



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

Supervision orders

35 Supervision orders.

- (1) While a supervision order is in force it shall be the duty of the supervisor—
 - (a) to advise, assist and befriend the supervised child;
 - (b) to take such steps as are reasonably necessary to give effect to the order; and
 - (c) where—
 - (i) the order is not wholly complied with; or
 - (ii) the supervisor considers that the order may no longer be necessary, to consider whether or not to apply to the court for its variation or discharge.
- (2) Parts I and II of Schedule 3 make further provision with respect to supervision orders.

Commencement Information

- II** S. 35 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

36 Education supervision orders.

- (1) On the application of any [^{F1}local authority], the court may make an order putting the child with respect to whom the application is made under the supervision of a designated [^{F1}local authority].
- (2) In this Act “an education supervision order” means an order under subsection (1).

Changes to legislation: Children Act 1989, Cross Heading: Supervision orders is up to date with all changes known to be in force on or before 28 April 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) View outstanding changes

- (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 [^{F2}section 437 of the Education Act 1996] and which has not been complied with; or
 - [^{F3}(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) [^{F4}or (1A)] of section 444ZA of that Act, or
 - (iii) any place which he is required to attend in the circumstances mentioned in subsection [^{F5}(1B) or] (2) of that section,]
- 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 [^{F6}local 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 [^{F7}local authority] propose to make an application for an education supervision order they shall, before making the application, consult the ^{F8}. . . appropriate local authority [^{F9}if different].
- (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.
- [^{F10}(11) Where, for the purposes of the Additional Learning Needs and Education Tribunal (Wales) Act 2018, a local authority in Wales is responsible for a child or a child is looked after by a local authority in Wales, the reference to special educational needs in subsection (4) is to be interpreted as a reference to additional learning needs (which has the same meaning as in that Act).]

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Textual Amendments

- F1** Words in s. 36(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(7)(a)**
- F2** 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))
- F3** 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
- F4** Words in s. 36(5)(b)(ii) inserted (1.9.2012) by [Education and Skills Act 2008](#) (c. 25), s. 173(4), **Sch. 1 para. 43(a)**; S.I. 2012/2197, art. 2(b)
- F5** Words in s. 36(5)(b)(iii) inserted (1.9.2012) by [Education and Skills Act 2008](#) (c. 25), s. 173(4), **Sch. 1 para. 43(b)**; S.I. 2012/2197, art. 2(b)
- F6** Words in s. 36(7) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(7)(b)**
- F7** Words in s. 36(8) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(7)(c)(i)**
- F8** 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.
- F9** Words in s. 36(8) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(7)(c)(ii)**
- F10** S. 36(11) inserted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) (anaw 2), s. 100(3), **Sch. 1 para. 2(3)**; S.I. 2021/373, art. 8(j)(iii)

Commencement Information

- I2** S. 36 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)