

PENALTY NOTICES

For absences and
holidays taken in
term time

Education Welfare Service
Herefordshire Council
People's Services
Blackfriars
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Any absence from school disrupts a child's learning. Whilst a holiday may be considered educational, children will still miss out on the teaching that others receive. In addition, children returning from a term time holiday generally require additional time from teachers to catch up on the teaching they have missed. This can have an impact on the education of other pupils in their class.

WHY HAVE I RECEIVED A PENALTY NOTICE?

A holiday/absence has been taken during term-time of 5 consecutive days, or more, and was unauthorised by the head teacher. Herefordshire Council was therefore instructed to issue a Penalty Notice.

WHY WAS THE HOLIDAY UNAUTHORISED?

By law, only a head teacher can make the decision whether to authorise an absence from school, not the Local Education Authority or a parent. A holiday is only authorised if the head teacher considers that the circumstances are "exceptional".

WHO RECEIVES A PENALTY NOTICE?

Where there is more than one person liable, a separate notice may be issued to each person i.e. parent.

*Each parent** receives a Penalty Notice for *each* child. For example:

1 parent/1 child = 1 penalty notice
2 parents/1 child = 2 penalty notices
1 parent/2 children = 2 penalty notices
2 parents/2 children = 4 penalty notices

*parent includes a step-parent or other carer and can include an absent parent.

HOW CAN I PAY?

Full details are set out on Page 2 of the Penalty Notice – this can be **PAID** by cheque, or debit/credit card.

WHAT HAPPENS IF I DO NOT PAY?

If payment is not received in 21 **DAYS**, the fine will increase from £60 to £120. If payment is not received after 42 days the Education Welfare Service will instigate legal proceedings.

CAN A PENALTY NOTICE BE WITHDRAWN?

Legislation only allows for a Penalty Notice to be withdrawn if it ought not to have been issued to the person named, or if it contains material errors.

If a holiday has been unauthorised by the head teacher, the local authority cannot override their decision. If you have any queries in relation to why your holiday was unauthorised you must refer these to the head teacher, not the issuing authority.

WHO RECEIVES THE MONIES PAID?

Monies received cover the cost of the administration process in issuing and enforcing the Penalty Notices and the costs of any subsequent legal action against recipients who do not pay.

LEGISLATION

On 27th February 2004 Section 23 of the Anti-Social Behaviour Act came into force. This introduced powers to Local Education Authorities to issue Penalty Notices. Herefordshire Council issue Penalty Notices in accordance The Code of Conduct. This was last revised in September 2012,