

# Code of Practice for the implementation of Parenting Contracts & Parenting Orders

## 1. Introduction

West Berkshire Council is committed to raising educational achievement. There is a long established correlation between pupil absence, poor behaviour and poor academic performance. To raise standards regular attendance and good behaviour are essential.

West Berkshire Council Local Authority will have regard to the Guidance on Education- Related Parenting Contracts, Parenting Orders and Penalty Notices, produced by the DfES.

## 2. Rationale

Regular and punctual attendance at school is both a legal requirement (as specified in the Education Act 1996) and essential for the educational achievement of pupils. A good standard of behaviour whilst in school benefits both the pupil and the whole school community.

In law an offence occurs if a parent/carer fails to secure the education of a child by attendance at a school at which they are a registered pupil, and that absence is not authorised by a school, or by education otherwise than at school.

- 2.1 The Education Welfare Service has delegated responsibility to carry out the duty of the Local Authority to consider Legal action for unsatisfactory school attendance under Section 444 of the Education Act 1996.
- 2.2 Penalty Notices supplement the above sanctions. They are intended to be used in tackling parentally condoned absence, where it is reasonable to expect that the parent can ensure the child's regular attendance but he/she is not willing to take responsibility for doing so. The West Berkshire Code of Conduct for issuing Penalty Notices in respect of Unauthorised Absence from School provides further information about how Penalty Notices will be issued in West Berkshire.

Guidance from the DfES suggests that every school should have a written behaviour and attendance policy and that it is the Headteacher's responsibility to ensure implementation on a day-to-day basis.

The Single Education Plan details arrangements available or proposed for the education of children with behaviour difficulties.

Parenting Contracts may support the parenting role in cases of non-attendance at school or where there are issues in a pupil's behaviour that have led to Fixed Term or Permanent Exclusion. How & when schools would use these should be written into their the Attendance & Behaviour Policy

Parents and pupils are supported by the school and LA to overcome barriers to regular attendance by the use of a wide range of intervention strategies, support and casework. When these fail to engage parental co-operation or where there is insufficient co-operation to resolve the presenting

problem, the use of Parenting Contracts, Parenting Orders or Penalty Notices may assist in securing an improvement in a pupil's attendance and/or behaviour.

### 3. Parenting Contracts

The Parenting Contract form (Appendix 1) should be completed at all Parenting Contract meeting held.

- a) a statement by the parent that they agree to comply for a specified period with whatever requirements are specified in the contract; and
- b) a statement by the LA or Governing body agreeing to provide support to the parent for the purpose of complying with the contract.

Where a pupil's attendance and/or behaviour continues to be of concern the School will consider a parenting contract. Steps should be taken to investigate and address any underlying causes of the problems.

Schools should follow their own attendance/ behaviour policies and take account of the DfES document 'Guidance on Education –Related parenting Contracts Parenting Orders and Penalty Notices.' [www.dfes.gov.uk/behaviourandattendance/index.cfm](http://www.dfes.gov.uk/behaviourandattendance/index.cfm)

Schools should consider engaging parents for attendance when the pupil's absence falls below the average for the school unless there are exceptional known circumstances and the absence is authorised.

Schools should consider engaging parents in a Parenting Contract for behaviour when a pupil is excluded from school for either a fixed term or permanently. In the case of a permanent exclusion this could apply to the pupil's new school.

If a school desires to use a Parenting Contract it is suggested that advice from the attached EWO should be sought and the appropriate Parenting Contract Form should be used.

Parenting Contracts can apply to each and every parent coming within the definition of a parent (S576 Education Act 1996).

A Parenting Contract can also run alongside a Pastoral Support Programme.

- a) A Pastoral Support Programme is child led
- b) A Parenting Contract is parent led

#### 3.1 The Parenting Contract Meeting

If the school considers that a Parenting Contract may be beneficial in improving school attendance and/or behaviour they should call a Parenting Contract Meeting.

Parenting Contract Meetings should be held when parent/s are willing to engage with the school and/or LA but needs support.

Schools should hold Parenting Contract Meetings for pupils on their school roll regardless of where they live.

