

Frequently Asked Questions about Fixed Penalty Notices (FPN)

What does the law say about school attendance levels?

Under the Education Act 1996, it is a legal requirement that children attend school regularly. Regular attendance refers to consistent and punctual attendance as determined by the school's policies and regulations. A Supreme Court ruling in the case of *Platt v Isle of Wight Council* [2017] UKSC28 has determined that the term 'regularly' means 'in accordance with the rules prescribed by the school.' All schools within Coventry have a 96% target attendance level.

What happens if my child's target attendance levels fall below 96%?

Section 444 of the Education Act 1996 is the overriding legislation regarding school attendance when irregular school attendance occurs. Additionally, once a child is on roll at school, the education of that child is determined by the school. The child is required to attend school for as many sessions as the school is open.

If a child is unwell and cannot attend school, a parent is required to inform the school and seek authorisation for that absence, which is a school-based decision determined by the headteacher.

Failure to secure regular school attendance of a child, can result in an FPN being issued against the parent(s)/carer(s).

What happens if I take my child out of school for a trip/holiday during term-time but my child generally attends school regularly?

For holidays/trips during term time, the Education (Pupil Registration) (England) Regulations 2013, specify that the headteacher (or an authorised person) may **not** grant any leave of absence during term-time unless there are '**exceptional circumstances**' that apply to that application. The headteacher should consider each application on a case-by-case basis and on its own merits, including determining the number of days the pupil should be absent for. Headteachers are also responsible for making clear to parents the date on which the pupil will be expected to return to school.

All requests for leave of absence must be made **in advance** and by the parent/carer with whom the child normally resides.

An FPN will be issued where a parent takes their child on a period of leave of absence during term and

- a. Has not informed the school.
- OR b. Permissions is refused by the school
- OR c. The child does not return on the school agreed date.

The applications should be made to the Local Authority within a 5/6 week period of the leave taking place and the return to school.

What does the law say about issuing FPNs for irregular school attendance and unauthorised leave of absence during term-time?

Section 23 of the Anti-Social Behaviour Act 2003 contains powers for designated Local Education Officers, Headteachers (and Deputy or Assistant Headteachers authorised by them) and the police to issue penalty notices for unauthorised absence from school.

What is the time limit for payment of an FPN?

When a child's absence is deemed unauthorised due to the reasons mentioned above, an FPN of £60 per child is issued to each parent or carer. Failure to pay the fine within 21 days will result in an additional £60 fine, with both fines required to be paid within 28 days of the original issue date. Payment can be made by phone, in person, by cash, or online through our website. Details about the time limits and payment methods are contained within the FPN itself. If you need help understanding or require further information about the FPN, you should get in touch with the named contact.

What happens if the FPN remains unpaid?

Failure to pay the FPN within the stipulated time frame may lead to legal action, including prosecution for unauthorised absence under Section 444(1) or Section 444(1A) of the Education Act 1996. It is important to note that the prosecution is not for the non-payment of the FPN itself but for the failure to ensure regular attendance at school. Payment of the FPN is an opportunity for the parent to discharge their liability with respect of their child's non-attendance at school.

Can an FPN be appealed?

Please be aware that there are no formal appeals process for FPNs. Fines will only be withdrawn if they have been issued in error. If you believe that an absence has been classified incorrectly, we recommend addressing the matter directly with the school, as the Council's decision to issue a fine is contingent on how schools classify an absence.

We hope this information clarifies the legal framework surrounding school attendance and FPNs. If you require any further guidance or have additional questions, please do not hesitate to contact us.