

child attends school regularly, avoids certain places, or is home by a certain time at night).

The parent or guardian is required to attend a counselling or guidance programme for up to three months. This element is compulsory and must be imposed in all cases when an order is made (except where the parent or guardian has previously received a parenting order – section 8(5)). Programmes can cover setting and enforcing consistent standards of behaviour and responding more effectively to unreasonable adolescent demands.

The court needs to consider an oral or written report before making a parenting order, unless the child or young person has reached the age of 16. To avoid unnecessary adjournments, such a report should be available early in the court process.

A ‘responsible officer’, who will generally be from the local YOT, social services, probation service or local education authority, supervises delivery of the parenting order. The officer will have responsibility for, among other things, arranging the provision of counselling or guidance sessions and ensuring that the parent complies with any other requirements which the court may impose.

If the parent does not comply with the order, the responsible officer can refer the matter to the police for investigation. Such action is generally expected only where non-compliance is sufficiently serious to warrant possible prosecution – the responsible officer is expected to work with the parent to improve compliance. But if prosecuted and convicted for non-compliance, the parent can be fined up to £1,000 (level 3 on the standard scale).

Individual support orders

Section 1AA of the Crime and Disorder Act 1998, which was inserted by section 322 of the Criminal Justice Act 2003, provides for the making of ISOs, which have been available since May 2004. They are civil orders and can be attached to ASBOs made against young people aged between 10 and 17 years old. They impose positive requirements on the young person and are designed to tackle the underlying causes of their anti-social behaviour.

ISOs are available for stand-alone ASBOs made in the magistrates’ courts only. Where a magistrates’ court makes an ASBO against a young person, it must also make an ISO if it considers that an ISO would help to prevent further anti-social behaviour. ISOs are not available for orders on conviction, where it is expected that sentencing will address the underlying causes of the offence.

ISOs can last up to six months and require a young person to comply with such requirements as may be specified in the order and any directions given by the responsible officer to that end. Such requirements must be those which the court considers desirable in the interests of preventing repetition of the anti-social behaviour and may include requirements to participate in certain activities, to report to a specified person at specified times or to comply with educational arrangements, but in no case should they require attendance on more than two days a week. An example would be support sessions tailored to the individual’s needs and designed to address the causes of the behaviour that led to the ASBO being made, such as counselling for substance misuse or an anger management programme. The ISO may name specific activities the individual must participate in and can also specify dates and places where attendance is required.

ISO application process

There is no need for a specific application for an ISO, although it might be helpful to raise the issue with the court. Where a magistrates’ court is making an ASBO (stand-alone only) against a person under 18 years old, it is obliged to make an ISO at the same time if the following conditions are met:

- the ISO would be desirable in the interests of preventing any repetition of the anti-social behaviour which led to the ASBO being made;
- the young person is not already subject to an ISO; and
- the Secretary of State has notified the court that arrangements for implementing the ISO are available (this was done in April 2004 in Home Office Circular 025/2004).

The court should ensure the requirements of the ISO and the consequences of breach are explained to the defendant. If an ISO is not made, then the court must state why it