

## Why have I received this leaflet?

This leaflet is sent to people who have been notified that they will be issued with a Penalty Notice for a holiday taken during term time.

It is intended to provide you with information and guidance and is issued by the Wiltshire Education Welfare Service. It is not a legal document.

## What is the legislation covering the use of Penalty Notices?

The Education Act 1996 as amended by Section 23 of the Anti Social Behaviour Act 2003.

The legislation requires Local Authorities (LAs) to create a Code of Conduct covering the use of Penalty Notices and a copy of this can be found on the Wiltshire Council web page at:

[www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

## Why have I been issued with a Penalty Notice?

Penalty Notices are issued for a number of reasons including holidays taken during term time where the absence has not been agreed by the school. A pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised holiday absence during the previous six months up to and including the day the Education Welfare Service is notified.

## I have more than one child; will I receive a Penalty Notice for each child?

A Penalty Notice is issued to parents/carers of each child where the LA have been notified that the child has been absent from school due to unauthorised holiday absence.

## Will my partner be issued with a Penalty Notice?

Penalty Notices are issued to each parent/carer for each child. This includes partners who live in the same household. A parent who does not live in the same house may also be issued with a Penalty Notice. The law states that both parents (or carers) are responsible for ensuring their child's attendance at school whether they live with the child or not; also any adult who has day to day care of a child is also responsible for the child's attendance at school.

## What options do I have?

Once you have received a Penalty Notice you have the following options:

### OPTION 1

Pay £60 within 21 days of the date of issue as stated on the Penalty Notice. Payment can be by postal order or cheque to the address given on the reverse of this leaflet. Debit Card payments are also accepted. Part payment or by instalments will not be accepted. Please do not send cash.

### OPTION 2

Pay £120 between 21 and 28 days of the date of issue as stated on the Penalty Notice. Payment can be by postal order or cheque to the address given on the reverse of this leaflet. Debit Card payments are also accepted. Part payment or by instalments will not be accepted. Please do not send cash.

### OPTION 3

You can decide not to pay the Penalty. In such cases you will automatically be summonsed to appear in Court for the offence under Section

444(1) Education Act 1996 of failing to ensure the regular attendance at school of a child of compulsory school age who is a registered pupil there.

## If I pay the Penalty do I have to go to Court?

If you pay the Penalty as stated in Option 1 or Option 2, this discharges any and all liability on your behalf concerning the non-attendance of your child for the period quoted on the Penalty Notice. This means that you will not have to attend Court and you will not have a criminal conviction recorded against you.

## What happens if I do not pay the Penalty?

If you do not pay the Penalty as stated in Option 1 or Option 2 and the time period of 28 days expires, the Local Authority is required to commence proceedings in the Magistrates Court for the original offence relating to your child's non-attendance school during the specified period.

## What if I cannot afford to pay?

If you feel you cannot afford to pay the Penalty Notice then by choosing Option 3 you will have the opportunity to explain your situation to the Court. If you either plead guilty or you are found guilty, the Courts have a wider range of sentencing options, which could include a maximum fine of up to £1000.

## What if I feel a statutory defence applies?

The only statutory defences to the offence under Section 444(1) Education Act 1966 are:

- The child was absent for medical reasons (needs evidence by GP certificate or appointment card)

- The LA failed to provide transport when required to do so
- The absences were due to religious observance
- You had permission from the school or there was an unavoidable cause

### **Can a Penalty Notice be withdrawn?**

The legislation governing Penalty Notices states that once a Penalty notice has been issued, it can only be withdrawn by Wiltshire LA in circumstances in which the Authority determines that:

- it ought not to have been issued, or
- it ought not to have been issued to the person named as the recipient

If you believe that either a) or b) applies in your case then you are asked to contact us in writing without delay in order that we can consider your representations. We must point out that the time period for payment does not stop whilst your representations are being considered.

### **Payment of your Penalty Notice**

Crossed cheque or postal order made payable to Wiltshire Council and posted to Shared Services – Finance, PO Box 4385, Trowbridge, BA14 8JN

Debit/Credit Card by using our online payment service [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk) or automated payment line 24 hours a day 7 days a week on 0300 456 0119 or by calling one of our Customer Services team on 0300 456 0100

**You will need to quote your invoice number and confirm the amount you need to pay.**

### **How can I appeal against a Penalty Notice?**

Appeals must be made in writing to:

The Penalty Notice Officer  
Schools and Learning Area Office - South  
Wiltshire Council  
P O Box 2281  
Salisbury SP2 2HX

NB: Appeals can only be considered if they are in writing

### **What happens if I appeal?**

You will receive a written response to your appeal usually within 2 working days. During the appeal process please be aware that the Penalty Notice process will continue and the payment period is not normally extended; however if there is undue delay in responding to an appeal the LA will take this into consideration.

### **If you have any questions regarding the Penalty Notice process, please contact:**

The Penalty Notice Officer

Telephone: 01722 438123

Issued by Wiltshire Education Welfare Service

# **ISSUE OF A PENALTY NOTICE FOR A HOLIDAY TAKEN DURING TERM TIME**

## **Information for Parents and Carers**

## **Wiltshire Education Welfare Service**