



# South Hylton Primary School

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Head Teacher: Mrs Julie Cort

## FIXED PENALTY NOTICES – FREQUENTLY ASKED QUESTIONS

### How are they issued?

Fixed Penalty Notices will always be issued by post.

### When will penalty notices be used?

They are used as a measure to address unauthorised absence at an early stage before non-attendance becomes entrenched, but they can also be used as a response to unauthorised term time absence.

### What is an unauthorised absence?

An unauthorised absence occurs when a parent fails to give a reason for their child's absence or the Head teacher does not agree to accept a parent's reason for a pupil's absence. The Education (Pupil Registration) (England) Regulations 2006 (Regulation 7) states that only a head teacher or their representative can determine if an absence is to be authorised.

Authorised absence' means that the school has either given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as justification for absence.

### Is a warning given?

Yes, written warning of the possibility of a Notice being issued will be sent to the parent. This will inform the parent of the extent of their child's absences and give them 15 school days in which to bring about an improvement. In that time, the pupil should have no unauthorised absences from school.

There is no limit to the number of formal warnings which can be issued.

In the case of unauthorised term time leave the warning will be the Head teacher's letter confirming that requested leave of absence has not been authorised. This letter includes a warning that a penalty notice may be issued.

### Can a parent receive a Fixed Penalty Notice for more than one child?

Multiple Fixed Penalty Notices can be issued to the same parents during the year.

### Is there an appeal process?

Fixed Penalty Notice fines are set by government regulation and are not based upon ability to pay. There is no provision for payment instalments nor is there a statutory right of appeal once a fixed-penalty notice has been issued. Fixed Penalty notices can only be withdrawn if they were issued in error or to the wrong person or there is material evidence of error.

### How do parents pay the Penalty Notice?

Details of payment arrangements will be included on the Fixed Penalty Notice.

### Can a parent be prosecuted if they pay the Penalty Notice but their child is still missing school?

Not for the period stated in the Fixed Penalty Notice, since payment of the penalty discharges their liability for that period. However, it could be the case that a prosecution could be considered for further periods of poor attendance not covered by the Notice, depending on the circumstances.