

# Education Supervision Orders (ESO)

## What is an ESO?

An ESO is an order granted in the Family Proceedings Court requiring the parent and their child to follow directs made in the order and to work alongside the Local Authorities Supervising Officer to improve the child's attendance at school.

The purpose of an ESO is to improve school attendance through supporting parents to exercise their parental authority. It differs from a prosecution in that it recognises that, for some families a prolonged period of support and guidance is needed if problems are to be resolved.

The ESO is not an end product and imposing it on a family will not provide a solution to the problems of irregular attendance. The application process, the plans put into place and the relationship between the Pupil Entitlement Investigating Officer, the school and the family are what matters.

## When is an ESO considered?

An ESO must be considered by the Local Authority before instituting criminal proceedings for offences as defined by S.443 and S.444 of the Education Act 1996.

In addition if criminal court action has been instigated the Magistrates of the Court having convicted a parent may direct the Local Authority to apply for an ESO unless the Authority decides that the child's welfare will be satisfactorily safeguarded even though no ESO is made.

Pupil Entitlement: Investigation recognise that some families are trying hard to ensure regular school attendance but are facing multiple issues which make achieving that difficult. If parents and the child are willing to work with us to help address those issues and work towards improving attendance, then an ESO is a way that both parties can show they are serious in obtaining that objective. An ESO can help in instances where parents struggle to exercise proper control over their children's lives.

The Grounds for making an ESO are that the child or young person is not being properly educated (i.e. not receiving efficient full-time education suitable to his age, ability and aptitude and any SEN he may have) either through regular attendance at school or subject to a School Attendance Order which has not being complied with.

## Outcome of an ESO being granted by the Court.

An ESO requires the Local Authority to name a Supervising Officer who is officer who is responsible for advising, supporting and giving "directions" to the supervised child and their parents in such a way as to ensure that the child is properly educated. The directions should

aim to be helpful in bringing about an improvement in the child's attendance. More information on "directions" is offered below.

The Supervisor is required to advise, assist and befriend and give directions to the child and the child's parents in such a way as will, in the supervisor's opinion, secure the child's proper education. The Supervisor will provide the links between home and school and liaise with other agencies where necessary.

It remains the parent's responsibility to ensure their child goes to school regularly.

### **What are directions?**

A direction is an instruction made by the Supervising Officer to either the parent or the child. There are consequences and sanctions for failing to comply with them.

All ESO's automatically have a number of directions;

- The child must keep the supervisor informed of any change in his/her address; and
- The child must allow the supervisor to visit him/her at the place where he is living.
- The parent of the child must inform the supervisor of where the child is living, if asked
- If the parent lives with the child, they must allow the supervisor reasonable contact with the child.

Before giving directions, the Supervising Officer will consider the wishes and feelings of both the parent and the child concerned. This does not mean that the person receiving the direction has to agree to it however.

Directions can be made at any point during the life of the order, as many times as appropriate for the Supervising Officer to deliver the plan and improve attendance.

If you think that a direction given to you is unreasonable then you should challenge the Supervisor so that the direction can be discussed. Ultimately however, if the Supervisor considers that the direction is reasonable then you or your child must comply with the direction.

### **What happens if the direction is not complied with?**

If a parent persistently fail without good reason to comply with a direction, then you may be guilty of a criminal offence under Schedule 3, Part III, paragraph 18(1) Children Act 1989. This could result in the parent going to a Magistrates Court as a criminal matter who can impose a fine of up to £1000 in addition to other costs.

If a child fails without good reason to comply with the direction, then the family will be referred to Social Services who must investigate your families' circumstances.

### **Parents Right when an ESO is in place.**

Where an ESO is in force, parents lose their rights to;

- Have their child educated in accordance with their wishes; and
- Appeal against admissions decisions

These rights are instead exercised by the supervising officer, in consultation with the family.

Where an ESO is in force, the duties of the child's parents under section 7 and 444 of the Education Act 1996 (to secure education of child and to secure regular attendance of registered pupils) are superseded by their duty to comply with any directions in force under the ESO.

### **How long does an ESO last?**

The order lasts for 1 year.

It can be extended upon an application to the court. Either the Council or the parent or child may apply to court to discharge the order before it expires. However the party making such an application would have to give good reasons why they wished to have it discharged.

### **What happens if my child continues to miss school?**

The aim of the ESO is to improve school attendance. Even if you and your child are engaging with the Supervising Officer and the School, if attendance is not improving then we may apply to the court to discharge the order before it expires. We would then consider prosecuting you for your child's non-attendance at school.

Prosecution for non-attendance can result in a fine of up to £2,500 and/or 3 months imprisonment or a community order such as tagging/curfew, unpaid work or requirement to complete a specified activity.

For more information on Prosecution please see our guide [Legal & Court Action - Guide for Parents](#)