

# **WHAT IS A FIXED PENALTY NOTICE?**

**Advice for parents/carers**  
*by the Children and Young People's Services, SCC*

## **First Offence:**

**The first time a Penalty Notice is issued for unauthorised absence the amount will be:**

- £160 per parent, per child paid within 28 days.
- Reduced to £80 per parent, per child if paid within 21 days.

## **Second Offence - within 3 years:**

*(Based on a 3 year period from the date of issue of the first penalty notice):*

**The Second time a Penalty Notice is issued for unauthorised absence the amount will be:**

- £160 per parent, per child paid within 28 days.

## **Third Offence - and any further Offences (within 3 years of the first offence):**

- The third time an offence is committed a Penalty Notice will not be issued.
- The case could be presented straight to the Magistrate's Court.
- Prosecution can result in Criminal Record and Fines of up to £2,500.00.
- Cases found guilty in Magistrates' Court may show on the parent's future DBS certificate due to 'failure to safeguard a child's education'.

### Why have I been given a penalty notice?

A school fixed penalty notice may be issued to any parent of a child for:

1. **Unauthorised leave of absence** - including holidays in term time.
2. **Parentally condoned absence** where the parent/carer is deemed capable but unwilling to address attendance problems (for example, a failure to engage with support measures).
3. **A parent/carer continually failing** to provide an explanation for a pupil's absence in accordance with the school's procedures.
4. **The pupil having a record of unauthorised absences** which appear to have been avoidable.
5. **Persistent late arrival** after the school register has closed.

This is not an exhaustive list, and each case will be considered individually.

### National Framework

A penalty notice must be considered by all schools in England following:

1. **10 Sessions of Absence** (usually equivalent to 5 school days) of unauthorised absence **within a rolling 10 school week period**. These sessions **do not have to be consecutive** and can be made up of **a combination of any type of unauthorised absence**. The 10-school week period can span different terms or school years.

### What is a Fixed Penalty Notice?

School fixed penalty notices were introduced in 2003 as an alternative to prosecution with the aim to improve school attendance. A fixed penalty notice gives the parent the opportunity to discharge their liability for the offence under section 444 of the Education Act 1996.

If a penalty notice remains unpaid the local authority must either proceed to prosecute for the offence to which the penalty notice relates which may lead to a fine of up to £1000 or withdraw the penalty notice.

### How can I pay paid?

Information on how to pay is included with the penalty notice and is also available on our website: [www.suffolk.gov.uk](http://www.suffolk.gov.uk)

### **Where does the money go?**

When the penalty notice is paid, the sums received are used by the Local Authority to issue and enforce the Penalty Notices and prosecute recipients who do not pay. Any surplus will be ring fenced for attendance support in line with the Working together to improve school attendance statutory guidance.

### **FAQs**

Both my partner and I have been issued a penalty notice for our child. Is this right?  
Yes. A penalty notice can be issued to each parent liable for the attendance offence. This is usually the parents who have day to day responsibility and/or have allowed the absence.

*For more information, please see the 'Who is a Parent' leaflet available on the School Attendance pages of Suffolk County Council Website.*

### **What happens if I don't pay the penalty notice?**

Failure to pay can result in prosecution under Section 444 of the Education Act 1996 for the offence of failing to ensure your child's regular attendance at school. If full payment is not received within the time the Local Authority may commence proceedings in the Magistrates Court. If proven, this can result in fines of up to £1000 and a criminal record.

### **What happens if I pay the penalty notice, but my child is still absent from school?**

If you pay the penalty notice this discharges your liability for the period to which the penalty notice relates. However, if further absences occur, depending upon the circumstances, a prosecution might be considered for any further periods of unauthorised absence. It is vital that you work closely with your child's school and any support agencies offered.

### **Can I appeal a school Penalty Notice?**

There is no statutory right of appeal for a penalty notice, however if you have not already done so, you can make representation to the school to request consideration for the absence to be authorised.

If you believe a penalty notice has been issued incorrectly, please speak with your school. It is the school who decide whether to issue a penalty notice based on their individual attendance policy.

### **Contact Details:**

School Attendance, Children & Young peoples Services, Suffolk County Council, Endeavour House, Ipswich IP1 2BX

Email: [PenaltyNotice@suffolk.gov.uk](mailto:PenaltyNotice@suffolk.gov.uk)

## SUFFOLK COUNTY COUNCIL

### **Penalty Notices for School Attendance from 19th August 2024**

With the introduction of the National Framework for Penalty Notices issued by DfE, the following changes came into force for School Penalty Notices issued in Suffolk after 19<sup>th</sup> August 2024.

#### **National Threshold:**

There will be a single consistent national threshold for when a penalty notice must be considered by **all schools** in England of 10 sessions (usually equivalent to 5 school days) of unauthorised absence within a rolling 10 school week period.

These sessions do not have to be consecutive and can be made up of a combination of **any type of unauthorised absence.**

**The 10-school week period can span different terms or school years.**

**Please note:** The DfE does not consider a need or desire for a holiday or other absence for the purpose of leisure and recreation to be an exceptional circumstance.

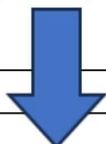
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#### **Third Offence and Any Further Offences:** **(within 3 years\*)**

The third time an offence is committed a Penalty Notice will not be issued and the case could be presented straight to the Magistrate's Court.  
Prosecution can result in Criminal Records and fines of up to £2,500.00.

**Cases found guilty in Magistrates' Court may show on the parent's *future DBS certificate due to 'failure to safeguard a child's education'.***

#### **Per Parent / Per Child:**

Penalty Notices are issued to each parent for each child that was absent.

#### **For example:**

3 siblings absent for term time leave would result in each parent receiving 3 separate fines.

#### **What defines a 'Parent':**

Section 576 of the Education Act 1996 defines 'a parent' as:

- All natural (biological) 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.