

Frequently Asked Questions on Fixed Penalty Notices

Question: What is a Fixed Penalty Notice?

Answer: A Fixed Penalty Notice (FPN) is a fine which may be issued as an alternative to prosecution. It does not require a court appearance and does not result in a criminal record. Payment of a Fixed Penalty Notice enables the parent/carer to discharge the potential liability for prosecution and subsequent conviction.

Question: Who makes the decision to issue a Fixed Penalty Notice for an unauthorised leave of absence (holiday) taken during term time?

Answer: It is the Headteacher/Governor following Government Guidance who makes the decision. The Local Authority administers the notices on behalf of the Schools/Academies.

Question: What is the cost of a Fixed Penalty Notice?

Answer: £60 per parent/carer per child if paid within 21 days or £120 per parent/carer per child if paid within 28 days.

Question: Is the cost of a Fixed Penalty Notice per day?

Answer: No, it is for the duration of the unauthorised absence or for the irregular attendance outlined in the notice.

Question: When are Fixed Penalty Notice's issued?

Answer: A Fixed Penalty Notice is issued if a pupil has

- unauthorised absence from school and their parent/carer fails to co-operate with the Education Welfare Service to improve this situation
- if a pupil has unauthorised absence from school and this does not improve following a warning letter
- if a holiday is taken during term-time

Question: Who does it affect? Compulsory School Age

Parents/carers of children who are aged between 5 years and 16 (compulsory school age) who have regular unauthorised absences or an unauthorised absence due to holiday. Fixed penalty notices can apply to these children. They will not be used for nursery age children or pupils who are in a sixth form.

Question: What is the definition of a parent?

Answer: Under Section 576 of the Education Act 1996 the definition of a parent is:

"All natural parents, whether they are married or not, any person who, although not a natural parent, has parental responsibility for a child or young person, any person who, although not a natural parent, has care of a child or young person (having day to day care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

Question: Will both parents receive a penalty notice?

The legislation states that if more than one person is liable then separate penalty notices may be issued.

Question: How is a Fixed Penalty Notice issued?

Answer: The Local Authority issue the notice by post to your home address on behalf of the School/Academy.

Question: How do I pay a Fixed Penalty Notice?

Answer: Payment can be made by telephone, or by post. Details of payment methods are included on the Fixed Penalty Notice. Payment in part or by instalments of a Fixed Penalty Notice is not acceptable.

Question: Can I appeal against a Fixed Penalty Notice?

Answer: 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.

Question: What happens if I do not pay a Fixed Penalty Notice?

Answer: You will be given up to 28 days from when the Fixed Penalty Notice is issued to pay in full. If you fail to do so, the Local Authority is required, by law, to commence proceedings in the Magistrates' Court for the original offence of poor school attendance.

Question: What if my child has further unauthorised absence from school?

Answer: If you pay the Fixed Penalty Notice and your child has further unauthorised absences, you may be prosecuted for the further unauthorised absences but not for the absences during the period covered by the Fixed Penalty Notice.

Question: Can I get help if my child is not attending school?

Answer: Yes. Both the school and the Education Welfare Service are available to provide advice and support.