

Fixed Penalty Notices - a guide for parents and carers

Improving regular attendance at school is a key priority, both locally and nationally.

In 2014, The Welsh Government introduced important amendments to legislation surrounding school attendance. The Education Act 1996 makes it a criminal offence for a parent to “fail to secure their child’s regular attendance at the school”

The new amendments include a penalty notice scheme. This means that a Head Teacher can request the Local Authority issues a Fixed Penalty Notice (FPN) to a parent for irregular attendance or persistent lateness of a child or young person registered in their school. This includes pupils who attend an alternative education provision arranged by the Local Authority.

Some examples of when a FPN can be issued:

- **Unauthorised absences** - Where at least 10 sessions (5 schools days - there are two sessions in a school day, morning and afternoon) are lost to unauthorised absences; these do not need to be consecutive. You will receive a formal warning notification from the Head Teacher explaining the action that may be taken;
- **Persistent late arrival** – at least 10 sessions of late arrival at school after the register has closed;
- **Tuancy** – where a child or young person comes to the attention of the Police during school hours for being absent from their registered school without an acceptable reason;
- **Holidays in term time** - A Fixed Penalty Notice can be issued for unauthorised leave of absence for 5 school days or more during term time and when attendance is already irregular.

Parents and carers do not have the automatic right to withdraw their children from school for an annual holiday and will be reminded of the effect absences can have on a pupil’s potential achievement.

Should a parent or carer wish to take a holiday during term time they must apply in advance and in writing to the school explaining the circumstances for the leave of absence.

The school will consider any application for leave of absence and will only agree to authorise an extended leave of absence in exceptional circumstances.

The definition of “parent” includes all biological parents, whether they are married or not; and includes any person who, although not a biological parent, has parental responsibility and/or care for a child or young person.

Penalties:

Timeline	One child	Two children
Paid within 28 days	£60	£60 per child = £120
After 28 days and before 42 days	£120	£120 per child = £240
After 42 days	You will receive a summons to appear before the Magistrates’ Court on the grounds you have failed to secure your child’s regular attendance	You will receive a summons to appear before the Magistrates’ Court on the grounds you have failed to secure your children’s regular attendance

Section 444 of the Education Act 1996, makes it a criminal offence for a parent to fail to secure their child’s attendance at the school at which they are registered and where that absence is not authorised by the school. Therefore if the penalty notice is paid within the time limits above, no further action will be taken in connection with the offence. If the fixed penalty notice remains unpaid the parent/carer will be prosecuted in magistrate’s court for the offence.

Further information can be found on The Welsh Government web site.

<http://wales.gov.uk/docs/dcells/publications/130925-guidance-regular-non-attendance-en.pdf>