

## **Fixed Penalty Notices for Unauthorised Holidays**

### **September 2020**

Can we remind you that to ensure we apply the law consistently and fairly in line with all Cheshire West and Chester schools that the FPN system is now in place.

Should an unauthorised leave of absence be of a duration of 10 consecutive school sessions (ie five school days) or more, on the request of the Head Teacher or School's Governing Body, the local authority will issue a Fixed Penalty Notice (FPN) to each of the child's the parents/carers.

**Penalties for unauthorised absence** The Education (Penalty Notices) Regulations 2007 set out the amounts of and periods in which penalties are to be paid as follows: Penalty Amount Paid within 21 days of the FPN being issued - £60 (per parent, per child) After 21 days but before 28 days of the FPN being issued - £120 (per parent, per child).

The 2007 Regulations also provide that FPNs can be issued to each parent/carer of each child taken out of school without the authorisation of the school. Parents and carers should also be aware that if more than one child is taken out of school a FPN can be issued to each parent/carer of each child.

If a Fixed Penalty Notice is paid within the time limits, the parent/carer will have discharged his liability in relation to the offence and no further action will be taken.

Should the FPN not be paid in the amounts or within the periods provided for by the Regulations, the matter will then be referred to the Council's Legal Services department for proceedings in the Magistrates' Court to be instigated in respect of the offence.

There is no right of appeal to a Fixed Penalty Notice, but where a parent/carer contests the issuing of a Fixed Penalty Notice, a complaint can be made to the Council's Education Welfare Service and/or opt to face proceedings in the Magistrates' Court under Section 444 Education Act 1996 where all of the issues relating to the FPN can be fully debated.