

Education Supervision Orders

Advice to parents



When a child is not attending school regularly and the parents are not engaging with school and the Attendance Support team to improve school attendance, prosecution will be considered under Section 444 Education Act 1996.

When it has been demonstrated that parents are doing all they can to encourage their child to attend school, however the child is refusing without good reason, the Attendance Support Officer (ASO) may, in consultation with his/her manager, consider application for an Education Supervision Order (ESO) under Section 36 Children Act 1989. The Attendance Support Officer would discuss this as an option with parents and would only proceed with their full agreement and co-operation.

What is an Education Supervision Order?

An Education Supervision Order (ESO) is a court order that formalises the plan drawn up by the Attendance Support team in partnership with the child, parents and school as well as other agencies if appropriate, to bring about a return to regular school attendance.

The application is heard in the Family Law Court where Magistrates have the power to grant the order.

An ESO is initially granted for twelve months, however extensions can be applied for annually for up to a period of three years until the end of compulsory education.

Parents may wish to seek legal advice if an ESO is proposed.

If the Attendance Support team is considering an application for an ESO the child's attendance has become serious concern. Should regular school attendance not be achieved by the granting of an ESO, the matter may then be referred to Social Care for them to assess the home situation.

How might an Education Supervision Order help?

An Education Supervision Order (ESO) focuses on the child's refusal to attend school and seeks to ensure the child takes responsibility and appreciates what this might mean for their future. The child would have to explain their poor school attendance to the Magistrates.

The granting of an ESO supports the parents by giving authority to the Attendance Support Officer



to supervise the order. In this role the Attendance Support Officer will advise, assist and support the child in regard to improving their school attendance, and if necessary direct the parents in enforcing school attendance.

The ESO would place formal expectations upon all involved in the plan to support the child in improving their school attendance.

What is the process prior to application for an Education Supervision Order?

The Attendance Support Officer writes to the parents and the child inviting them to an education planning meeting which would be chaired by an Attendance Support Officer.

This meeting would be attended by school representatives and any other agencies who are working with the family. At this meeting the child views and concerns would be considered and a voluntary plan drawn up to support their return to regular school attendance.

Where it is considered necessary, a review meeting will be arranged no more than six weeks after the initial meeting.

If the child is failing to co-operate with the plan and attendance remains a concern an application for an ESO will be considered.

If parents fail to co-operate with the plan and attendance remains a concern, they may be prosecuted under Section 444 Education Act 1996 and an ESO will not be applied for.

Once an Education Supervision Officer is granted

The ASO is appointed as the Supervising Officer with the power to support and direct the child and parents to enforce regular school attendance.

The parents retain parental responsibility and must continue to do all they can to support regular school attendance.

If the child who is the subject of the ESO does not comply with the requirements of the order and fails to attend school regularly despite directions from the ASO, a referral to Social Care may be made. If necessary, an application will be made to the court to have the order discharged. On discharging the order, the court

may direct Social Care to make an assessment of the home situation.

Parents lose their right to move their child to another school for the duration of the ESO without the expressed permission of the Local Authority.

What happens if I fail to comply with the Directions?

Once the Order is made you have a duty to comply with the directions. If you fail to comply, the Supervising Officer will issue a warning and discuss the directions fully with you again. Parents who persistently fail to comply with directions under an Education Supervision Order (under Schedule 3 to the Children Act 1989) or breach a Parenting Order or directions under the order (under section 375 of the Sentencing Act 2020) may receive a fine of up to level 3 (£1,000).

Would you like to know more?

If you would like more information about how the service may be able to help, please contact:

✉ Attendance Support team,
Hillingdon Council,
3N Civic Centre,
High Street,
Uxbridge, UB8 1UW

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