



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 4

PARENTING CONTRACTS AND PARENTING ORDERS

PROSPECTIVE

41 Parenting orders

- (1) This section applies where a person to whom this Part applies (“the young person”) is failing to fulfil the duty imposed by section 2.
- (2) A [^{F1}local authority] in England may apply to a magistrates' court for a parenting order in respect of a parent of the young person, if the parent is resident in England.
- (3) If such an application is made, the court may make a parenting order in respect of the parent if it is satisfied that—
 - (a) the young person is failing to fulfil the duty imposed by section 2, and
 - (b) the making of the order would be desirable in the interests of the young person's fulfilment of that duty.
- (4) A parenting order is an order which requires the parent—
 - (a) to comply, for a period not exceeding 12 months, with such requirements as are specified in the order, and
 - (b) subject to subsection (5), to attend, for a concurrent period not exceeding 3 months, such counselling or guidance programme as may be specified in directions given by the responsible officer.

Status: Point in time view as at 01/09/2009. This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Education and Skills Act 2008, Section 41. (See end of Document for details)

- (5) A parenting order under this section may, but need not, include a requirement mentioned in subsection (4)(b) in any case where a parenting order under this section or any other enactment has been made in respect of the parent on a previous occasion.
- (6) A counselling or guidance programme which a parent is required to attend by virtue of subsection (4)(b) may be or include a residential course but only if the court is satisfied that the following two conditions are fulfilled.
- (7) The first condition is that the attendance of the parent at a residential course is likely to be more effective than attendance at a non-residential course in the interests of the young person's fulfilment of the duty imposed by section 2.
- (8) The second condition is that 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.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

Status:

Point in time view as at 01/09/2009. This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Education and Skills Act 2008, Section 41.