

Useful contact numbers

CORAM (Childrens Legal Centre)	020 7713 0089
ARC (Counselling)	0118 977 6710
Childline	0800 1111
Wokingham Citizens Advice Bureau	0300 330 1189
Adviza Wokingham	0118 974 6400
Drugs in Schools Helpline	0808 800 0800
Kidscape (Bullying)	020 7730 3300
Police (local contact)	01865 841 148
Wokingham SENDIASS	0118 908 8233
Wokingham Duty Triage & Assessment, Children's Services	0118 908 8002
Youth Offending Team Wokingham	0118 974 6672 0118 974 3783

Contacting the Education Welfare Service

Education Welfare Department
Wokingham Borough Council
Brambles Area Team
Budges Gardens
Wokingham
Berkshire
RG40 1PX

The office is open from:
8.30am - 5.00pm Monday - Friday

You can contact us on:
Telephone: 0118 974 6193
Fax: 0118 977 0637

The Education Welfare Officer for your school

The Education Welfare Service

Penalty Notices

Information for Parents/Carers

Published: January 2017

Designed and printed by WBC Digital Solutions 2017

Penalty Notices

Section 23 of the Anti-Social Behaviour Act 2003 empowers LEAs to issue Penalty Notices in cases of unauthorised absence from school.

The Education (Penalty Notices) England Regulations 2004 came into force on 27th February 2004.

This leaflet is sent to people who received penalty notices and is intended as a guide.

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 found on the Wokingham Borough Council web page at www.wokingham.gov.uk/penaltynotices

The Penalty Notice must comply with the Code of Conduct. Prior to receiving a Penalty Notice you will have been sent a warning letter unless it is due to unauthorised holiday.

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

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 22 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 summoned 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 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 £2500.

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

WITHDRAWING A PENALTY NOTICE

The legislation governing Penalty Notices states that once a Penalty Notice has been issued, it can only be withdrawn if there is proof that:

- The Penalty Notice was issued to the wrong person
- The use of the Penalty Notice did not conform to the terms of the Protocol

If you believe that either 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.