



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

Supervision orders

36 Education supervision orders.

- (1) On the application of any local education authority, the court may make an order putting the child with respect to whom the application is made under the supervision of a designated local education authority.
- (2) In this Act “an education supervision order” means an order under subsection (1).
- (3) A court may only make an education supervision order if it is satisfied that the child concerned is of compulsory school age and is not being properly educated.
- (4) For the purposes of this section, a child is being properly educated only if he is receiving efficient full-time education suitable to his age, ability and aptitude and any special educational needs he may have.
- (5) Where a child is—
 - (a) the subject of a school attendance order which is in force under section 37 of the ^{M1}Education Act 1944 and which has not been complied with; or
 - (b) a registered pupil at a school which he is not attending regularly within the meaning of section 39 of that Act,then, unless it is proved that he is being properly educated, it shall be assumed that he is not.
- (6) An education supervision order may not be made with respect to a child who is in the care of a local authority.
- (7) The local education authority designated in an education supervision order must be—
 - (a) the authority within whose area the child concerned is living or will live; or

Status: Point in time view as at 14/10/1991. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 36 is up to date with all changes known to be in force on or before 19 July 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)

- (b) where—
- (i) the child is a registered pupil at a school; and
 - (ii) the authority mentioned in paragraph (a) and the authority within whose area the school is situated agree,
- the latter authority.
- (8) Where a local education authority propose to make an application for an education supervision order they shall, before making the application, consult the social services committee (within the meaning of the ^{M2}Local Authority Social Services Act 1970) of the appropriate local authority.
- (9) The appropriate local authority is—
- (a) in the case of a child who is being provided with accommodation by, or on behalf of, a local authority, that authority; and
 - (b) in any other case, the local authority within whose area the child concerned lives, or will live.
- (10) Part III of Schedule 3 makes further provision with respect to education supervision orders.

Commencement Information

II S. 36 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Marginal Citations

M1 1944 c. 31.

M2 1970 c. 42.

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