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**Date:** 11<sup>th</sup> June 2024

Dear Colleague,

### **National Framework for Fixed Penalty Notices (FPNs)**

The Government has introduced a National Framework for Fixed Penalty Notices (FPNs) which will come into use from 19/08/2024. This framework forms part of the "Working Together to Improve School Attendance" statutory guidance, which has also been recently amended. Due to the National Framework, the Code of Conduct which underpins the use of FPNs has been updated, and a copy of this is enclosed. It is also published on the West Sussex County Council (WSCC) website.

This letter and supporting documentation aims to offer clear information of the changes and of the expectations for schools when considering the use of FPNs, and how referrals to our offices will be actioned.

Please note any unauthorised absence which occurred prior to 19/08/2024 will be addressed under the current FPN framework. This means in September 2024, the FPN team will be issuing FPNs under the old and new framework dependent on when the absence is taken. As such, schools may need to advise parents who have requested absence during term time for the next academic year, they will be subject to the new framework.

The responsibility for issuing FPNs remains with the Local Authority with representatives Pupil Entitlement: Investigation being the named Authorised Officer. This is a continuance of the current situation.

The National Framework has stipulated for unauthorised absence be it for any of the following codes:

- 'G' – unauthorised holiday in term time.
- 'U' – arrival after the register has closed.
- 'O' – unauthorised absence.
- 'N' – no reason yet offered for the absence.

There must be at least 10 sessions of these codes (in any combination) within a 10 school week period. This can span school holidays and/or academic years.

In addition, a FPN can be sought when a suspended/excluded pupil is in a public place during school hours.

FPNs are to be issued to any adult defined as a parent under the Education Act 1996 and this includes:

- All natural (biological) parents, whether they are married or not.
- Any person who is not a natural parent, who holds parental responsibility for the child.
- Any person who is considered to have day to day care and control of the child.

The Government has also recognised in instances of holidays in term time, particularly with separated parents, leniency should be considered regarding the parent who was not party to the holiday. This is something WSCC has considered throughout the use of FPNs to date. When reviewing whether a parent should be included, elements of collusion around the absence should be considered.

The method of referral remains the same through PEI's current online portal.

The main changes are:

- a) Requirement for a school to issue a Notice to Improve to the parent(s); and
- b) Escalation process and increase in the cost of the Penalty Notice

### **Use of Notice to Improve**

The Government has recommended schools send out a Notice to Improve to parents at the earliest opportunity of attendance concerns. Pupil Entitlement: Investigation would expect to see this being used in all referrals to our offices for both FPN and full non-attendance referral.

A suggested template of a Notice to Improve has been included in the supporting documents. When used it will need to be amended to reflect the individual circumstances of the situation.

The use of a Notice to improve is not necessary when the absence is solely linked to a holiday in term time.

### **Escalation Process and Increase in the cost of the Penalty Notice**

The Government has introduced a clear escalation policy which runs over a 3 year rolling period. FPNs issued prior to 19/08/2024 do not form part of the escalation period, nor does absence taken prior to this date. Essentially the slate is wiped clean.

- **First Referral** - the first time unauthorised absence is referred and leads to a FPN being issued, the amount will be £160 per parent, per child if paid within 28 days. Reduced to £80 if paid within 21 days.
- **Second Referral** – the second time unauthorised absence is referred and leads to a FPN being issued the amount will be for £160 per parent, per child, with no reduction offered for early payment.

- **Third Referral** – the third time unauthorised absence is referred a FPN will not be issued and instead either result in the:
  - Matter being presented directly to the Magistrates Court. A prosecution can result in the parent receiving a criminal record and fines of up to £2,500.
  - Matter being addressed via an alternative pathway with an Investigating Officer being allocated.

The Government has been clear in respect of siblings, and where there is more than one child in the family, each parent can receive 2 FPNs per child. This directs the escalation process is relative to each parent against each child, and not a combination.

Please note, for repeat offences of holidays in term time court action will be the likely outcome.

In addition, absences in respect of 15 school days or more for a holiday a FPN will not be offered and instead the matter will be referred directly to the Courts.

I have taken this opportunity to also offer the following:

- Letter for schools to share with parent/carers of their pupils on the changes to FPNs.
- Updated FPN leaflet.

If having read the attachments you have any queries please don't hesitate to make contact and I will endeavour to answer any questions.

Yours sincerely,

**Penny Austin**  
**Team Manager – Pupil Entitlement: Investigation**



**Enclosures:**

Code of Conduct from 19/08/2024.  
Notice to Improve template.  
Letter for parents.  
FPN Leaflet.