For exclusions, it is suggested that a good time to hold the meeting to set up the parenting Contract would be at the re-integration or admittance meeting.

- ◆ The meeting should be arranged with the parent to discuss the issues. Ideally all parents (falling within the definition of a parent), should be invited to attend. In the invitation it should be made clear to a parent what a Parenting Contract is and that it is not a punitive or compulsory measure. Consideration should be given as to whether it is appropriate for parents to attend separate meetings.
- ◆ Depending on the pupil's age and maturity the pupil should be invited to attend.
- ◆ The requirements and support elements should be agreed and both parties should write up the contract together and sign it. If it is desirable to have different requirements for each parent, separate contracts could be drawn up. All persons involved should be given a copy of the contract.
- ◆ It may be appropriate to give copies to other agencies currently involved with the family.

A reasonable limit should be set for the time limit of the contract. There is a 12 month legal time limit for Parenting Orders therefore this could be taken as the maximum time applying, although, a more realistic timeframe would be one term.

- ◆ Regular times & ways of contact with the parent, during the duration of the contract, should be written in to the contract to discuss progress etc.
- ◆ The Education Welfare Service should be invited to attend the meeting together with any other appropriate agency/service.

### 3.2 Consideration following a permanent exclusion

If the LA or School or PRU considers that parenting is a factor in the behaviour of the pupil who has been excluded, they should consult with the Exclusion and Reintegration Officer and jointly consider if it is appropriate to offer a parenting contract to support the future education of the pupil. If a pupil lives in a different LA to the school LA the responsibility for future plans lies with the LA where the pupil lives

In accordance with the law on admissions, a school may not require a parent to sign a Parenting Contract as a condition of their child being admitted following permanent exclusion.

### 3.3 Responsibility for drawing up the Parenting Contract and what it should contain

Generally the Governing body of a school, (or the person delegated by them i.e. the Headteacher) should draw up the contract. There may be occasions when the LA (Education Welfare Officer) would draw up the contract.

In schools the name of the Governing body should appear on the contract as they have responsibility for the school budget. The Headteacher may commit funds on behalf of the Governing body where the Governing body have chosen to delegate this power.

If it is thought a Parenting Contract would be a useful tool in supporting a child's attendance or behaviour, the LA or Governing body should make every effort to engage the parent.

- ◆ The LA representative, (the Education Welfare Service) and school, should liaise prior to entering into the Contract to share information between themselves and other appropriate agencies.

### 3.4 **Breaching the Contract**

There is no liability for breaching a Parenting Contract. However, in the cases of exclusion, consideration may be given by the LA to requesting a Parenting Order, and in deciding whether to make a Parenting Order, the court must take into account any failure by the parent to comply with the requirements specified in the Parenting Contract.

Any breach of the parenting contract should be recorded so it can be presented to the court if necessary.

### 3.5 **Financing Parenting Contracts**

Whoever draws up a Parenting Contract will be responsible for financing any provision written into the Contract.

## 4. **Parenting Orders**

A Parenting Order form (Appendix 2) should be completed for all Parenting Order requests.

Parenting Orders are granted by application to the Magistrates Court. In requesting magistrates' consideration of the order, a list of appropriate tasks that will assist a parent in improving their parenting skills needs to be included.

In considering a Parenting Order the LA must make a judgement about whether parenting is a significant factor in the pupils poor attendance and/or misbehaviour, whether a parenting programme could remedy this and what other requirements might be useful in order to address the pupils behaviour.

### 4.1 **Circumstances in which a Parenting Order may be pursued**

A Parenting Order may be considered in the case of poor attendance and/or permanent or fixed term exclusion, if the exclusion is the second fixed period exclusion (for serious misbehaviour) within a twelve-month period and the parent is unwilling to engage with the school or LA to bring about improvements in the pupil's behaviour. The LA may consider applying to the court for a Parenting Order to compel the parent to comply with certain requirements including attendance at parenting classes.

If a decision is made to apply for a Parenting Order The Code of Conduct- Guidance on Education Related Parenting Contracts, Parenting Orders and Penalty Notices will be followed.

