



# Sentencing Act 2020

## 2020 CHAPTER 17

### FOURTH GROUP OF PARTS Further powers relating to sentencing

#### PART 11 U.K.

##### BEHAVIOUR ORDERS

#### CHAPTER 4 E+W

##### PARENTING ORDERS

#### *What a parenting order is*

#### 365 Parenting order E+W

- (1) A parenting order under this Chapter is an order which requires the person in respect of whom it is made (“the parent”)—
  - (a) to comply, for a period of not more than 12 months, with requirements specified in the order, and
  - (b) to attend, for a concurrent period of not more than 3 months, such counselling or guidance programme as may be specified in directions given by the responsible officer (see section 372).
- (2) But a parenting order need not include a requirement under subsection (1)(b) if a parenting order (whether under this Chapter or any other enactment) has been made in respect of the parent on any previous occasion.
- (3) If the parenting order provides this in accordance with section 366(7), 368(5) or 369(5), a counselling or guidance programme specified under subsection (1)(b) may be or include a residential course.

*Status: Point in time view as at 01/12/2020.*

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### Commencement Information

**II** S. 365 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

## *Parenting order for parent or guardian of offender aged under 18*

### **366 Parenting order where offender is under 18** E+W

- (1) A parenting order under this section is available to a court by or before which an offender aged under 18 is convicted of an offence.

This is subject to section 370.

- (2) Subsections (3) and (4) apply where a parenting order under this section is available.
- (3) If the offender is aged under 16 at the time of conviction, the court must—
- (a) make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender, or
  - (b) state in open court that it is not so satisfied, and why not.

But this does not apply if the court makes a referral order in respect of the offender.

- (4) If the offender is aged 16 or 17 at the time of conviction, the court may make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender.
- (5) Subsections (6) and (7) apply where a court makes a parenting order under this section in respect of a parent or guardian of an offender.
- (6) The requirements that the court may specify in the order under section 365(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.
- (7) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—
- (a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and
  - (b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,
- the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.
- (8) Before making a parenting order under this section in respect of a parent or guardian of an offender aged under 16, the court must obtain and consider information about—
- (a) the offender's family circumstances, and
  - (b) the likely effect of the order on those circumstances.

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- (9) Where a parenting order is made under this section, the person in respect of whom it is made has the same right of appeal against it as if—
- (a) that person had committed the offence mentioned in subsection (1), and
  - (b) the order were a sentence passed on that person for the offence.

**Commencement Information**

**I2** S. 366 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

**367 Report where court proposes both parenting order and referral order** **E+W**

- (1) This section applies if a court proposes to make both—
- (a) a referral order in respect of an offender, and
  - (b) a parenting order under section 366 (parenting order on conviction of a person aged under 18) in respect of a parent or guardian of the offender.
- (2) Before making the parenting order the court must obtain and consider a report by an appropriate officer—
- (a) indicating the requirements which that officer proposes should be included in the parenting order;
  - (b) indicating the reasons why the officer considers that those requirements would be desirable in the interests of preventing the commission of any further offence by the offender;
  - (c) if the offender is aged under 16, containing the information required by section 366(8).
- (3) In subsection (2) “an appropriate officer” means—
- (a) an officer of a provider of probation services,
  - (b) a social worker of a local authority, or
  - (c) a member of a youth offending team.

**Commencement Information**

**I3** S. 367 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

**368 Parenting order where parent or guardian of offender fails to attend meetings of youth offender panel** **E+W**

- (1) A parenting order under this section is available to a youth court where—
- (a) an offender has been referred to a youth offender panel (see section 83), and
  - (b) a parent or guardian of the offender is referred by the panel to the youth court under section 93 in respect of a failure to comply with an order under section 90 (order requiring attendance at meetings of panel).

This is subject to section 370.

- (2) Where a parenting order under this section is available, the youth court may make such an order if it is satisfied that—

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- (a) the parent or guardian has failed without reasonable excuse to comply with the order under section 90, and
  - (b) the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.
- (3) Subsections (4) and (5) apply where the court makes a parenting order in respect of a parent or guardian of an offender.
- (4) The requirements that the court may specify under section 365(1)(a) in an order under this section are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.
- (5) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—
- (a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and
  - (b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,
- the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.
- (6) Before making a parenting order under this section where the offender is aged under 16, the court must obtain and consider information about—
- (a) the offender's family circumstances, and
  - (b) the likely effect of the order on those circumstances.
- (7) Where a parenting order is made under this section, the person in respect of whom it is made may appeal against it to the Crown Court.
- (8) On an appeal under subsection (7) the Crown Court—
- (a) may make such orders as may be necessary to give effect to its determination of the appeal, and
  - (b) may also make such incidental or consequential orders as appear to it to be just.
- (9) An order of the Crown Court made on an appeal under subsection (7) is to be treated for the purposes of section 374 as having been made by the youth court.

