

school age or if a Care Order is granted under this Act to the local authority social care.

### **Who can apply for the order to be discharged?**

You, your child or the LA. Sometimes when an order is discharged, the court may ask the local social services to contact you.

## **Early Help Service**

# **Education Supervision Orders** The Children Act 1989

**Information and advice for parents and carers**



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA



City of Westminster

## Introduction

All parents or carers are legally responsible for ensuring that their children receive an education. Most children are educated by attending school. It is the duty of all parents or carers to see their children attend school regularly and punctually. If a child's attendance becomes or remains a source of concern, the local authority (LA) is legally responsible for enforcing school attendance through the courts, and the ACE team is the section of the LA which carries out this responsibility.

### There are now three main actions open to an LA:

- Start proceedings in a magistrates court under the Education Act 1996.
- Apply for an Education Supervision Order (ESO) in the Family Proceedings Court under the Children Act 1989
- Report the matter to social care for further investigation.

## What is an ESO?

It is an order issued by a Family Proceedings Court under Section 36 of the Children Act 1989. Its purpose

is to ensure that a child gets efficient full-time education suitable for his or her age, ability, aptitude and any special educational needs. The LA will apply to the courts for the order after consultation with social care.

### What will happen if the application is successful?

A Supervisor will be appointed, and will be expected to 'advise, assist, befriend and give directions' to your child and you so that your child is properly educated.

## Who is the Supervisor?

A worker from early help/locality teams. Although supervision is naturally focussed on your child, this work alone is unlikely to solve the problems. Supervisors usually approach their task by working in partnership with parents or carers. You will usually have met your Supervisor before, when problems about your child's attendance first arose.

## What has to happen before an ESO is applied for?

All reasonable efforts must have been made to solve the problems which caused your child's irregular

attendance. Courts expect you, school staff, early help/locality worker and any other agency to have worked together in trying to do this, and will not make an order unless certain that all other possibilities have been examined. Courts also have to be satisfied that your child is of compulsory school age and is not being properly educated. They will want to be certain that an ESO is in the child's best interests.

## What does 'to advise, assist, befriend and give directions' mean?

A Supervisor will work closely with you and your child to help the latter attend school regularly. He or she will meet you and your child regularly, possibly once a fortnight, discuss any problems at school, and advise you how best to solve them. This may, for instance, mean contacting staff at the school to examine ways they can help your child attend regularly.

Sometimes the Supervisor will 'make a direction', perhaps saying that your child should attend a particular school or see the Supervisor on certain days. You must comply with such a direction: not doing so can be

considered an offence. However, the Supervisor must consider your wishes and feelings, and your child's, before making a direction.

## If I am taken to court because I did not follow a direction, can I defend myself?

There are three occasions when you can defend yourself:

- a) you can prove that you did your best to follow the direction, but it proved too difficult
- b) you consider the direction was unreasonable
- c) there was a direction in another court order, such as a Social Care Supervision Order, and you could not do both.

## How long does an ESO last?

Usually up to one year initially, but extensions of up to three years can be made if the LA applies for them. The LA must apply within three months before the end of the ESO, which will in any case end when your child is no longer of compulsory