

SCHEDULES

SCHEDULE 4

Article 55(8).

EDUCATION SUPERVISION ORDERS

Interpretation

1. In this Schedule—

“1986 Order” means the Education and Libraries (Northern Ireland) Order 1986^{F1};

“parent” has the meaning assigned to it by Article 2(2D) of the 1986 Order.

F1 1986 NI 3

Effect of orders

2.—(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 Order.

(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.

3.—(1) Where an education supervision order is in force with respect to a child, the duties of the child's parents under Article 45 of, and Schedule 13 to, the 1986 Order (duty to secure education of

Status: Point in time view as at 12/10/2009.

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children and to secure regular attendance of registered pupils) shall be superseded by their duty to comply with any directions in force under the education supervision order.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) served under paragraph 1(2) of Schedule 13 to the 1986 Order 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) Article 44 of the 1986 Order (pupils to be educated in accordance with wishes of their parents);
 - (ii) Part I of Schedule 13 to the 1986 Order (school attendance orders);
 - (iii) Articles 36 and 37 of the Education Reform (Northern Ireland) Order 1989^{F2} (parental preference and appeals against admission decisions);
 - (c) a probation order made with respect to the child, while the education supervision order is in force, may not include any requirement relating to the child's attendance at school;
 - (d) any such requirement which was in force with respect to the child immediately before the making of the education supervision order shall cease to have effect.

F2 1989 NI 20

Effect where child also subject to other orders

4.—(1) This paragraph applies where—

- (a) an education supervision order; and
- (b) a supervision order, a probation order^{F3} or^{F4} a juvenile justice centre order],

are in force at the same time with respect to the same child.

(2) Any failure to comply with^{F4} a requirement of or] 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.

F3 prosp. subst. by 2002 c. 26

F4 1998 NI 9

Duration of orders

5.—(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 education and library board 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.

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(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.

(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.

6.—(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

7.—(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 education and library board concerned.

(2) On discharging an education supervision order, the court may direct the authority within whose area the child lives, or will live, to investigate the circumstances of the child.

Offences

8.—(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.

Persistent failure of child to comply with directions

9.—(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 education and library board concerned shall notify the appropriate authority.

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(2) Where an authority has been notified under sub-paragraph (1) it shall investigate the circumstances of the child.

(3) In this paragraph “the appropriate authority” means—

- (a) in the case of a child who is being provided with accommodation by or on behalf of an authority, that authority;
- (b) in any other case, the authority in whose area the child lives, or will live.

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