

# A brief guide to

## FIXED PENALTY NOTICES FOR NON-ATTENDANCE AT SCHOOL

MISS SCHOOL. MISS OUT |



Under the Education (Penalty Notices) (Wales) Regulations 2013 Local Authorities have been given powers to issue Fixed Penalty Notices (FPNs) as an alternative to taking legal action against parents/carers when responding to unauthorised absence from school.

The process is effective in Denbighshire from September 1st 2015. The information below is a brief outline of the circumstances for which FPNs will be used.

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

It is a fine for unauthorised absence from school. It does not require a court appearance and does not result in a criminal record. Payment of a Fixed Penalty Notice is an alternative to parents being prosecuted in Magistrates Court.

### **What is an unauthorised absence?**

It is an absence from school that is not justified or considered acceptable by the headteacher. ( Please note, it is Only the Headteacher of your child's school who can authorise a pupil's absence)

### **Who issues Fixed Penalty Notices?**

The Local Authority issues them, at the request of the headteachers.

### **When are they used?**

- when a pupil has a minimum of 10 days unauthorised absence in a school year (these do not need to be consecutive days)
- for unauthorised holiday absence . Parents are advised that taking a family holiday during term time may result in an FPN being issued
- If a parent(s) carer(s) do not attempt to engage with the school or Local Authority regarding their child's absence
- If a child regularly comes to the attention of the police during school hours and is absent from school without an acceptable reason, the police authority may request the Local Authority issue a FPN.

Before a Fixed Penalty Notice is issued, you will receive a warning letter at 5 days unauthorised absence outlining the extent of your child's absence and the possibility of you receiving a Fixed Penalty Notice.

A warning letter does not apply when an unauthorised holiday of 10 days or more is taken during term time. A Fixed Penalty Notice will be issued in these circumstances.

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## **I have received a warning letter and I want to avoid a Penalty Notice. What should I do?**

- Ensure that your child attends school every day and arrives on time,
- If your child is ill make sure you make contact with the school on the first day and explain the circumstances
- Avoid arranging holidays during term time.

## **How much is the fine ?**

£ 60 if paid within 28 days of receipt of the notice, rising to £120 if paid after this period but within 42 days of receipt.

It will be at the discretion of the Local Authority whether to issue an FPN on one or both parents/carers.

## **How do I pay?**

The Penalty Notice will be sent by post to your home address and information on how to pay will be included.

## **What happens if I do not pay ?**

If you do not pay the penalty in full within the maximum allowed timescales of 42 days of issue, the Local Authority will be obliged to start legal proceedings against you for an offence under Section 444 (1) Education Act 1996 i.e. for failing to ensure regular school attendance. This may lead to an appearance in the Magistrates court and result in a fine up to £ 1,000 per parent per child.

## **Can I appeal ?**

No, there is no statutory right of appeal. Once a Fixed Penalty Notice has been issued it can only be withdrawn if it can be shown that it was issued in error.

## **Can I still be prosecuted if I pay the FPN ?**

You can be prosecuted for the same period of absence identified in the Fixed Penalty Notice but you may be subsequently prosecuted for further periods of unauthorised absences from school.

Each case is considered on an individual basis.

## **Why is attendance at school so important ?**

- Good attendance increases attainment and achievement,
- Good attendance improves opportunities,
- Good attendance supports children and young people and keeps them safer
- Attending school reduces the risks attached to absenteeism.

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### PLEASE REMEMBER

The Local Authority would rather work with parents/carers to resolve poor attendance than resort to enforcement actions such as Fixed Penalty Notices or Court.

For further help or advice please contact Education Services on :

Education Services

Telephone 01824 – 708064

email: [schoolfpn@denbighire.gov.uk](mailto:schoolfpn@denbighire.gov.uk)