

Children and young people

Councils with social services responsibilities have a duty, arising from section 17 of the Children Act 1989, to safeguard and promote the welfare of children within their areas who may be in need. The assessment of the needs of such children is expected to be carried out in accordance with the *Framework for the assessment of children in need and their families*.⁸ The guidance sets out the content and timescales of the initial assessment (seven working days) and the core assessment (35 working days). A core assessment is required when an initial assessment has determined that the child is in need. The assessment will cover the child's needs, the capacities of their parents and wider family, and environmental factors. This enables councils to determine whether the child is a 'child in need' and what services may be necessary in order to address the assessed needs.

The assessment of the child's needs should run in parallel with evidence gathering and the application process. Statutory agencies, such as social services, the local education authority or the health authority, have a statutory obligation to provide services to under-18s. They should do so irrespective of whether an ASBO application is to be made and the timing of that application. The ASBO application does not prevent such support and can proceed in parallel, or indeed prior to, that support.

Parenting orders

This section should be read in conjunction with Government guidance on parenting contracts and parenting orders.⁹ There is also information on the Together website (www.together.gov.uk). The applicant for parenting orders is the YOT. (Provisions in the Police and Justice Bill currently before Parliament aim to extend to registered social landlords and local authorities the power to apply for parenting orders.)

Parenting orders are available alongside other court action where:

- an ASBO or a sex offender order has been made in respect of a child or young person; or
- a child or young person has been convicted of a criminal offence.

Parenting orders can be made for children aged between 10 and 17 provided that the conditions in section 8 of the Crime and Disorder Act 1998 are met. This section stipulates that a parenting order is desirable only if it is made 'in the interest of preventing repetition of the behaviour which led to the order being made.'

The court can decide to make the order; it is not necessary to obtain the consent of the parent or guardian.

It is essential that parents and guardians take responsibility for the behaviour of their children. If an ASBO or an order on conviction is made against a child or young person, the court must also consider making a parenting order in respect of the parents or guardians of the child or young person.¹⁰ Where the parent or child has a disability, a practitioner with specialist knowledge should be involved in the assessment process to help establish whether the behaviour is a result of disability and whether it could or should be addressed.

Parenting orders are civil orders that help to engage parents¹¹ to address their child's offending or anti-social behaviour, and to establish discipline and build a relationship with their child. This may help the conditions of the ASBO to be met and thereby reduce the chances of the young person breaching the order.

The parenting order requires the parent or guardian to comply, for a period of not more than 12 months, with such requirements as are specified in the order, being those which the court considers desirable in the interests of preventing any repetition of the anti-social behaviour (for example ensuring that the

⁸ Department of Health (2000) *Framework for the assessment of children in need and their families*.

⁹ Home Office, Youth Justice Board, Department for Constitutional Affairs. *Parenting Contracts and Orders Guidance*, February 2004.

¹⁰ Provision for parenting orders is set out in sections 8, 9 and 10 of the Crime and Disorder Act 1998. The orders can be made in proceedings where a child safety order, an ASBO or sex offender order has been made; a child or young person is convicted of an offence; or a person is convicted of an offence under sections 443 or 444 of the Education Act 1996.

¹¹ For the purposes of the 1998 Act, the term 'parent' has the same meaning as that contained within section 1 of the Family Law Reform Act 1987, that is either of the child's or young person's natural parents whether or not married to each other at the time of their birth. 'Guardian' is defined in section 117 of the 1998 Act with reference to section 107 of the Children and Young Persons Act 1933, and includes any person who, in the opinion of the court, has for the time being the care of the child or young person. This may include people who may not have parental responsibility for the child or young person as defined in the Children Act 1989, such as step parents.