



# 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—
- placing the child with respect to whom the application is made in the care of a designated local authority; or
  - 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—
- that the child concerned is suffering, or is likely to suffer, significant harm; and
  - that the harm, or likelihood of harm, is attributable to—
    - 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
    - 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) A court deciding whether to make a care order—
- is required to consider the permanence provisions of the section 31A plan for the child concerned, but
  - is not required to consider the remainder of the section 31A plan, subject to section 34(11).
- [<sup>F3</sup>(3B) For the purposes of subsection (3A), the permanence provisions of a section 31A plan are—

---

**Changes to legislation:** Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (a) such of the plan's provisions setting out the long-term plan for the upbringing of the child concerned as provide for any of the following—
    - (i) the child to live with any parent of the child's or with any other member of, or any friend of, the child's family;
    - (ii) adoption;
    - (iii) long-term care not within sub-paragraph (i) or (ii);
  - (b) such of the plan's provisions as set out any of the following—
    - (i) the impact on the child concerned of any harm that he or she suffered or was likely to suffer;
    - (ii) the current and future needs of the child (including needs arising out of that impact);
    - (iii) the way in which the long-term plan for the upbringing of the child would meet those current and future needs.]
- (3C) The Secretary of State may by regulations amend this section for the purpose of altering what for the purposes of subsection (3A) are the permanence provisions of 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;
  - (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>F4</sup>(ii) a youth rehabilitation order within [<sup>F5</sup>the meaning given by section 173 of the Sentencing Code]; or]
    - [<sup>F6</sup>(iii) a compulsory supervision order or interim compulsory supervision order as defined by sections 83 and 86 of the Children's Hearings (Scotland) Act 2011. ]
- (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—

---

**Changes to legislation:** Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (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 [F7 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

“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)-(3C) substituted for s. 31(3A) (22.4.2014) by Children and Families Act 2014 (c. 6), **ss. 15(1), 139(6)**; S.I. 2014/889, **art. 4(d)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** S. 31(3B) substituted (31.10.2017) by Children and Social Work Act 2017 (c. 16), **ss. 8, 70(2)**; S.I. 2017/918, **reg. 2(a)**
- F4** 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)**
- F5** Words in s. 31(7)(b)(ii) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 109** (with **Sch. 27**); S.I. 2020/1236, **reg. 2**
- F6** S. 31(7)(b)(iii) substituted (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013 (S.I. 2013/1465), **art. 1(2), Sch. 1 para. 2(2)**
- F7** 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**).

*Changes to legislation: Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Commencement Information

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

#### [<sup>F8</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 ”. ]

#### Textual Amendments

**F8** 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 [<sup>F9</sup>in which an application for an order under this Part is proceeding ] shall (in the light of any [<sup>F10</sup>provision in rules of court that is of the kind mentioned in subsection (2)(a) or (b)]—
  - (a) draw up a timetable with a view to [<sup>F11</sup>disposing of the application—
    - (i) without delay, and
    - (ii) in any event within twenty-six weeks beginning with the day on which the application was issued; 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

---

**Changes to legislation:** Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (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.
- [<sup>F12</sup>(3) A court, when drawing up a timetable under subsection (1)(a), must in particular have regard to—
- (a) the impact which the timetable would have on the welfare of the child to whom the application relates; and
  - (b) the impact which the timetable would have on the conduct of the proceedings.
- (4) A court, when revising a timetable drawn up under subsection (1)(a) or when making any decision which may give rise to a need to revise such a timetable (which does not include a decision under subsection (5)), must in particular have regard to—
- (a) the impact which any revision would have on the welfare of the child to whom the application relates; and
  - (b) the impact which any revision would have on the duration and conduct of the proceedings.
- (5) A court in which an application under this Part is proceeding may extend the period that is for the time being allowed under subsection (1)(a)(ii) in the case of the application, but may do so only if the court considers that the extension is necessary to enable the court to resolve the proceedings justly.
- (6) When deciding whether to grant an extension under subsection (5), a court must in particular have regard to—
- (a) the impact which any ensuing timetable revision would have on the welfare of the child to whom the application relates, and
  - (b) the impact which any ensuing timetable revision would have on the duration and conduct of the proceedings;
- and here “ensuing timetable revision” means any revision, of the timetable under subsection (1)(a) for the proceedings, which the court considers may ensue from the extension.
- (7) When deciding whether to grant an extension under subsection (5), a court is to take account of the following guidance: extensions are not to be granted routinely and are to be seen as requiring specific justification.
- (8) Each separate extension under subsection (5) is to end no more than eight weeks after the later of—
- (a) the end of the period being extended; and
  - (b) the end of the day on which the extension is granted.
- (9) The Lord Chancellor may by regulations amend subsection (1)(a)(ii), or the opening words of subsection (8), for the purpose of varying the period for the time being specified in that provision.
- (10) Rules of court may provide that a court—
- (a) when deciding whether to exercise the power under subsection (5), or
  - (b) when deciding how to exercise that power,
- must, or may or may not, have regard to matters specified in the rules, or must take account of any guidance set out in the rules.]

---

**Changes to legislation:** Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

---

### Textual Amendments

- F9** Words in s. 32(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), ss. 14\(7\)\(a\), 139\(6\)](#); [S.I. 2014/889, art. 4\(c\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F10** Words in s. 32(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), ss. 14\(7\)\(b\), 139\(6\)](#); [S.I. 2014/889, art. 4\(c\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F11** Words in s. 32(1)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), ss. 14\(2\), 139\(6\)](#); [S.I. 2014/889, art. 4\(c\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F12** S. 32(3)-(10) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), ss. 14\(3\), 139\(6\)](#); [S.I. 2014/889, art. 4\(c\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

---

### Commencement Information

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

**Changes to legislation:**

Children Act 1989, Cross Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)