



Education Act 1996

1996 CHAPTER 56

PART VI

SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

CHAPTER II

SCHOOL ATTENDANCE

School attendance: offences and education supervision orders

447 Education supervision orders.

- (1) Before instituting proceedings for an offence under section 443 or 444, a [^{F1}local authority] shall consider whether it would be appropriate (instead of or as well as instituting the proceedings) to apply for an education supervision order with respect to the child.
 - (2) The court—
 - (a) by which a person is convicted of an offence under section 443, or
 - (b) before which a person is charged with an offence under section 444,may direct the [^{F1}local authority] instituting the proceedings to apply for an education supervision order with respect to the child unless the authority ^{F2}... decide that the child's welfare will be satisfactorily safeguarded even though no education supervision order is made.
- [^{F3}(2A) A local authority may not make a decision as mentioned in subsection (2) unless—
- (a) they are the appropriate local authority, or
 - (b) they have consulted that authority.]
- (3) Where, following [^{F4}a direction under subsection (2)], a [^{F1}local authority] decide not to apply for an education supervision order, they shall inform the court of the reasons for their decision.

Status: Point in time view as at 05/05/2010. This version of this provision has been superseded.

Changes to legislation: Education Act 1996, Section 447 is up to date with all changes known to be in force on or before 05 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)

- (4) Unless the court has directed otherwise, the information required under subsection (3) shall be given to the court before the end of the period of eight weeks beginning with the date on which the direction was given.
- (5) Where—
- (a) a [^{F1}local authority] apply for an education supervision order with respect to a child who is the subject of a school attendance order, and
 - (b) the court decides that section 36(3) of the ^{M1}Children Act 1989 (education supervision orders) prevents it from making the order,
- the court may direct that the school attendance order shall cease to be in force.
- (6) In this section—
- “the appropriate local authority” has the same meaning as in section 36(9) of the ^{M2}Children Act 1989, and
- “education supervision order” means an education supervision order under that Act.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F2** Words in s. 447(2) repealed (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 7(8)(a), **Sch. 3 Pt. 1**
- F3** S. 447(2A) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 7(8)(b)**
- F4** Words in s. 447(3) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 7(8)(c)**

Marginal Citations

- M1** 1989 c. 41.
M2 1989 c. 41.

Status:

Point in time view as at 05/05/2010. This version of this provision has been superseded.

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