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webcast will start
shortly.





Norfolk County Council



Fixed Penalty Notices



Learning Aims

- Have a greater understanding of the legal framework underpinning Fixed Penalty Notices
- Be able to clearly identify when it is appropriate to make a referral for an FPN to be issued
- Be able to complete the online FPN referral accurately
- Understand the responsibilities that all parties have

Fixed Penalty Notices – Legal Framework

Section 23, Anti-Social Behaviour Act 2003 – Introduced powers for issuing penalty notices for irregular school attendance.

Penalty notices are fines of £60/£120 imposed on parents. They are an alternative to the prosecution of parents for failing to ensure that their child of compulsory school age regularly attends the school where they are registered or at a place where alternative provision is provided.



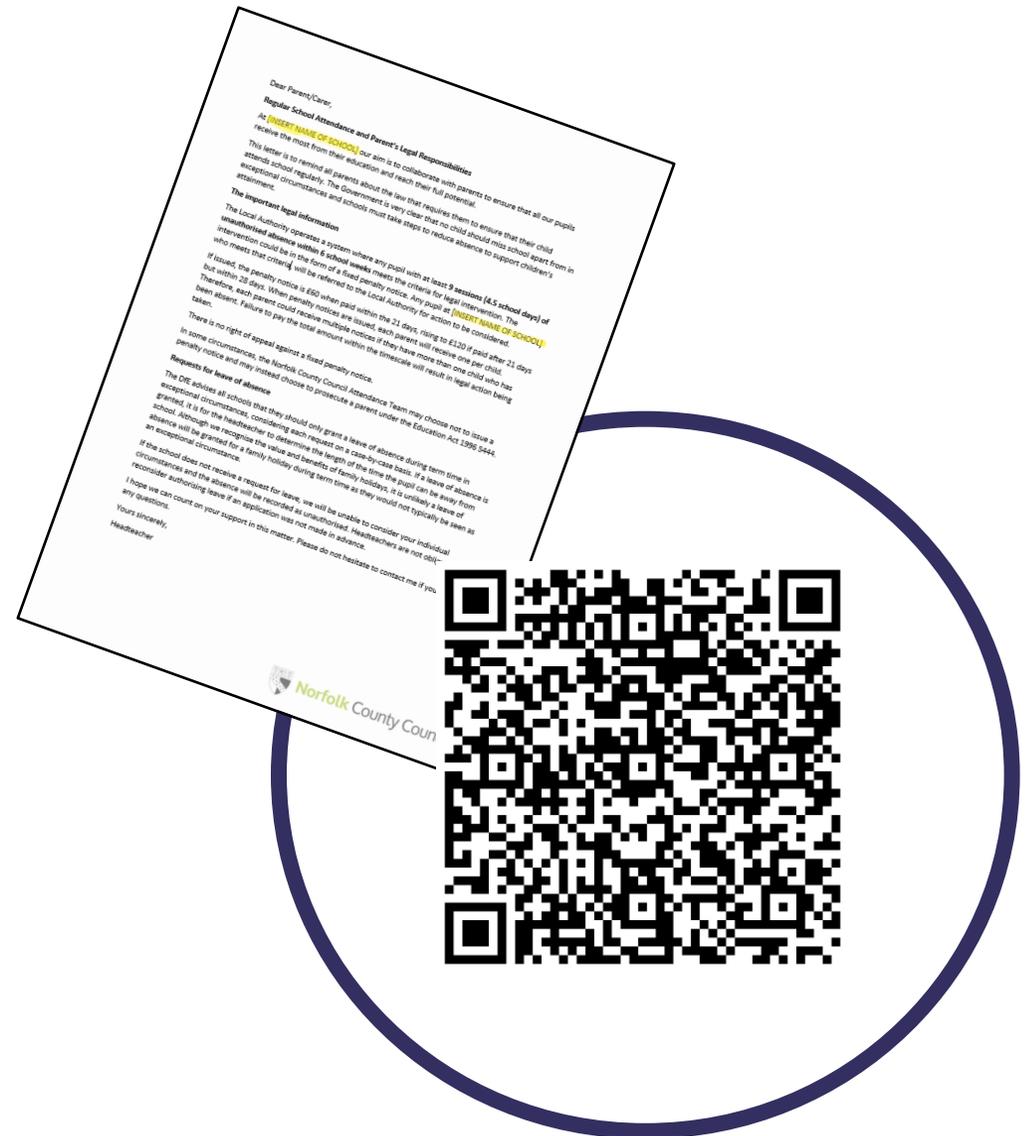
The Code of Conduct

- It's purpose is to ensure that the associated powers are applied **consistently** and **fairly** across the LA area and that suitable arrangements are in place for the administration of penalty notices
- A penalty notice is a suitable intervention in circumstances where the parent is judged capable of securing their child's regular attendance at school or whereabouts during school hours but is not willing to take responsibility for doing so
- The LA does not advocate their use for **entrenched patterns of poor attendance** and will consult with a school when it's suitability as a legal intervention is uncertain
- All schools wishing to issue penalty notices under this code of conduct must evidence that literature provided to parents relating to attendance is readily accessible and includes the **warning** that parents may be issued with a penalty notice for any unauthorised absence, including unauthorised term-time holidays

The Warning Letter

Schools wishing to participate in the fixed penalty notice scheme must issue all parents with the **Warning letter** informing them of the possible consequences for unauthorised absence; this should be issued annually at the start of each academic year and **dated** accordingly or if a child joins mid-year, they need to receive a warning letter at the time of induction. The warning letter template that schools are required to issue is available via the [Norfolk Schools' website](#).

Please ensure you place the template on school headed paper and ensure you have proof read before issuing.



Fixed Penalty Notice Criteria

To ensure consistent delivery of penalty notices, the following criteria applies:

- at least 9 sessions (4.5 school days) lost to unauthorised absence by the pupil during the last 6 school weeks (60 sessions)

The issuing of a penalty notice is considered appropriate:

- when the pupil has been absent for the purposes of a holiday during term-time and the absence has not been authorised by the school
