

## **What are s444A and s444B of the Education Act 1996?**

Section 444A and section 444B of the Education Act 1996 give powers to the Local Authority (LA) and other designated bodies to issue Penalty Notices where the parent/carer is considered capable of but unwilling to secure an improvement in their child's school attendance.

## **Why are these powers available?**

Reducing absence from school is a key priority at both national and local level. Missing school reduces a pupil's educational attainment chances, can leave them vulnerable to anti-social behaviour and other crime and make them less likely to enter into employment or training when they have left school.

## **What is a Penalty Notice?**

A Penalty Notice is an alternative to prosecution and is used to try and secure an improvement in a pupil's school attendance without the need to appear in Court. As long as the penalty is paid the Penalty Notice enables parents or carers to discharge their potential liability for prosecution for the period covered by the Penalty Notice.

## **What are the costs?**

Payment within 28 days of receipt of the Penalty Notice is £60 but £120 if paid within 42 days. If the penalty is not paid in full within 42 days the LA is required to commence proceedings in the Magistrates' Court for the original offence of your child's poor school attendance. If you plead guilty or are found guilty the Courts have a wider range of options which could include a maximum fine of £1000. In addition a Parenting Order could be imposed.

## **Who issues them?**

The Local Authority through the Education Welfare Service.

## **How are they issued?**

By post to your home.

## **Can I be prosecuted if I pay the penalty but my child is still missing school?**

Not for the period included in the Penalty Notice – payment discharges your liability in this respect. However, legal proceedings might be considered for further periods of poor attendance not covered by the Penalty Notice, depending upon the circumstances.

## **When are they issued?**

Penalty Notices are issued for a number of reasons including:

- Overt truancy
- Absences from school, either when a parent continually fails to provide an explanation or the school considers the absence to be avoidable.
- Holidays taken during term time where the absence has not been authorised by the school.

In every case a pupil will have had a minimum of 10 sessions (5 school days) lost to unauthorised absence during the previous six months up to and including the day the Education Welfare Service is notified.

## **What is unauthorised holiday absence?**

- A parent has made a request to a school for a holiday in term time and this has not been agreed by the school;

- A parent has not applied for holiday absence in advance of the holiday (the regulations do not allow retrospective approval); and
- If the parents keep the child away from school for longer than was agreed, the extra time is recorded as unauthorised

### **Why have I received this leaflet?**

This leaflet is sent to parents in Wiltshire to inform them of the extended use of Penalty Notices for unauthorised holiday absence or for parents who have requested a holiday during term time.

If the holiday you have requested is not agreed by the school and your child's total unauthorised holiday absences amount to 10 or more sessions (5 school days), continuous or aggregated within the previous six months within the current academic year the Education Welfare Service will be notified. The six months includes all unauthorised holiday absence up to the day the Education Welfare Service is notified.

Following this notification from a school that a parental request for a holiday in term time has not been authorised and the holiday is taken the Local Authority will issue a Penalty Notice to each parent for each child.

### **What can I do now?**

If the holiday that you have requested is not authorised you are advised not to take your child out of school.

### **Who can I discuss this with?**

In the first instance talk to your child's school; otherwise the Education Welfare Service can be contacted on:

**South Wiltshire: 01722 438168 West Wiltshire: 01225 713791**  
**North Wiltshire: 01249 659223 Kennet District: 01380 735750**

# **PENALTY NOTICES FOR HOLIDAYS TAKEN DURING TERM TIME**

**s444A and s444B Education Act 1996**

**Information for Parents and Carers**

September 2012