

# A BRIEF GUIDE TO

# Fixed Penalty Notices

Whilst a review is made the FPN cannot be placed on hold or deferred.

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 Fixed Penalty Notice?

You cannot be prosecuted for the period of absence identified in the Fixed Penalty Notice if you have paid it. 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.

**Pupil Entitlement: Investigation**  
Fixed Penalty Notice Team  
WSCC, Bridge House, Barrington Road,  
Goring by Sea, Worthing, BN12 4SE.

**Email:**

[FPN.PEI@westsussex.gov.uk](mailto:FPN.PEI@westsussex.gov.uk)

**Advice Line:** 03302 228200

**Sections 444 Education Act 1996**

**Anti-Social Behaviour Act 2003**

**Crime and Disorder Act 1998**

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

## What is a FPN?

It is a Penalty given for unauthorised absence from school, rather than the matter being brought before the courts. It is a time limited offer which lasts 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\*. A school day is 2 sessions; AM and PM. 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?

For the first occasion a child is absent without authority the FPN is £160, and a parent is given the opportunity to pay within 21 days at a rate of £80.

For the second occasion the same child is absent without authority the FPN is £160.

For the third occasion the same child is absent without authority a FPN may not be issued and instead the case may be referred direct to a Magistrates Court or alternative interventions may be considered.

## Please note.

**If the school refers a period of absence that is 15 consecutive school days or more; Pupil Entitlement: Investigation may consider a FPN is not appropriate.**

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

## How do I pay?

The information on how to pay is included on the FPN. Payment cannot be made in part or by instalments.

## 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 Irregular school attendance. If a guilty finding is made this could result in a fine of up to £2500 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?

There is no statutory right of appeal once a Notice has been issued. A parent can choose to take up the offer by paying it or choose not to and 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.

*\*Fixed penalty notices can be issued for less than this threshold (10 sessions) should circumstances direct. For example, a parent taking steps to avoid the use of a fixed penalty notice by taking their child out of school for 8 or 9 sessions during an INSET or bank holiday week.*