

WITHDRAWING A PENALTY NOTICE

The legislation governing Penalty Notices states that once a Penalty Notice has been issued, it can only be withdrawn by North Somerset LEA in circumstances in which the authority determines that:

- a) It ought not to have been issued, or
- b) It ought not to have been issued to the person named as the recipient.

If you believe that either a) or b) applies to 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.

If you feel that there is any way in which the Education Welfare Service or the school could help you, please contact your Education Welfare Officer.

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

The Penalty Notices Officer, Education Welfare Service, North Somerset Council, Children & Young People's Services, Town Hall, Weston-super-Mare, Somerset, BS23 1UJ.

Telephone: 01934 888 801

There are 12 leaflets in the Education Welfare Service series:

1. *School Attendance Matters*
2. *Information for Parents*
3. *Information for Pupils*
4. *School Exclusions*
5. *What Can I Do if My Child is Being Bullied at School?*
6. *Education Supervision Orders*
7. *Child Employment*
8. *So You Want a Part-time Job*
9. *Children in Entertainment*
10. *Elective Home Education*
11. *Are you planning to take your child on holiday in term time?*
12. *Information Concerning Issue of a Penalty Notice*

Copies are available from the Education Welfare Service, North Somerset Council, Town Hall, Weston-super-Mare, BS23 1UJ.

Telephone: 01934 888 801

They are also available on the North Somerset Council website at www.n-somerset.gov.uk/education, Education Support Services and Teams, Education Welfare Service.

People and Communities Directorate

Education Welfare Service

Information Concerning
Issue of a Penalty Notice

Includes The Education (Penalty
Notices) (England) (Amendment)
Regulations 2013

Leaflet No. 12
September 2013

"By working together,
we can make a difference"



PAYMENT OPTIONS

Having received a Penalty Notice you have 3 options.

OPTION 1

Within 21 days of receipt of the Penalty Notice, pay £60 to the address on the reverse of this leaflet.

OPTION 2

Between 21 and 28 days after receipt of the Penalty Notice, pay £120 to the address on the reverse of this leaflet.

OPTION 3

Do not pay the Penalty Notice. In such cases you will be automatically summonsed to appear in Court for an offence under Section 444(1) Education Act 1996.

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

However, if you cannot afford to pay the Penalty Notice or you feel that one of the statutory defences applies then, by choosing Option 3 you will have the

This leaflet is sent to people who receive a Penalty Notice resulting from the non/poor attendance of a pupil at school.

The leaflet is intended as a guide issued by the North Somerset Education Welfare Service, and does not have the force of statute.

The legislation governing the use of Penalty Notices is the Education Act 1996 as amended by Section 23 of the Anti Social Behaviour Act 2003.

This legislation requires Local Education Authorities to create a Code of Conduct covering the use of Penalty Notices and a copy of this can be made available on request.

The law states that it will be presumed that you have received the Penalty Notice 2 days after it was posted to you.

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.

The only statutory defences to the offence under Section 444(1) Education Act 1996 are:

- The child was absent for medical reasons
- The LEA failed to provide transport when required to do so
- The absences were due to religious observance
- You had permission of the school or there was an unavoidable cause