
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to parenting orders and parenting contracts under Part 3 of the Anti-social Behaviour Act 2003 (“the Act”, as amended by Chapter 2 of Part 7 of the Education and Inspections Act 2006).

They prescribe conditions to be fulfilled before an application can be made for a parenting order under section 20 of the Anti-Social Behaviour Act 2003. Regulations 3 and 4 prescribe the condition in respect of both permanent and fixed term exclusions, namely that the application must be made within the relevant period. Regulations 5 and 6 prescribe the condition where it appears that the pupil has engaged in behaviour warranting exclusion. Again the application must also be made within the relevant period. Regulations 4 and 6 respectively define the relevant period.

Regulation 7 restricts a local authority, authority A, from entering into a parenting contract or applying for a parenting order, where the pupil concerned attends a school in the area of another authority, authority B, unless authority A has an agreement with authority B that authority A may do so, or the pupil lives in authority A’s area and has been excluded permanently. It also restricts authority A from entering into a parenting contract or applying for a parenting order where the pupil whom it concerns attends a school in authority A’s area and has been permanently excluded, but resides in authority B’s area, unless authority A has an agreement with the authority B that authority A may do so.

Regulation 8 provides that where a permanently excluded pupil has moved between schools the default applicant school for a parenting order is the school to which the pupil has moved but this may be varied by agreement between the schools.

Regulation 9 obliges relevant bodies who may enter into parenting contracts or apply for parenting orders to consult one another before doing so.

Regulation 10 obliges relevant bodies to seek from one another information which they reasonably consider may be relevant to enable them to decide whether or not to enter into a parenting contract or apply for a parenting order, to avoid multiple contracts and orders in relation to the same child, and to determine the content of a contract or order.

Regulation 11 prescribes for the purpose of section 22A(2)(e) of the Act that relevant bodies are to fund the costs of parenting contracts and parenting orders, though they may recover these costs from one another by agreement.

In exercising their functions relating to parenting contracts and parenting orders, schools and local authorities must have regard to guidance issued by the Secretary of State pursuant to section 19(9) of the Act in relation to contracts and 21(5) of the Act in relation to orders.

Regulations 12 and 13 revoke the Education (Parenting Orders) (England) Regulations 2004 which these Regulations replace and make transitional provisions. The 2004 Regulations continue to apply to parenting orders made or applied for before 1st September 2007.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.