



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 [^{F1}section 437 of the Education Act 1996] and which has not been complied with; or
 - [^{F2}(b) is not attending regularly within the meaning of section 444 of that Act—
 - (i) a school at which he is a registered pupil,
 - (ii) any place at which education is provided for him in the circumstances mentioned in subsection (1) of section 444ZA of that Act, or
 - (iii) any place which he is required to attend in the circumstances mentioned in subsection (2) of that section,]

then, unless it is proved that he is being properly educated, it shall be assumed that he is not.

Status: Point in time view as at 01/09/2005. This version of this provision has been superseded.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 22 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)

- (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
 - (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 ^{F3} . . . 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.

Textual Amendments

- F1** Words in s. 36(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 85(a)**(with s. 1(4))
- F2** S. 36(5)(b) substituted (1.9.2005 for E. and 1.9.2006 for W.) by Education Act 2005 (c. 18), ss. 117, 119, **Sch. 18 para. 1**; S.I. 2005/2034, **art. 4**; S.I. 2006/1338, **art. 3**, Sch. 1
- F3** Words in s. 36(8) repealed (1.10.1993) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 149, **Sch. 21 Pt. II**; S.I. 1993/1975, **art. 9**, **Sch. 1**, Appendix.

Commencement Information

- I1** S. 36 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Status:

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