

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)

Status: This is the original version (as it was originally enacted).

shall be superseded by their duty to comply with any directions in force under the education supervision order.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