A brief guide to

# FIXED PENALTY NOTICES
## FOR NON-ATTENDANCE AT SCHOOL

**MISS SCHOOL, MISS OUT | COLLI YSGOL, COLLI ALLAN**

STRONG HERITAGE | STRONG FUTURE
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**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 absenteeism from school.**

The process will be introduced with effect from September 2014 and this leaflet offers a brief outline of the circumstances for which FPNs will be used.

## What is a Fixed Penalty Notice?

It is a fine given 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 Magistrate's 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 Headteachers.

## When are they used?

- When a pupil has a minimum of ten unauthorised sessions recorded during the current term (these do not need to be consecutive and please note that a school day is divided into two sessions, am and pm);
- In response to persistent late arrival at school i.e. after the registration period. Again this will be when there are at least ten recorded late marks in the current term;
- For unauthorised holiday absence. Parents are advised that taking a family holiday during term time may result in an FPN payment;
- If a parent(s)/carer(s) does not attempt to engage with the school or Local Authority regarding their child's absence;

- If a pupil 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 an FPN.

Before a Penalty Notice is issued, you will receive a written warning outlining the extent of your child's absence and the possibility of you receiving a Penalty Notice. A period of 15 school days is offered to improve the attendance and if there are NO unauthorised absences recorded during this 15 day timescale then the FPN will not be issued.

**The 15 day warning period does NOT apply to an FPN issued for an unauthorised holiday absence.**

**There is no limit to the number of times a warning notice may be issued.**

## I have received a Warning Notice 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 don't pay?

If you do not pay the penalty in full within the maximum allowed timescale 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 of 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 cannot 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.

**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 in your area please contact:**

**Bridgend**
**Telephone: 01656 815276** **email: ewsteam@bridgend.gov.uk**

**Cardiff**
**Telephone: 02920 629800** **email: ewsreferrals@cardiff.gov.uk**

**Merthyr**
**Telephone: 01685 724681** **email: educationwelfare@merthyr.gov.uk**

**Rhondda Cynon Taf**
**Telephone: 01443 744298** **email: aws@rctcbc.gov.uk**

**Vale of Glamorgan**
**Telephone: 01446 709180** **email: ewsrf@valeofglamorgan.gov.uk**