- when the pupil has arrived in school after registration has closed and the session has been recorded with a 'U'
- when the pupil has accrued unauthorised absence from school ***and following consultation with the Local Authority Attendance Service it has been agreed that the issuing of a penalty notice is an appropriate early intervention tool***

Examples where unauthorising absence would be appropriate:

- Birthdays (theirs or other family members)
- Shopping
- Day trips
- Looking after brothers or sisters or ill relatives
- Caring for a disabled parent
- Having their hair cut
- Special treat
- Market day
- Closure of a sibling's school for INSET (or other) purposes
- Term-time holiday

Term Time Holidays

Parents should plan their holidays around school breaks and avoid seeking permission from schools to take their children out of school during term time unless it is absolutely unavoidable.

An application for leave of absence should not be granted unless it is made in advance by a parent the pupil normally lives with and the school is satisfied that there are exceptional circumstances based on the individual facts and circumstance of the case which justify the leave. Where a leave of absence is granted, the school will determine the number of days a pupil can be absent from school. A leave of absence is granted entirely at the headteacher's discretion.

A school cannot grant a leave of absence retrospectively. If the parent did not apply in advance, leave of absence should not (and from certain types of school cannot) be granted.

Code H: Holiday authorised by the school

- Head teachers should not grant leave of absence unless there are exceptional circumstances.

Code G: Holiday not authorised by the school or in excess of the period determined by the head teacher.

- If a school does not authorise a leave of absence for the purpose of a holiday but the parents still take the child out of school, or the child is kept away for longer than was agreed, the absence is unauthorised.

Code O: Absent from school without authorisation

- If the school is not satisfied with the reason given for absence they should record it as unauthorised.

Code C: Leave of absence authorised by the school

- Only exceptional circumstances warrant an authorised leave of absence. Schools should consider each application individually taking into account the specific facts and circumstances and relevant background context behind the request.

Code U: Arrived in school after registration closed

- Schools should actively discourage late arrival, be alert to patterns of late arrival and seek an explanation from the parent

Online referral

Located on the NCC Schools and Learning Providers FPN Page



Fixed Penalty Notices

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Skip to full file list 

Below you will find guidance and all the documents you will need for the fixed penalty notice process. If you require any guidance, call the fixed penalty notice advice line on 01603 222499.

