

## SCHEDULES

### SCHEDULE 3

#### SUPERVISION ORDERS

#### PART III

#### EDUCATION SUPERVISION ORDERS

##### *Effect of orders*

- 12 (1) Where an education supervision order is in force with respect to a child, it shall be the duty of the supervisor—
- (a) to advise, assist and befriend, and give directions to—
    - (i) the supervised child; and
    - (ii) his parents,in such a way as will, in the opinion of the supervisor, secure that he is properly educated;
  - (b) where any such directions given to—
    - (i) the supervised child; or
    - (ii) a parent of his,have not been complied with, to consider what further steps to take in the exercise of the supervisor's powers under this Act.
- (2) Before giving any directions under sub-paragraph (1) the supervisor shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
- (a) the child; and
  - (b) his parents,
- including, in particular, their wishes as to the place at which the child should be educated.
- (3) When settling the terms of any such directions, the supervisor shall give due consideration—
- (a) having regard to the child's age and understanding, to such wishes and feelings of his as the supervisor has been able to ascertain; and
  - (b) to such wishes and feelings of the child's parents as he has been able to ascertain.
- (4) Directions may be given under this paragraph at any time while the education supervision order is in force.
- 13 (1) Where an education supervision order is in force with respect to a child, the duties of the child's parents under sections 36 and 39 of the Education Act 1944 (duty to secure education of children and to secure regular attendance of registered pupils)

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shall be superseded by their duty to comply with any directions in force under the education supervision order.

- (2) Where an education supervision order is made with respect to a child—
- (a) any school attendance order—
    - (i) made under section 37 of the Act of 1944 with respect to the child; and
    - (ii) in force immediately before the making of the education supervision order,
 shall cease to have effect; and
  - (b) while the education supervision order remains in force, the following provisions shall not apply with respect to the child—
    - (i) section 37 of that Act (school attendance orders);
    - (ii) section 76 of that Act (pupils to be educated in accordance with wishes of their parents);
    - (iii) sections 6 and 7 of the Education Act 1980 (parental preference and appeals against admission decisions);
  - (c) a supervision order made with respect to the child in criminal proceedings, while the education supervision order is in force, may not include an education requirement of the kind which could otherwise be included under section 12C of the Children and Young Persons Act 1969;
  - (d) any education requirement of a kind mentioned in paragraph (c), which was in force with respect to the child immediately before the making of the education supervision order, shall cease to have effect.

*Effect where child also subject to supervision order*

- 14 (1) This paragraph applies where an education supervision order and a supervision order, or order under section 7(7)(b) of the Children and Young Persons Act 1969, are in force at the same time with respect to the same child.
- (2) Any failure to comply with a direction given by the supervisor under the education supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the other order.

*Duration of orders*

- 15 (1) An education supervision order shall have effect for a period of one year, beginning with the date on which it is made.
- (2) An education supervision order shall not expire if, before it would otherwise have expired, the court has (on the application of the authority in whose favour the order was made) extended the period during which it is in force.
- (3) Such an application may not be made earlier than three months before the date on which the order would otherwise expire.
- (4) The period during which an education supervision order is in force may be extended under sub-paragraph (2) on more than one occasion.
- (5) No one extension may be for a period of more than three years.

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- (6) An education supervision order shall cease to have effect on—
- (a) the child's ceasing to be of compulsory school age; or
  - (b) the making of a care order with respect to the child;
- and sub-paragraphs (1) to (4) are subject to this sub-paragraph.

*Information to be given to supervisor etc.*

- 16 (1) An education supervision order may require the child—
- (a) to keep the supervisor informed of any change in his address; and
  - (b) to allow the supervisor to visit him at the place where he is living.
- (2) A person who is the parent of a child with respect to whom an education supervision order has been made shall—
- (a) if asked by the supervisor, inform him of the child's address (if it is known to him); and
  - (b) if he is living with the child, allow the supervisor reasonable contact with the child.

*Discharge of orders*

- 17 (1) The court may discharge any education supervision order on the application of—
- (a) the child concerned;
  - (b) a parent of his; or
  - (c) the local education authority concerned.
- (2) On discharging an education supervision order, the court may direct the local authority within whose area the child lives, or will live, to investigate the circumstances of the child.

*Offences*

- 18 (1) If a parent of a child with respect to whom an education supervision order is in force persistently fails to comply with a direction given under the order he shall be guilty of an offence.
- (2) It shall be a defence for any person charged with such an offence to prove that—
- (a) he took all reasonable steps to ensure that the direction was complied with;
  - (b) the direction was unreasonable; or
  - (c) he had complied with—
    - (i) a requirement included in a supervision order made with respect to the child; or
    - (ii) directions given under such a requirement,and that it was not reasonably practicable to comply both with the direction and with the requirement or directions mentioned in this paragraph.
- (3) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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*Persistent failure of child to comply with directions*

- 19 (1) Where a child with respect to whom an education supervision order is in force persistently fails to comply with any direction given under the order, the local education authority concerned shall notify the appropriate local authority.
- (2) Where a local authority have been notified under sub-paragraph (1) they shall investigate the circumstances of the child.
- (3) In this paragraph “the appropriate local authority” has the same meaning as in section 36.

*Miscellaneous*

- 20 The Secretary of State may by regulations make provision modifying, or displacing, the provisions of any enactment about education in relation to any child with respect to whom an education supervision order is in force to such extent as appears to the Secretary of State to be necessary or expedient in consequence of the provision made by this Act with respect to such orders.

*Interpretation*

- 21 In this Part of this Schedule “parent” has the same meaning as in the Education Act 1944 (as amended by Schedule 13).