

Monday 11<sup>th</sup> November 2019

Dear Parents/Carers ,

**FIXED PENALTY NOTICE (January 2020)**

At Hampton Primary Partnership we have high ambitions for all pupils and want them to achieve success and realise their full potential. Excellent attendance and punctuality are crucial to achieving this. Most families within the partnership support this ethos and work with the school to ensure that their child has consistently good attendance. However, a small minority of parents do not ensure that their child is at school regularly and this can lead to persistent absence record. These children are at a significant disadvantage both academically and socially.

We must remember that regular and punctual attendance is a legal requirement.

HPP is committed to addressing poor school attendance and therefore will be introducing Fixed Penalty Notices to assist the school in the drive to improve attendance and prevent unnecessary absence from school. In most circumstances, we wish to work with families to ensure attendance is at a good level however, if this is not successful, a Fixed Penalty Notice will be initiated by the School and the Educational Welfare Team. The attached documentation outlines the expectations and procedures.

If you have any questions about this please do arrange a meeting with one of the Executive Leadership Team.



**Helen Lockety, Jon James and Claire Tester**

**Executive Leadership Team**





### Fixed Penalty Notices (FPNs)

Regular and punctual attendance at school, or alternative provision, is a legal requirement and essential for children and young people to maximise their educational opportunities. Since 2004, Local Authority officers (Education Welfare Officers or EWO), Headteachers (or Deputy/Assistant Headteachers) and the Police have had the power to issue fixed penalty notices for unauthorised absences. Under section 444 of the 1996 Education Act, an offence occurs if a parent or carer fails to secure their child's attendance at the school where they are a registered pupil and the absence is not authorised by the school. A fixed penalty notice (FPN) can also be issued if a parent or carer fails to ensure their child is not present in a public place during the first 5 days of exclusion. Fixed penalty notices and other sanctions will be used only where parental cooperation in this process is either absent or deemed insufficient to resolve the presenting problem. Hampton Primary Partnership reserve the right to issue FPNs according to the 'Penalty Notices Practice Guidance for Schools' issued by AfC in 2014.

For Achieving for Children's 'FPN Code of Conduct for Schools' please look here:  
[https://www.kingston.gov.uk/downloads/file/2286/fixed\\_penalty\\_notice](https://www.kingston.gov.uk/downloads/file/2286/fixed_penalty_notice)

There are two levels of fixed penalty notices which will be issued by the local authority to **each parent/carer for each child** absent from school:

- £60 fine if paid within 21 days
- £120 fine if paid later than 21, but within 28 days

FPNs may be considered appropriate when input from the EWS has failed to affect a return to school and in the following specific circumstances.

- At least 10 sessions (5 school days) lost due to unauthorised absence in any 5 week period;
- Parentally condoned absence;
- Unauthorised term time leave (includes holidays): any parent who takes a child out of school for term time leave of more than 10 sessions, (not authorised by the school under exceptional circumstances rule), may receive a penalty notice;
- Unauthorised delayed return from extended holidays;





- Persistent late arrival at school (after the register has closed) equivalent to 10 occasions in any 5 week period (even where attendance for the whole academic year is above 90%).

At Hampton Primary Partnership we define 'good attendance' as a pupil having an absence percentage of less and 5%.

### **Who receives a Fixed Penalty Notice?**

FPNs are issued to any parent whether married or not, to each parent/carer for each child. Any parent who although not a natural parent, has parental responsibility as defined in the Children's Act 1989 for a child.

### **The process within school**

All parents and carers will be made aware, through the Attendance policy, that FPN are a possible intervention used when attendance issues arise. All correspondence regarding FPN will be delivered by post.

**Stage 1** – A written warning letter will be sent to the parent or carer outlining the attendance concern and the possible issuing of a fixed penalty notice. The formal warning sets a period of 15 school days in which the pupil must have no unauthorised absence. At this stage the Education Welfare office will be informed of the absence and its concern. The letter also provides parents and opportunity to respond to the concern.

**Stage 2** –A fixed penalty notice will be issued by the **Educational Welfare Officer** by post after the 15 days if absence continues to be unauthorised and the required level of improvement has not been achieved.

### **What if I don't pay?**

Should a parent not pay the notice within 28 days, the local authority will prosecute for the offence to which the fixed penalty notice relates rather than for non-payment of the fixed penalty notice.



The disposals available to the courts will generally include, for example, a fine of up to £1,000 or a conditional discharge. You may wish to seek your own independent legal advice in respect of this.

**Can I appeal against a fixed penalty notice?**

There is no right of appeal against the fixed penalty notice, however if you believe it to have been wrongly issued, you should contact the school immediately. Once issued, the fixed penalty notice will only be withdrawn in the following circumstances.

- Proof has been established that the fixed penalty notice was issued to the wrong person.
- The fixed penalty notice did not conform to the terms of the code of conduct.
- The fixed penalty notice contains a material error.

Should the fixed penalty notice not be withdrawn and you do not pay, you may be prosecuted under s444 of the Education Act 1996. A court will consider the evidence and determine the appropriate punishment.

**This process will come into force as of 1<sup>st</sup> January 2020**

Written by the Executive Leadership Team