[Guidance for parents is available on the Norfolk County Council website.](#)

Introduction

If a child of compulsory school age who is registered at a school fails to attend regularly at that school, then the parent is guilty of an offence contrary to Section 444(1) of the Education Act 1996. Section 23 of the Anti-

Fixed Penalty Notice referral

Submit a Fixed Penalty Notice Referral from your school

[Fixed Penalty Notice Referral](#)

Also in this section

Feedback request

How would you rate your experience today?



Comment

Skip this step

Submit 

Best practice points to consider when referring

- Its highly important for timescales and protocol that we are provided with the correct address details and notify asap if you are aware the family have moved. **Good practice point:** check the address the parent as completed on the request for leave against your records
- Names of parents should always be the full name and not the shortened or nick name e.g., Chris for Christopher. The FPN is a legal document and should reflect the parents true identity
- In order to raise an invoice for the FPN our NCC system requires a telephone number relevant to the parent, we will not be able to progress the referral without one
- If parents do not make a request for leave please detail why you believe the family have been on holiday
- **Good practice point:** take the dates of absence from your school record and not the leave of absence request form, sometimes parents will take additional time either side of the dates they have asked for!
- The last day of absence for any referral is the last day the pupil was absent not the day they returned to school
- Referrals should be submitted only once the pupil has returned to school

Note: If parents live separately, it is Norfolk policy that we do not FPN the parent that didn't go on the holiday

Prosecution for non-payment of a Penalty Notice

The prosecution would not be for non-payment of the penalty notice, but for the original offence of failing to ensure the child's regular attendance at school. The Attendance Team may use the fact that a penalty notice has been issued and remains unpaid as evidence. The Attendance Team would look at all the circumstances of the case when assessing the likelihood of securing a conviction for the original attendance offence.

If the decision is made to proceed with prosecution the parent or carer will be issued with a Notice of Intended Prosecution in the first instance.

It ought not to have been issued i.e. where it has been issued outside of the terms of the Local Protocol or where no offence has been committed

It has been issued to the wrong person

It contains material errors

The penalty notice remains unpaid and the Local Authority opt not to proceed with a prosecution under Education Act 1996 Section 444 (1)



There is no right of appeal against a penalty notice. If the penalty notice is not paid, the Local Authority can proceed to prosecution. A head teacher's decision on authorisation of absence is final.

S566 – Head Teachers certificate

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Certificate of Attendance (Section 566 Education Act 1996)

I hereby certify that the Headteacher or Principal of the Education Establishment. This will be used in legal action under Section 444 of the Education Act 1996 relating to the non-attendance of a registered pupil at the school/academy/alternative provision.

I hereby certify that pupil's name (born: [Click here to enter a date.](#)) and residing at said address is a registered pupil at (a school as defined by the Education Act 1996).

I hereby certify that the attached signed registration record is that which is held by school name for this child and has been signed by me for the period [Click here to enter a date.](#) And [Click here to enter a date.](#)

The school hold the following information as being parent /carer of the child with responsibility for ensuring the child's regular attendance at school:

Name: Parent's Name
Address:
Relationship to the child:

Declaration:

I am the Headteacher/Principal of pupil's name. I hereby certify that the information given in these documents is true to the best of my knowledge and belief.

The information has been extracted from school name's register of attendance.

Dated this day of 202.....

Signature Name (Printed)

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- Make sure to edit the document to reflect your settings circumstances
- Ensure child and parent details are correct
- Complete 1 for each parent
- This certificate should be accompanied by a attendance certificate showing the prosecution dates
- Both the certificate and attendance certificate (herringbone) should be signed and dated by the headteacher/principal on the same date
- Please respond to the ASA's request ASAP as we will be held to legal timescales. If its not returned promptly the case may be withdrawn



Further support and guidance can be found at:

[School attendance - Schools \(norfolk.gov.uk\)](https://www.norfolk.gov.uk)

If you have any further questions that have not been answered today, then please contact the Fixed Penalty Notice Officer on 01603 495 142 or at Kelly.Chilvers-Wilkins@norfolk.gov.uk