

## PAYMENT OPTIONS

This leaflet is sent to people who receive a Penalty Notice resulting from the non/poor attendance of a pupil at school, including unauthorised leave/holiday absence.

The leaflet is intended as a guide issued by Bournemouth Education Social Work 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

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 the notice.

### OPTION 2

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

**If you do not pay the Penalty Notice** you may be summoned to appear in Court for an offence under Section 444(1) Education Act 1996 for failing to ensure your child attended school regularly.

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 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.

There are statutory defences to the offence under Section 444 Education Act 1996 some of which are:

- Absence with leave
- Reason of sickness
- Any unavoidable cause
- On any day exclusively set apart for religious observance by the religious body to which the parent belongs to.

## WITHDRAWING A PENALTY NOTICE

The legislation governing Penalty Notices states that once a Penalty Notice has been issued, it can only be withdrawn by Bournemouth LEA in circumstances in which the authority determines that: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 the school or the ESWS 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 Social Work Service or the school could help you, please contact your school or the Education Social Work service.

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

The Education Social Work Service  
Bournemouth Borough Council  
Children & Young People's Services  
Town Hall (THE/3)  
Bourne Avenue  
Bournemouth  
Dorset, BH2 6DY.

## Bournemouth Education Social Work Service

### Penalty Notice: Information Booklet

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Building a Better Bournemouth

Safeguarding and Social Inclusion  
Vulnerable Learners including SEN (0-19)  
Children's and Young People's Services,  
Telephone: 01202 456179  
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