**Commencement Information**

**I4** [S. 368](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

*Parenting order in case of certain offences related to school attendance*

**369 Parenting order in respect of certain offences under Education Act 1996** **E+W**

- (1) A parenting order under this section is available to the court by or before which an offender is convicted of an offence under—

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- (a) section 443 of the Education Act 1996 (failure to comply with school attendance order), or
- (b) section 444 of that Act (failure to secure regular attendance at school of registered pupil).

This is subject to section 370.

- (2) Where a parenting order under this section is available, the court may make such an order in respect of the offender if satisfied that the order would be desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.
- (3) Subsections (4) and (5) apply where a court makes a parenting order under this section.
- (4) The requirements that the court may specify under section 365(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.
- (5) If the order contains a requirement under section 365(1)(b) and the court is satisfied that—
  - (a) the attendance of that offender at a residential course is likely to be more effective than the offender's attendance at a non-residential course in preventing the commission of any further offence under section 443 or 444 of the Education Act 1996, and
  - (b) any interference with family life which is likely to result from that person's attendance at a residential course is proportionate in all the circumstances,the court may provide in the order that a counselling or guidance programme which the offender is required to attend by virtue of the requirement may be or include a residential course.
- (6) Before making a parenting order under this section in a case where the offence related to a person aged under 16, the court must obtain and consider information about—
  - (a) that person's family circumstances, and
  - (b) the likely effect of the order on those circumstances.

#### Commencement Information

**I5** S. 369 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### *Provisions applying generally to parenting orders under Code*

#### **370 Parenting order: availability** **E+W**

A court may not make a parenting order under this Chapter in respect of a person unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the person resides or will reside (and the notice has not been withdrawn).

#### Commencement Information

**I6** S. 370 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

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### 371 **Parenting order: references where local authority has parental responsibility** **E** **+W**

Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this Chapter.

#### Commencement Information

**I7** [S. 371](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 372 **Making a parenting order** **E+W**

- (1) This section applies where a court makes a parenting order under this Chapter in respect of a person (“the parent”).
- (2) Requirements specified in a parenting order under this Chapter must, as far as practicable, be such as to avoid—
  - (a) any conflict with the parent's religious beliefs, and
  - (b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.
- (3) Before making a parenting order, a court must explain to the parent in ordinary language—
  - (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under section 375) if the parent fails to comply with those requirements, and
  - (c) that the court has power (under section 374) to review the order on the application either of the parent or of the responsible officer.
- (4) The parenting order must specify the responsible officer.
- (5) The responsible officer must be—
  - (a) an officer of a provider of probation services acting in the local justice area in which it appears to the court that the parent resides or will reside,
  - (b) a social worker of the local authority in whose area it appears to the court that the parent resides or will reside,
  - (c) a person nominated by—
    - (i) a person appointed as director of children's services under section 18 of the Children Act 2004, or
    - (ii) a person appointed as chief education officer under section 532 of the Education Act 1996, or
  - (d) a member of a youth offending team established by the local authority in whose area it appears to the court that the parent resides or will reside.
- (6) For the purposes of this Chapter, the Inner Temple and the Middle Temple form part of the City of London.

#### Commencement Information

**I8** [S. 372](#) in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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### 373 Directions by the responsible officer **E+W**

Directions given by a responsible officer under a parenting order under this Code must, as far as practicable, be such as to avoid—

- (a) any conflict with the parent's religious beliefs, and
- (b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

For this purpose, “parent” means the person in respect of whom the parenting order is made.

#### Commencement Information

**I9** S. 373 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### 374 Discharge and variation of parenting order **E+W**

- (1) This section applies where—
  - (a) a parenting order made under this Chapter is in force, and
  - (b) an application is made under this section by—
    - (i) the responsible officer, or
    - (ii) the person in respect of whom it is made to the court which made the order.
- (2) The court may make an order—
  - (a) discharging the parenting order, or
  - (b) varying the parenting order—
    - (i) by cancelling any provision included in it, or
    - (ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that the court could include, if it were now making the order.
- (3) Where an application under this section for the discharge of a parenting order is dismissed, no-one may make a further application under this section for its discharge except with the consent of the court which made the order.

#### Commencement Information

**I10** S. 374 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### 375 Offence of failure to comply with a requirement of a parenting order **E+W**

- (1) It is an offence for a person in respect of whom a parenting order made under this Chapter is in force to fail to comply with any requirement—
  - (a) included in the order, or
  - (b) specified in directions given by the responsible officer.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Commencement Information**

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