



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Parenting contracts and parenting orders

97 Parenting contracts

(1) Section 19 of the Anti-social Behaviour Act 2003 (c. 38) (parenting contracts in cases of exclusion from school or truancy) is amended as follows.

(2) After subsection (1) insert—

“(1A) This section also applies where a [^{F1}local authority] or the governing body of a relevant school have reason to believe that a child who is a registered pupil at a relevant school has engaged in behaviour connected with the school which—

- (a) has caused, or is likely to cause—
 - (i) significant disruption to the education of other pupils, or
 - (ii) significant detriment to the welfare of the child himself or of other pupils or to the health or safety of any staff, or
- (b) forms part of a pattern of behaviour which (if continued) will give rise to a risk of future exclusion from the school on disciplinary grounds.

(1B) For the purposes of subsection (1A) the child's behaviour is connected with the school to the extent that it consists of—

- (a) conduct at the school, or
- (b) conduct elsewhere in circumstances in which it would be reasonable for the school to regulate his conduct.”

Status: Point in time view as at 18/05/2012.

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Parenting contracts and parenting orders is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In subsection (6), after “subsection (1)” insert “ or (1A) ”.
- (4) In the heading to the section, and in the italic cross-heading immediately before the section, for “exclusion from” substitute “ misbehaviour at ”.

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Commencement Information

I1 S. 97 in force at 1.9.2007 for E. by [S.I. 2007/1801](#), [art. 3\(c\)](#)

I2 S. 97 in force at 31.10.2010 for W. by [S.I. 2010/2543](#), [art. 2\(g\)](#)

98 Parenting orders in case of exclusion or misbehaviour

- (1) Section 20 of the Anti-social Behaviour Act 2003 (parenting orders in case of exclusion from school) is amended as follows.
- (2) In subsection (1), for “This section” substitute “ Subsection (2) ”.
- (3) In subsection (2), for “A [^{F1}local authority]” substitute “ A relevant body ”.
- (4) After subsection (2) insert—
- “(2A) A relevant body may also apply to a magistrates' court for a parenting order in respect of a pupil at a relevant school if—
- (a) it appears to the body making the application that the pupil has engaged in behaviour which would warrant the exclusion of the pupil from the school on disciplinary grounds for a fixed period or permanently, and
- (b) such conditions as may be prescribed in regulations made by the appropriate person are satisfied.
- (2B) For the purposes of subsection (2A), there are to be disregarded—
- (a) any practice restricting the use of exclusion at a particular school, or at schools of a particular description, and
- (b) any grounds that might exist for not excluding the pupil, to the extent that those grounds relate to his education or welfare after exclusion.”
- (5) For subsection (3) substitute—
- “(3) If an application is made under subsection (2) or (2A), the court may make a parenting order in respect of a pupil if it is satisfied—
- (a) in the case of an application under subsection (2A), that the pupil has engaged in behaviour of the kind mentioned in that subsection, and
- (b) in any case, that the making of the order would be desirable in the interests of improving the behaviour of the pupil.”
- (6) After subsection (8) insert—
- “(9) In this section “a relevant body” means—
- (a) a [^{F1}local authority],

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- (b) the governing body of any relevant school in England at which the pupil to whom the application relates is a pupil or from which he has been excluded.”

- (7) In the heading, after “exclusion” insert “ or potential exclusion ”.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 14\(2\)](#)

Commencement Information

- I3** S. 98 in force at 1.9.2007 for E. by [S.I. 2007/1801](#), [art. 3\(c\)](#)
I4 [S. 98](#) in force at 31.10.2010 for specified purposes for W. by [S.I. 2010/2543](#), [art. 2\(h\)](#)
I5 [S. 98](#) in force at 5.1.2011 for W. in so far as not already in force by [S.I. 2010/2543](#), [art. 3\(a\)](#)

99 Parenting contracts and parenting orders: further provisions

- (1) The Anti-social Behaviour Act 2003 (c. 38) is amended as follows.

- (2) In section 21 (parenting orders: supplemental)—

- (a) in subsection (1)(a), after “subsection (1)” insert “ or (1A) ”,
(b) after subsection (1) insert—

“(1A) In deciding whether to make a parenting order under section 20, a court must also take into account any failure by the parent without reasonable excuse to attend a reintegration interview under section 102 of the Education and Inspections Act 2006 (reintegration interview in case of fixed period exclusion) when requested to do so in accordance with regulations under that section.”,

- (c) omit subsection (4), and
(d) in subsection (5), after “authorities,” insert “ governing bodies ”.

- (3) After section 22 insert—

“22A Parenting contracts and parenting orders: further provisions

- (1) The appropriate person may by regulations make further provision about the exercise by ^[F1]local authorities] and the governing bodies of relevant schools of their functions relating to—

- (a) parenting contracts under section 19, and
(b) parenting orders under section 20.

- (2) The provision that may be made under subsection (1) includes—

- (a) provision limiting the power of a ^[F1]local authority] to enter into a parenting contract, or apply for a parenting order, in prescribed cases where—

- (i) the school by reference to which the contract is entered into or the application is made is not in the area of the authority, or
(ii) the child by reference to whom the contract is entered into or the application is made does not reside in that area;

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- (b) provision as to which governing body may apply for a parenting order in cases where a pupil has been admitted to a relevant school after being permanently excluded from another;
 - (c) provision requiring one [^{F1}local authority] or governing body to consult with another before taking any prescribed step;
 - (d) provision authorising or requiring the provision of information by one [^{F1}local authority] or governing body to another;
 - (e) provision as to how the costs associated with parenting contracts entered into by [^{F1}local authorities] or governing bodies of relevant schools or the costs associated with the requirements of parenting orders under section 20 (including in each case the costs of providing counselling or guidance programmes) are to be met.
- (3) In subsection (2), “prescribed” means prescribed by regulations made by the appropriate person under subsection (1).”
- (4) In section 24 (interpretation)—
- (a) for “sections 19 to 21” substitute “ sections 19 to 22A ”, and
 - (b) after the definition of “child of compulsory school age” insert—

““governing body”, in relation to a relevant school which is an Academy, a city technology college or a city college for the technology of the arts, means the proprietor of the school, as defined by section 579(1) of the 1996 Act;”.

Textual Amendments

F1 Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Commencement Information

I6 S. 99 in force at 1.9.2007 for E. by [S.I. 2007/1801](#), **art. 3(c)** (with art. 5(2))

I7 S. 99 in force at 31.10.2010 for specified purposes for W. by [S.I. 2010/2543](#), **art. 2(h)**

I8 S. 99 in force at 5.1.2011 for W. in so far as not already in force by [S.I. 2010/2543](#), **art. 3(a)**

Status:

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Changes to legislation:

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