



A BRIEF GUIDE TO Fixed Penalty Notices



Sections 444 Education Act 1996 | Anti-Social Behaviour Act 2003 | Crime and Disorder Act 1998

This leaflet offers you a summary about the Fixed Penalty Notice (FPN) scheme and what it could mean for you.

What is an FPN?

A penalty issued for unauthorised absence from school, rather than the matter being brought before the court.

It is a time limited offer for 28 days. It is issued per parent, per child. Please note only a Head Teacher can authorise absence from school.

Who issues them?

In West Sussex the Local Authority issues them through the Pupil Entitlement: Investigation.

When are they used?

When a pupil has accrued 10 sessions of unauthorised absence in a 10-school week period. Please note - they can be issued for less than the threshold should circumstances direct*.

A school day is two sessions: morning and afternoon. This period can straddle school holidays and academic years, and the absence doesn't have to be consecutive.

This includes:

- Holidays taken in term time without the agreement of the school.
- Arriving late to school after the register had closed.
- Any absence marked in the register as unauthorised.

FPNs can also be used during the first 5 days of exclusion. Parents are made aware of the consequences by letter when a child is excluded from school.

How much is the FPN?

On the **first occasion** a child is absent without authority, the fine is **£160**, with an opportunity to pay within 21 days at a reduced rate of **£80**.

On the **second occasion** the same child is absent without authority the fine is **£160**.

On the **third occasion** the same child is absent without authority, an FPN will not be issued and instead the matter will be referred to the Magistrates Court. Alternative interventions may be considered.

Please note

If the school refers a period of absence that is 15 consecutive school days or more; the Local Authority may consider a FPN is not appropriate.

In these instances, the matter may instead be brought directly before the Magistrates Court.

What happens if I don't pay?

If you don't pay within the 28 days, the offer of a FPN is withdrawn. The Local Authority will then consider instigating a prosecution in the Magistrates Court for the offence of poor school attendance. If a guilty finding is made this could result in a fine of up to £2,500 per parent per child and/or a parenting order or a community service order. In addition, the court may impose court costs.

Can I appeal?

No. There is no statutory right of appeal once an FPN has been issued. A parent can choose to take up the offer of the FPN by paying it or choose not to allow the offence to go before the Court.

Parents can contact the FPN team should they have new information unknown to the school for consideration.

Can I be prosecuted if I pay the Fixed Penalty Notice?

You cannot be prosecuted for the period of absence identified in the Fixed Penalty Notice if it has been paid IN FULL. You may subsequently be prosecuted for further periods of unauthorised absence from school. Each case is considered on an individual basis.

REMEMBER

For absences other than unauthorised holidays in term time, school staff would much rather work with parents/carers to resolve poor attendance than resort to enforcement actions like Fixed Penalty Notices or Court. We would always encourage you to maintain good communication with the school and to raise any concerns you have.

 Pupil Entitlement: Investigation
Fixed Penalty Notice Team
West Sussex County Council

1st Floor, Arun Civic Centre
Maltravers Road
Littlehampton BN17 5LF

 Email:
FPN.PEI@westsussex.gov.uk

 Advice Line: 03302 228200