

open to the general public and has no automatic restrictions to prevent public and press access or to prevent reporting of the proceedings or to protect the identity of a child or young person (or adult) who is the subject of an application.

The court should have a good reason, aside from age alone, to impose a discretionary order under section 39 of the Children and Young Persons Act 1933 to prevent the identification of a child or young person concerned in the proceedings.

The applicant may resist a call from the defendant's representatives for such restrictions if the effectiveness of the ASBO will largely depend on the wider community knowing the details.

The applicant should note the following.

Under section 98 of the Magistrates' Courts Act 1980, evidence will be given on oath, except the evidence of a child under 14 years of age, which is given unsworn.

Section 34A of the Children and Young Persons Act 1933 requires the attendance of a parent or legal guardian at court for any person under 16 years of age. Every effort should be made before a hearing to ensure that this takes place to avoid unnecessary adjournments.

The court will require information about the child's or young person's background, home surroundings and family circumstances. Such information should be available to avoid the need for an adjournment.

Assessment of needs

When applying for an order against a young person aged between 10 and 17, the YOT should make an assessment of their circumstances and needs. This will enable the local authority to ensure that the appropriate services are provided for the young person concerned and for the court to have the necessary information about them.

It is vital that any assessment does not delay the application for an order. The lead agency should therefore liaise closely with the local social services department or YOT from the start of the process so that, where a new assessment is required, it can be begun quickly. In some cases an up-to-date assessment may already be available.

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Simon Cordell's Skeleton Argument (2) Pdf

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?***

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. There is also information on the Together website (www.together.gov.uk). The applicant for parenting orders is the YOT. (Provisions in the