

***Can I be  
prosecuted if I pay  
the Fixed Penalty  
Notice?***

You cannot be prosecuted for the period of absence identified in the Fixed Penalty Notice. You may subsequently be prosecuted for further periods of unauthorised absences from school. Each case is considered on an individual basis

**\* \* REMEMBER \* \***

School staff would much rather work with parents/carers to resolve poor attendance than resort to enforcement actions like Fixed Penalty Notices or Court.

**Fixed Penalty Officer  
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West Sussex County Council  
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**A BRIEF GUIDE  
TO**

**Fixed**

**Penalty**

**Notices**

**Sections 444 Education Act 1996**

**Anti-Social Behaviour Act 2003**

**Crime and Disorder Act 1998**

The Fixed Penalty Notice Scheme for unsatisfactory school attendance is in use in West Sussex. This leaflet offers you a brief summary about the Fixed Penalty Notice scheme and what it could mean for you.

### ***What is a Fixed Penalty Notice?***

It is a fine given for unauthorised absence from school. Please note **ONLY** a Headteacher can authorise absence from school.

### ***Who issues them?***

In West Sussex, the County Council issue them through the Education Welfare Service.

### ***When are they used?***

- When a pupil has a minimum of 10 school sessions recorded as unauthorised. A school day is divided into 2 sessions, am and pm. A formal Warning is given in writing and 15 days given to improve attendance. During this time there must be NO unauthorised absence from school.

- For persistent late arrival at school after the register has been taken and is recorded as unauthorised absence. Again a formal Warning is given in writing and 15 days given to improve attendance. During this time there must be NO unauthorised absences from school.
- For unauthorised holiday in term time. There is no warning period given in these circumstances as parents will be aware of the consequences of taking an unauthorised holiday and then knowingly remove their child from school.
- For a pupil being in a public place during the first 5 days of an exclusion. Parents are made aware of the consequences by letter when a child is excluded from school.

- ***How much is the fine?***

If paid within 21 days **£60** per parent per child

After which it goes up to

**£120** per parent per child to be paid within 7 days

### ***How do I pay?***

The information on how to pay is included on the Fixed Penalty Notice. Payment cannot be made by instalments.

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

If you don't pay within the 28 days the County Council is required to commence prosecution in the Magistrates Court for the original offence of poor school attendance. If proven this could result in a fine of up to £1000 per parent per child and/or a parenting order or a community service order

### ***Can I appeal?***

NO. There is no statutory right of appeal once a notice has been issued. Should you wish, you can make a representation once a Warning has been issued.