
Overview

This standard is about addressing instances where individuals refuse to participate voluntarily in interventions, and taking the necessary actions to enforce participation through Court Orders.

There are three elements

- 1 Establish circumstances requiring enforcement
- 2 Use statutory powers to enforce interventions
- 3 Address breaches of Court Orders

Target group

This standard is applicable to those with responsibility for applying to Courts towards enforcing individuals' participation in interventions designed to address identified risk factors.

SFJ EB4

Use statutory powers to enforce interventions

Performance criteria

Establish circumstances requiring enforcement

You must be able to:

- P1 identify within required timescales the cases where the assessment of individuals' circumstances, including that of parents, has identified the need for an intervention that:
 - P1.1 has been refused by the individuals
 - P1.2 has been started but not completed
- P2 check, using the correct procedure, that the interventions were appropriate towards addressing the risk factors identified by the assessment
- P3 confirm that the individual is notified of and understands the consequences of their continued non-participation in the intervention
- P4 liaise with relevant agencies and, where possible, the individual to establish reason(s) why the individual has not participated
- P5 assess whether reason(s) identified for not participating can reasonably be addressed other than through the application of statutory powers
- P6 agree and action reasonable means with relevant agencies and within required timescales where possible
- P7 determine cases where the use of statutory powers is required to involve individuals in identified interventions, within required timescales
- P8 check using appropriate methods that the individual understands that statutory powers are being sought, and the impact for the individual when these are granted

Use statutory powers to enforce interventions

You must be able to:

- P9 identify the statutory powers required to enforce the intervention, and the actions required to obtain these
- P10 determine the conditions of the court order being applied for, including its duration, are:
 - P10.1 relevant to enforcing compliance
 - P10.2 appropriate for the individual
 - P10.3 take into account requirements to protect the community and victims
- P11 prepare applications accurately and concisely, and provide necessary information and relevant evidence in support of the application
- P12 serve the order to enforce involvement to the individual, within required timescales
- P13 check using appropriate methods that the individual understands the terms of the order and the implications of any failure to fulfil these
- P14 monitor the individual to determine whether they fulfil all conditions of the enforcement order, and identify any breach within required timescales

Address breaches of Court Orders

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Use statutory powers to enforce interventions

You must be able to:

- P15 establish reason(s) why an individual has breached conditions of their court order within required timescales
- P16 make appropriate and justifiable recommendations to the relevant court regarding the actions required to address breaches of court orders
- P17 address breaches in court orders within required timescales

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Use statutory powers to enforce interventions

Knowledge and understanding

You need to know and understand:

Establish circumstances requiring enforcement

- K1 the importance of applying statutory powers, and the associated responsibility to local communities, victims and individuals of using such powers
- K2 the types of statutory powers available, the circumstances when these can be used, and how to apply for such powers
- K3 the importance of ensuring that the conditions sought when applying for statutory powers are appropriate and workable
- K4 the drivers that may lead an individual to refuse to participate in an intervention
- K5 the potential impact of the individual's speech, language and communication needs and their ability to comply with the intervention

Use statutory powers to enforce interventions

You need to know and understand:

- K6 the type of evidence required by courts towards justifying applications for statutory powers, and how to prepare this
- K7 the importance of working closely with relevant agencies when determining the reasons why individuals are refusing to participate in interventions, and how to do this
- K8 the importance of ensuring that individuals are aware of the statutory powers that can be called upon to enforce their involvement in interventions, and the impact of such powers upon them
- K9 procedures for enforcing court orders once these are granted

Address breaches of court orders

You need to know and understand:

- K10 the importance of monitoring whether individuals meet the conditions of court orders served upon them
- K11 the importance of ensuring consistency in dealing with breaches of court orders irrespective of the individual and their circumstances

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Use statutory powers to enforce interventions

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