



# 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 local education 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 local education authority instituting the proceedings to apply for an education supervision order with respect to the child unless the authority, having consulted the appropriate local authority, decide that the child's welfare will be satisfactorily safeguarded even though no education supervision order is made.
- (3) Where, following such a direction, a local education authority decide not to apply for an education supervision order, they shall inform the court of the reasons for their decision.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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(5) Where—

- (a) a local education 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 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 Children Act 1989, and

“education supervision order” means an education supervision order under that Act.