

National Assembly for Wales Education, Lifelong Learning & Skills Committee

Secondary Legislation: 2 March 2006

The Committee considered the following two items of subordinate legislation on Thursday 2 March 2006. A verbatim record was taken and can be viewed on the Committee's WebPage.

***The Education (Parenting Orders) (Wales) Regulations 2006 [ELL11-05];
and***

***The Anti-Social Behaviour Act (Commencement No.5) (Wales) Order
2006 [ELL-04-06]***

The Minister provided, an explanatory paper covering both Orders. She also provided a copy of the draft regulations, explanatory memoranda and list of those consulted for both Orders. The Minister also provided a regulatory appraisal in respect of the Parenting Order.

Having regard to paragraph 7(ii) of the Assembly guidance on Regulatory Appraisals, the Minister concluded that a Regulatory Appraisal was not required in respect of the Commencement Order as paragraph 7(ii) exempts Commencement Orders, bringing into force primary legislation, from the need for a Regulatory Appraisal.

More information on each set of regulations is as follows:

ELL11-05

These Regulations prescribe additional conditions (to those in section 20 of the Anti-social Behaviour Act 2003) to be met before a local education authority may apply to a magistrates court for a Parenting Order, under section 20 (1)(b) of the Anti-Social Behaviour Act 2003. These Regulations apply to pupils excluded from schools in Wales. They provide an extra means by which LEAs can work with parents to improve pupils' behaviour. They set out:

- that a pupil must have been excluded either for a fixed term on more than one occasion within a twelve month period or permanently;
- that an application must be made within 6 months of the last occasion on which the pupil was excluded; and
- that the costs associated with the requirements of a parenting order shall be borne by the LEA.

ELL 04-06

This Order will bring into force in Wales sections 19 to 22 and 24 of the Anti-Social Behaviour Act 2003 relating to Parenting Contracts and Parenting Orders for the parents of school pupils. The sections brought into force are as follows:

- Section 19 provides for school governing bodies and local education authorities (LEAs) to enter into parenting contracts with a parent of a child who has been temporarily or permanently excluded or whose attendance is poor;
- Section 20 provides for the circumstances in which a LEA may apply to a magistrates court for a parenting order, the circumstances in which the court may make an order and the content and effect of an order;
- Section 21 requires magistrates courts to consider, when determining whether to issue a Parenting Order, the family circumstances of pupils aged under 16 and the likely effect of the order on those circumstances. The courts must also consider the extent of the parent's willingness to enter into or comply with any Parenting Contract.
- Section 22 provides for a right of appeal against the making of a parenting order to the Crown Court; and
- Section 24 is an interpretation provision clarifying definition of terms

Discussion

In discussion, Members asked the following questions:

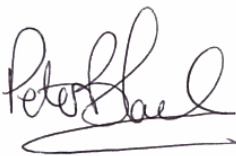
- What mechanisms would be put in place to monitor the number of Orders made, the correlation between orders and authorities and how well the Orders are adhered to?
- Also on monitoring, what mechanisms would there be for monitoring the added expense for authorities and what plans did the Minister have to report back to the Committee.
- Paragraph 3 of the explanatory memorandum to the parenting orders said that responsibility for issues relating to the content of the regulations was due to be delegated to the First Minister on 2 May 2006. However, a delegation did not seem to be needed to make the commencement Order or the parenting orders regulations. In the light of this, why was a delegation Order needed?
- Would any additional resources be provided to LEAs to meet the costs of the Orders, which had been estimated as costing around £1,000 each?
- Why did implementation of this legislation appear to lag so far behind England?

In response, the Minister provided the following information:

- On monitoring arrangements, Assembly Government officials met once a term with the responsible officer and with all of the senior managers of the education and welfare service and the behaviour support service. In the light of the concern expressed, an update would be requested from them once a term on parenting orders in each local authority area. A report would be provided to the Committee in 12 month's time containing the information requested.
- It was not clear why a delegation motion was required before the Parenting Orders were made. The Minister undertook to write clarifying the matter. (A copy of the Minister's subsequent letter is attached as an annex to this report.)
- Any costs would be met by local education authorities, not schools. Evidence from England indicated that only a small number of parenting orders would be made. However, an additional £15,000 in direct grant had been made available to each local authority for the next two financial years to set up support arrangements for parenting orders and parenting programmes.
- On the timing of implementation, a decision had been taken to wait and see how the arrangements for parenting Orders had worked in England before implementing in Wales. The approach to school attendance in Wales was to try to work with people before taking punitive steps. Parenting contracts should be looked at in the context of the Assembly Government's parenting action plan and the extremely supportive way in which parenting contracts were viewed.

Committee Decision

No amendments were proposed and the Committee recommended approval of the draft regulations subject to clarification of the reasons for the delegation motion.



Peter Black AM
Committee Chair