

ELLS(2) 04-06(p2)

Education And Lifelong Learning Committee

The Anti-Social Behaviour Act 2003 (Commencement No.5) (Wales) Order 2006: Business Committee Consideration

The Education (Parenting Orders) (Wales) Regulations 2006

Purpose

At the request of the Education and Lifelong Learning (ELL) Committee, this paper brings the above Commencement Order and associated Regulations to the attention of Members of the ELL Committee.

Background

Commencement of sections s19 to 22 and 24 of the Anti-Social Behaviour Act 2003 will provide school governing bodies and local education authorities (LEAs) with new powers to be able to work with parents of pupils who have been excluded on disciplinary grounds or whose attendance at school is poor.

The introduction of Parenting Contracts will provide a new vehicle for governing bodies and LEAs to engage with parents, agree conditions to improve a pupil's behaviour and attendance and provide support to parents informally as opposed to resorting to court proceedings. In this way it is hoped that the relationship with parents can be better preserved, that parents will perceive the interaction as a positive way of working together to improve a pupil's behaviour and/or attendance and that any extra support provided will be seen as beneficial to the pupil rather than being seen as a purely punitive measure.

Parenting Orders will be extended from their current coverage for pupils not attending school to also cover pupils who have been excluded. This new provision will be of use for LEAs to work with the small minority of parents who are particularly uncooperative in engaging on the education of their children.

Consultation

The intention to introduce Parenting Contracts for parents of excluded and poor attending pupils and Parenting Orders for parents of excluded pupils was consulted on as part of the wider consultation on revisions to National Assembly for Wales Guidance Circular 3/99 'Inclusion and Pupil Support' published on 4 May 2005.

The consultation responses on this issue were largely favourable and justified continuing with the implementation and the content of the regulations. Around 2/3 of those who expressed a preference said that they were likely to use the new provisions and there were no comments that the provision should not be introduced. 29 of 34 respondents who commented felt that the definition of serious misbehaviour was suitable and 27 out of 31 thought the time limits within which a local education authority must make an application for a parenting order were appropriate.

The views of all respondents have been taken into account in preparing the final draft of the Commencement Order.

Financial Implications

As the new provisions are not statutory there are no financial implications for schools and LEAs. They would only incur costs at their own discretion and it is expected that in many cases incurring costs at an early stage may avoid greater costs at a later stage where they may have been further deterioration in a pupil's situation.

The Welsh Assembly Government will need to distribute new guidance to schools, local education authorities and other practitioners to support implementation of the regulations. The funding for enacting this guidance is available from within existing Pupil Support Division budgets. Any work associated with the preparation of the Regulations will be accommodated within existing administration costs.

Press and Publicity

Should the National Assembly approve the legislation, the Welsh Assembly Government will write to interested parties advising them that the provisions have been commenced and the Regulations have been made. No other publicity arrangements are currently planned.

Compliance

The powers enabling the Assembly to make these Instruments are contained in Sections 20, 21, 93 and 94 of the Anti-Social Behaviour Act 2003. Under Assembly Standing Orders, the Minister for Education and Lifelong Learning is able to put forward draft proposals for Instruments for consideration by the Assembly in plenary. There are no issues of regularity or propriety.

Jane Davidson

Minister for Education and Lifelong Learning