### 4.2 **Evidence to support the Parenting Order application**

Written evidence of attempting to set up a Parenting Contract, or the Contract itself, will be offered in evidence to Court

It will be the responsibility of the school to ensure that they have thoroughly documented all action that has been taken in relation to the pupil and the parent to support the improvement of the attendance and/or behaviour.

Guidance on systems and procedures for monitoring attendance can be found on page 26 of the Guidance on Education Relating to Parenting Contracts Parenting Orders and Penalty Notices.

Schools should follow their own behaviour policy when behaviour is the problem. They should ensure that they have used a wide variety of strategies including PSP's, external support agencies and if possible, engage the parents in a parenting contract.

In cases where it has been difficult to engage parents it is particularly important to have written evidence of support that has been offered together with evidence of any meetings etc that parents have failed to attend.

#### 4.3 Responsible Officer

All parenting orders must be supervised by a 'responsible officer'.

In the case of attendance the responsible officer will be an Education Welfare Officer. The Education Welfare Service will consider applying for a Parenting Order when prosecuting parents under Section 444, Education Act 1996.

The LA is responsible for making an application for a parenting order for behaviour. Where a pupil is on the roll of a school the responsible officer will be the Headteacher or a person nominated by the Headteacher. Where a pupil is not on a school roll the responsible person can either be a Headteacher of the EOTAS (Education Other Than at School) service or an Education Welfare Officer.

The responsible officer will provide or arrange the provision of the counselling or guidance programme, and will supervise any other requirements included in the order. The responsible officer will also need to identify and liaise with other agencies involved with the pupil or family (e.g. Social Care, Youth Offending Team and Voluntary Organisations) to ensure that all interventions fit together well and are complementary. Guidance on the role of the responsible officer can be found on page 44/45 in the guidance.

If the parent fails to comply with the Order, then breach proceedings must be considered. If proven guilty of breaching a parenting order, the parent is liable for a fine not exceeding level 3 (currently up to £1000). In considering the level of fine, the magistrates must take into account the means of the parent to pay. The court may also consider any other sentence available for a non-imprisonable offence.

APPENDIX 2

Application for Parenting Order

(Anti-social Behaviour Act 2003, section 20)

..... Magistrates Court  
(Code)

Date:.....

Child or young person:.....

Child or young person's address:.....

Child or young person's age & date of birth.....

Parent:.....

Parent's address:.....

.....

which is in the area of [ ] Local Authority

Parent: .....

Parent's address.....

which is in the area of [ ] Local Authority

Applicant Local Authority:.....

It is alleged that:

(a) the child or young person has been excluded from school on disciplinary grounds; and

(b) the prescribed conditions are satisfied in that [insert details]

[The parent(s) entered into a parenting contract on [date]]. [It is alleged that the parent(s) have failed to comply with the parenting contract, a copy of which is attached to this application form.]

Short description of alleged failure to comply with parenting contract:

Evidence of this alleged failure to comply is attached]

[It is alleged that the parent(s) have refused to enter into a parenting contract]

[The child or young person is under 16. Information as to the family circumstances of the child or young person is attached]

(It is alleged that:

(a) the attendance of the parent at a residential course is likely to be more effective than their attendance at a non-residential course in improving the child's or young person's behaviour; and

(b) any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.

(c)

The court is requested to order that the counselling or guidance programme may include a residential element.)

Short description of the counselling/guidance programme to be attended by the parents(s):

Further requirements to be included in the order:

APPENDIX 1

PARENTING CONTRACT  
S.19 (4) (a) and (b) of the Anti-Social Behaviour Act 2003

This is a voluntary agreement entered into by

Parent/s names: .....

Parent of: [child's name] D.O.B. ....

and Governing body of [school] OR [name] LA

From: [date]..... to .....

The purpose of the agreement is to support [child's name] to achieve to the best of his/her ability at school.

[Parent/s name]..... agrees to:

1. ....
2. ....
3. ....
4. ....

The School/LA will help [parent's name] to do these by:

- a) regularly contacting her at work/home at [time] and [dates]
- b)
- c)

Signed: [parent]..... Date: .....

Signed: [on behalf of Governing Body]..... Date: .....  
LA Headteacher/EWO



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