

Fixed Penalty Notices

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

What is a Fixed Penalty Notice (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 team.

When are they used?

When a pupil has accrued 10 sessions (5 school days) of unauthorised absence in a 10-school week period. **NB** - an FPN can be issued for less than the 10-session threshold should circumstances direct. For example, a parent taking steps to avoid the use of an FPN by taking their child out of school for 8 or 9 sessions during an INSET or bank holiday week.

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 (G coded in register).
- Arriving late to school after the register has closed (U coded in register).
- Any absence marked in the register as unauthorised (O coded in register).

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

How much is the FPN?

Starting from August 2024, only two FPN's can be issued to a parent within a three-year rolling period, after this, the matter is taken before the court.

On the first occasion an FPN is issued, the fine is £160, per parent, per child, **with** an opportunity to pay within 21 days at a reduced rate of £80.

On the second occasion an FPN is issued, the fine is £160 per parent, per child, **without** the option of paying the reduced rate.

On the third occasion the Local Authority receives a referral from the school, 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 unauthorised absence that is 15 consecutive school days (3 weeks) or more; the Local Authority will not issue an FPN due to the length of absence. In these instances, the matter will instead be brought directly before the Magistrates Court.

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 pay it, and allow the matter to go before the Court.

If a parent has NEW information not already considered by the school, which evidences one of the statutory defences, they can contact the FPN team for consideration.

Statutory defences are set out as follows:

- The child was medically unfit to attend school. Medical evidence required.
- The child was observing a religious day, as stipulated as an observance day in the religious calendar. Celebrations, festivals etc, are not a religious observance.
- The child was prevented from attending school due to an unavoidable cause. An unavoidable cause is something akin to an emergency, for example, house burnt down, volcano erupted impacting on flights.

If the Local Authority review information offered to them, the FPN cannot be placed on hold or deferred. The payment deadline remains in place. In addition, a school is not required to consider new information offered after the absence was taken.

Can I be prosecuted if I pay the FPN?

You cannot be prosecuted for the period of absence identified in the FPN 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.

How do I pay?

Online or by phone, see FPN for details. **Payment plans cannot not offered.**

What happens if I don't pay?

If you don't pay within 28 days, the offer of a FPN is withdrawn. The Local Authority will then instigate prosecution in the Magistrates Court for the original offence. This could result in a fine of up to £2,500 per parent per child, a parenting order or a community service order. The court may also impose court costs.

Pupil Entitlement: Investigation - Fixed Penalty Notice Team

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