of interventions and support provisions to tackle the ASB of the child – these provisions are about enabling the parent to better parent and the services will be centered on the parent.

A survey of the mental health of young people in Great Britain 2004 by the Office for National Statistics (ONS) found that one in ten children had a clinically recognized mental health problem however the study does not say how many children with mental health problems have a predisposition to misbehavior and anti-social behaviour. Which might lead to parents needing more support to supervise and control their children.

A further study by ONS of on the mental health of children and adolescents in Great Britain (1999) found 19% of children lived in families assessed as having unhealthy family functioning. Children with a mental illness were twice as likely to live in families rated as unhealthy than children with no disorder. The study suggests that disordered family functioning is implicated in a wide range of psychiatric problems in children. The ONS survey also found that 10% of children with a mental health disorder had been found to be in trouble with the police compared to just 1% of those with no disorder, and that 1 in 6 children with a conduct disorder had been in trouble with the police.

We know from the work of the ASBU that for some young children involved in ASB their parents will have health issues, such as mental health, drugs and/or alcohol.

The proposed provisions are about supporting the parent to better parent and the services will be centered on the parent not the child.

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<sup>5</sup> Francesca Lemetti, Sally Parkinson, March 2005. Cost of Anti-Social Behaviour Orders – a summary report. London: Home Office

<sup>6</sup> Hal Pawson, John Flint, Suzie Scott, Rowland Atkinson, John Bannister, Carol McKenzie and Carl Mills, Glasgow University and Heriot-Watt University June 2005. The use of possession actions and evictions by social landlords. London: ODPM

Whilst research and our own anecdotal information confirms that parents of children engaged in ASB are likely to have complex needs we are unable at this stage to estimate how many parents that find themselves on the receiving end of these provisions will have health issues, e.g. mental health, drugs and alcohol. What the provisions will do is uncover unmet need which will lead to a demand on associated services, e.g. Child and Adolescent Mental Health Services. As presently resourced, those teams would not be able to accommodate that increased demand without adversely impacting access to, and the quality of the service for those children and families who are being referred under the current care pathways.

## **8. Monitoring and evaluation**

We will evaluate the impact of the new powers from introduction to enable us to measure the role they have played in preventing crime, ASB and the reduced need for higher intensity interventions such as ASBOs and care orders as well as identifying the savings for courts and local authorities and any adverse bureaucratic burdens. DH has also indicated their interest in evaluating compulsory versus voluntary parenting interventions. We also need to evaluate compulsory versus no intervention. We will work closely with DfES, DH and YJB to ensure that the evaluation outline and timescale dovetails with any proposed evaluation work as part of the wider Government parenting strategy.

## **9. Enforcement**

We will monitor take up of the new powers by asking local authorities and RSLs to collect information on the number of parenting contracts and orders entered into and to record this information in their annual returns; they already collect local information on anti-social behaviour interventions to inform their local ASB strategies, they will be collecting information on new parenting interventions. We are already in discussions with ODPM and the Housing Corporation on this matter and will include in our discussions the option of any information currently collected being removed to offset any new burdens.

Enforcement and monitoring of the new provisions will be undertaken by the local authority or the RSL that entered into the contract or applied for the order. This is a routine and well established practice and is how agencies monitor and supervise ABCs and ASBOs, which we have already outlined as being akin to parenting contracts and parenting orders. Whilst non compliance with a contract does not lead to any formal sanction it can be cited in parenting order proceedings. We are also proposing that local authorities will be able to prosecute for breach of parenting orders that they have applied for, which will take away burdens from the Crown Prosecution Service.

## **10. Sanctions**

There is no formal sanction for non compliance with a parenting contract but non compliance can be cited as evidence if further action is pursued, e.g. a parenting order. The Home Office Court Proceedings Database indicates that

compliance rates for orders is reasonably high with only 1% of parents being prosecuted for breaching orders and those who initially fail to comply end up doing so in the end.

Non compliance with the new parenting order will be an offence and will attract a penalty of a fine at level 3 (up to £1,000).

### **11. Impact on Business**

There will be no direct impact on businesses. However, we know that businesses are often the target for mindless ASB and if by engaging with parents early on we can reduce ASB then businesses (small and large) will benefit.

### **12. Impact on charities**

The provisions are not requiring charities to undertake any duties and the power does not extend to charities. The provisions might mean that the voluntary sector will be asked to deliver some parenting programmes or support – this will be negotiated at a local level between the relevant organisations.

### **13. Compensatory Simplification measures and other impacts**

We are not replacing existing measures but extending existing measures to cover a wider range of agencies. The provisions constitute a power not a duty so it will be up to local agencies to determine if they use the power based on their assessment of the situation and the parenting need.

There are no competition implications nor are there any specific implications for rural communities, other than the availability of parenting support in rural areas.

### **14. Equality**

Findings of the British Crime Survey indicate that those living in 'hard-pressed' areas had odds of perceiving high levels of ASB that were four times higher than those in 'wealthy achiever' areas. We know that around 70% of ethnic minorities live in the 88 most deprived local authority areas. The survey however, did not address the issue of whether black and minority ethnic groups (BMEs) were more likely to be the subject or the victims of anti social behaviour. The survey concluded that where a person lives is a much stronger indication of their perception of ASB rather than their ethnicity.

It is likely that ASB measures are more extensively used where there are heavier concentrations of BME groups due to the spatial distribution of those communities in areas which experience high levels of crime. But as said above there is no evidence one way or another to conclude whether BMEs are more likely to be the violators or victims of ASB.

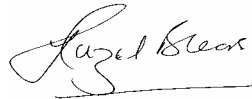
We do feel that these provisions will bring benefits to BMEs because they can be used to tackle behaviour targeted specifically at BMEs (for example racially motivated harassment or racist graffiti) carried out by children when parents are a contributory factor in the child's ASB.

BME parents that enter into parenting contracts and who are the recipients of parenting orders will benefit from the support contracts and orders can offer.

## **15. Declaration**

*I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs*

*Signed*

A handwritten signature in black ink, appearing to read 'Hazel Blears', with a horizontal line underneath.

**Date**            **18/01/06**

***Hazel Blears, Minister of State, Home Office***

## **16. Contact point**

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