



# Children Act 1989

## 1989 CHAPTER 41

### PART IV

#### CARE AND SUPERVISION

##### *General*

### 31 Care and Supervision

- (1) On the application of any local authority or authorised person, the court may make an order—
  - (a) placing the child with respect to whom the application is made in the care of a designated local authority; or
  - (b) putting him under the supervision of a designated local authority <sup>F1</sup>. . .
- (2) A court may only make a care order or supervision order if it is satisfied—
  - (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
  - (b) that the harm, or likelihood of harm, is attributable to—
    - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
    - (ii) the child's being beyond parental control.
- (3) No care order or supervision order may be made with respect to a child who has reached the age of seventeen (or sixteen, in the case of a child who is married).
- [<sup>F2</sup>(3A) No care order may be made with respect to a child until the court has considered a section 31A plan.]
- (4) An application under this section may be made on its own or in any other family proceedings.
- (5) The court may—
  - (a) on an application for a care order, make a supervision order;

*Status: Point in time view as at 01/11/2012.*

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- (b) on an application for a supervision order, make a care order.
- (6) Where an authorised person proposes to make an application under this section he shall—
- (a) if it is reasonably practicable to do so; and
  - (b) before making the application,
- consult the local authority appearing to him to be the authority in whose area the child concerned is ordinarily resident.
- (7) An application made by an authorised person shall not be entertained by the court if, at the time when it is made, the child concerned is—
- (a) the subject of an earlier application for a care order, or supervision order, which has not been disposed of; or
  - (b) subject to—
    - (i) a care order or supervision order;
    - [<sup>F3</sup>(ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008; or]
    - (iii) a supervision requirement within the meaning of [<sup>F4</sup>Part II of the Children (Scotland) Act 1995].
- (8) The local authority designated in a care order must be—
- (a) the authority within whose area the child is ordinarily resident; or
  - (b) where the child does not reside in the area of a local authority, the authority within whose area any circumstances arose in consequence of which the order is being made.
- (9) In this section—
- “authorised person” means—
- (a) the National Society for the Prevention of Cruelty to Children and any of its officers; and
  - (b) any person authorised by order of the Secretary of State to bring proceedings under this section and any officer of a body which is so authorised;
- “harm” means ill-treatment or the impairment of health or development [<sup>F5</sup>including, for example, impairment suffered from seeing or hearing the ill-treatment of another];
- “development” means physical, intellectual, emotional, social or behavioural development;
- “health” means physical or mental health; and
- “ill-treatment” includes sexual abuse and forms of ill-treatment which are not physical.
- (10) Where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.
- (11) In this Act—
- “a care order” means (subject to section 105(1)) an order under subsection (1)(a) and (except where express provision to the contrary is made) includes an interim care order made under section 38; and

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“a supervision order” means an order under subsection (1)(b) and (except where express provision to the contrary is made) includes an interim supervision order made under section 38.

#### Textual Amendments

- F1 Words in s. 31(1)(b) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 90, **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**
- F2 S. 31(3A) inserted (30.12.2005) by 2002 c. 38, ss. 121(1), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(k)**
- F3 S. 31(7)(b)(ii) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 35** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(v)**
- F4 Words in s. 31(7)(b)(iii) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 48(2)**(with ss. 90, 103(1)); S.I. 1996/3201, **art. 3(7)**
- F5 S. 31(9): words in definition of "harm" inserted (31.1.2005) by 2002 c. 38, ss. 120, 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, **art. 2(2)**

#### Modifications etc. (not altering text)

- C1 S. 31 applied (14.10.1991) by S.I. 1991/2032, **art. 3(1)**.
- C2 S. 31 modified (1.11.2012) by Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (S.I. 2010/1898), regs. 1(2), **5(3)(a)**
- C3 S. 31(1)(a) extended (30.9.1998) by 1998 c. 37, s. 12(6)(a)(7); S.I. 1998/2327, **art. 2(1)(c)** (subject to arts. 5-8)
- C4 S. 31(2) modified (30.9.1998) by 1998 c. 37, s. 12(7); S.I. 1998/2327, **art. 2(1)(c)** (subject to arts. 5-8).

#### Commencement Information

- I1 S. 31 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

### [<sup>F6</sup> 31A Care orders: care plans

- (1) Where an application is made on which a care order might be made with respect to a child, the appropriate local authority must, within such time as the court may direct, prepare a plan (“a care plan”) for the future care of the child.
- (2) While the application is pending, the authority must keep any care plan prepared by them under review and, if they are of the opinion some change is required, revise the plan, or make a new plan, accordingly.
- (3) A care plan must give any prescribed information and do so in the prescribed manner.
- (4) For the purposes of this section, the appropriate local authority, in relation to a child in respect of whom a care order might be made, is the local authority proposed to be designated in the order.
- (5) In section 31(3A) and this section, references to a care order do not include an interim care order.
- (6) A plan prepared, or treated as prepared, under this section is referred to in this Act as a “section 31A plan”. ]

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#### Textual Amendments

**F6** S. 31A inserted (7.12.2004 for specified purposes and otherwise 30.12.2005) by 2002 c. 38, ss. 121(2), 148 (with s. 121(3), Sch. 4 paras. 6-8); S.I. 2004/3203, **art. 2(1)(m)(xii)**; S.I. 2005/2213, **art. 2(k)**

#### Modifications etc. (not altering text)

**C5** S. 31A modified (1.11.2012) by Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (S.I. 2010/1898), regs. 1(2), **5(3)(b)**

### 32 Period within which application for order under this Part must be disposed of.

- (1) A court hearing an application for an order under this Part shall (in the light of any rules made by virtue of subsection (2))—
- (a) draw up a timetable with a view to disposing of the application without delay; and
  - (b) give such directions as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that that timetable is adhered to.
- (2) Rules of court may—
- (a) specify periods within which specified steps must be taken in relation to such proceedings; and
  - (b) make other provision with respect to such proceedings for the purpose of ensuring, so far as is reasonably practicable, that they are disposed of without delay.

#### Commencement Information

**I2** S. 32 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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