



## **A Brief Guide to Fixed Penalty Notices Sections 444 Education Act 1996**

This sheet offers you a brief summary about the fixed penalty notices (FPN) scheme and what it could mean for you.

### **What is a FPN?**

A penalty notice is an alternative to prosecution and requires the parent(s) to pay a fixed amount as a fine for their child's irregular attendance at school. It is issued per parent per child.

Please note only a head teacher can authorise an absence from school.

### **Who issues them?**

In Lincolnshire, the Local Authority issues them.

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

When a pupil has a minimum of 10 school sessions recorded as unauthorised in a six week period; a school day is two sessions (morning and afternoon.)

This Includes;

- Any absence marked in the register as unauthorised.
- Persistent late arrival at school after the register has been closed and recorded as an unauthorised absence.
- An absence in term time which has not been authorised by the head teacher.

The government has directed that head teachers may only grant leave in exceptional circumstances.

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

Please note: if the school refers a period of absence that is longer than 15 consecutive school days the Local Authority may consider that a FPN is not appropriate. In these instances the matter may proceed to a prosecution.

Determination about whether it is appropriate to use a fixed penalty notice will be based on the individual circumstances of each case. If a parent knows that their child is failing to attend school regularly and there is reasonable justification for not ensuring that their child attends then it is for the parent/carers to prove the reasonable justification.

### **How much is a FPN?**

The FPN is issued with an invoice for £120 per adult per child and 28 days are given for parent/carers to settle the penalty. If the FPN is paid within the first 21 days the amount is reduced to £60 per adult per child.

### **What happens if I don't pay?**

If the penalty notice isn't paid within the 28 days the Local Authority will consider instigating a prosecution in the Magistrates Court for the offence of irregular attendance. If proven this could result in a criminal conviction, fine of up to £1000 per parent per child and/or a parenting order or a community service order and also costs.

### **Can I appeal?**

There is no statutory right of appeal once a FPN has been issued.

### **Can I be prosecuted if I pay the penalty notice?**

You cannot be prosecuted in the period of absence identified in the Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absence from school. Each case is considered on an individual basis.

### **\*\*REMEMBER\*\***

School staff would much rather work with parent/carers to resolve irregular attendance than resort to enforcement action like referrals to the Local Authority which could result in a FPN being issued or Court Summons.