

Consultation Response



Antisocial Behaviour etc. (Scotland) [Act] 2004: Consultation on Draft Guidance on Parenting Orders

Children in Scotland

Children in Scotland is the united voice of over 350 voluntary, statutory and professional organisations and individuals working with children, young people and their families throughout Scotland. It exists to identify and promote the interests of children, young people and families and to ensure that relevant policies, services and other provisions are the highest possible quality and able to meet the needs of a diverse society.

Children in Scotland plays a major role in influencing the enactment and contents of Scottish children's legislation. Children in Scotland aims to promote and enable the exchange of information on all matters relating to Scotland's children and their families, to promote the development of policies which will improve the quality of life for Scotland's children and their families, to facilitate practice development in the services they use, and to press for adequate levels of these services and other provisions and to promote awareness of specific concerns and contributions of voluntary organisations working with children and their families, as well as those concerns which are shared with other sectors.

Children in Scotland believes that: All children are of equal worth, whatever their ability, colour, ethnicity, gender, health, religion, sexual orientation or social class; Children have the right to protection, provisions and participation in decisions affecting them, as outlined in the UN Convention on the Rights of the Child; Families are entitled to support and assistance to fulfil their responsibilities towards their children; Children should be seen as the responsibility of society as a whole, as well as of their families.

1. Involvement of children and parents

- 1.1 Whilst paragraph 17 of the draft guidance encourages local authorities to build on existing multi agency working, it suggests that parents '*could also be consulted directly on local needs and on the design and delivery of services*'. Children in Scotland would strongly recommend that this be strengthened to suggest that parents '*should*' be involved in these activities. This would be consistent with increasing recognition of

the need for stakeholder involvement in the design and delivery of services they receive.

- 1.2 Children in Scotland welcomes the guidance in paragraphs 58 and 59 that the child or young person should be given the opportunity to express their views regarding the application for a PO. It is vital however, that this happens at all stages of the PO process. Likewise the child must be kept informed throughout and all aspects of the proceedings should be clearly explained. In particular, it is vital that parents and children understand the implications for the family if a PO is breached.

2. Parenting and when a PO might be considered

- 2.1 Paragraph 2 discusses parenting behavior and states that POs are designed to improve parenting where poor parenting skills have been identified. To ensure consistency of approach across Scotland the guidance must provide greater clarity on the criteria that may give rise to consideration of a PO. In particular it should give an indication of the threshold of parenting skills below which this measure might be considered. It would also be helpful for guidance to include signposting to information detailing parental responsibilities at different stages and in different areas of children's lives.
- 2.2 Paragraph 30 states that a PO be considered only when the parent has consistently not engaged in alternative voluntary measures. Children in Scotland welcomes the reiteration of this point in the guidance, but would suggest that this paragraph is expanded to emphasise that a PO is intended as a constructive measure designed to improve the life of the child and not as a punishment for the parent.
- 2.3 Paragraph 31 refers to the issue of domestic violence when considering a Parenting Order (PO). Children in Scotland would suggest that the use of the word 'ability' in the last section could be misleading. It does not recognise the complex dynamics of domestic violence and Children in Scotland would suggest that this is dealt with as a distinct from other issues that may affect a person's ability to parent.
- 2.4 The guidance does not make reference to considerations of which of a child's parents should be considered for a PO or issues where one parent is absent or non-resident. In consultation carried out by Children in Scotland on the Antisocial Behaviour etc (Scotland) Act 2004, the greatest concern among children and young people in relation to POs, was that a single parent who is taking responsibility for bringing up children may have a PO taken out against them, whilst the absent parent is allowed to evade parental responsibilities.

3. Risk Factors

- 3.1 *'Risk factors and strengthening protective factors'* are referred to in paragraph 23. Children in Scotland welcomes this as in keeping with well known models of assessment in child protection. However, the guidance fails to fully recognise risk factors such as poverty and social exclusion that also impact parenting. POs are intended for those parents where all other alternative measures have been tried. In it's preventative stance, the guidance may benefit from making links to links to other Scottish Executive initiatives around 'social justice' issues and how the POs will help to address these issues.

For further information or clarification of any of the points raised in this response please contact Shelley Gray (Policy Officer) on 0131 222 2435 or sgray@childrenscotland.org.uk

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