

## Frequently Asked Questions about fixed penalty notices for Schools

### What can we issue fixed penalty notices for?

Fixed Penalty Notices are seen as an effective way to bring about change where a child has relatively low level of unauthorised absence, i.e. for casually condoned absences and not entrenched cases. They are an alternative to prosecution and can be requested for the following reasons.

- At least 10 sessions (5 School days) are lost due to any unauthorised absence in the current term (these do not need to be consecutive);
- Persistent late arrival at School i.e. after the register has closed, in the current term. Persistent means at least 10 sessions of late arrival.
- Where Parent/Carers have failed to engage with the School and/or the EWS in attempts to improve attendance but where court sanctions have not been instigated;
- A period of absence from School due to a holiday that was not authorised by School;
- A pupil has regularly come to the attention of the Police during school hours and is absent from school without an acceptable reason.

### Can a School issue their own fixed penalty notices?

The legislation allows head teachers and the police (including their nominated deputies) as well as designated local authority officers (EWO's) the powers to issue FPNs. However, in order to avoid the issuing of duplicate penalty notices the management and processing arrangements in the council will remain the sole responsibility of the EWS.

### After the EWS has sent a warning letter, when does the 15 school day monitoring period start?

The monitoring period will be set by the EWS and will be stated in the warning letter of which you will receive a copy.

### A pupil for whom we sent a warning letter has been recorded with an N code (no reason yet given) during the 15 school days monitoring period, can we refer for a penalty notice?

**No.** You must establish the reason for absence. If once the reason is provided for the absence, the absence is changed to O or U, you can then refer.

### A pupil has had further unauthorised absences within the 15 school day monitoring period and we would like to refer for a penalty notice, how soon must we do this?

In order to ensure any evidence we may have to produce in court is kept within the timeframes, we ask that any referrals are made within 2 weeks of the last day of the monitoring period.

We have a pupil in Reception who is persistently late after the register closes, can we send a warning letter?

**Yes**, if the pupil has reached compulsory School age.

Can I request a fixed penalty notice for a child of non-statutory school age?

**No**, their absences should be unauthorised in line with all other pupils, but they cannot progress to an FPN as we cannot prosecute families of pupils below statutory school age.

Does the 15 day warning period apply to fixed penalty notices that are being issued for holidays in term time?

**No**, unlike the other reasons for issuing a penalty notice, the 15 day warning period will not apply to holiday in term time absences. Upon receipt of such a request, the EWS will proceed straight to issuing a penalty notice.

Will the amount of unauthorised absences be collated throughout the year, that is, is it a rolling total number of unauthorised absence sessions?

**No**, each school term will be treated separately and so only the sessions within that period can be used to determine if the pupil reaches a threshold in the Code of Conduct, e.g. 10 or more unauthorised sessions in that current term as the previous term's absences wouldn't count.

How does a School request a fixed penalty notice be issued?

The EWS will respond to all requests from Schools via email to issue an FPN within 10 school days of receipt and where satisfied that all of the relevant criteria set out in the Code of Conduct is met.

Can more than one fixed penalty notice be issued in an academic year?

Yes- as set out in the Code of Conduct, it should be noted that more than one FPN can be issued during an academic year.

What will the revenue generated by the fines be used for?

The EWS will retain any revenue from the FPN, hold it separately and use it to cover enforcement costs i.e. costs associated with the issue, collection or prosecution, in the event of non-payment of FPN's.