

## **Fixed penalty notices: information for parents and carers**

### **Education Welfare Service**

#### **What is a fixed penalty notice?**

Since 2004, local authority officers (typically education welfare officers), headteachers (or assistant headteachers and deputy headteachers) and the police have had the power to issue fixed penalty notices for truancy/unauthorised absences. A fixed penalty notice can also be issued if a parent or carer fails to ensure that their child is not present in a public place during the first five days of exclusion.

There are two levels of fixed penalty notices:

- £60 fine if paid within 21 days
- £120 fine if paid later than 21, but within 28 days

Parents or carers who pay the fixed penalty notice within the time limit cannot later be prosecuted for the offence to which the fixed penalty notice relates.

#### **Who receives a fixed penalty notice?**

Any natural parent whether married or not.

Any parent who, although not a natural parent, has parental responsibility as defined in the children's Act 1989 for a child or young person.

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

Should a parent not pay the notice within 28 days, the local authority will prosecute for the offence to which the fixed penalty notice relates rather than for non-payment of the fixed penalty notice.

The disposals available to the courts will generally include, for example, a fine of up to £1,000 or a conditional discharge. You may wish to seek your own independent legal advice in respect of this.

#### **Can I appeal against a fixed penalty notice?**

There is no right of appeal against the fixed penalty notice, however if you believe it to have been wrongly issued, you should contact the school immediately. Once issued, the fixed penalty notice will only be withdrawn in the following circumstances.

- Proof has been established that the fixed penalty notice was issued to the wrong person.
- The fixed penalty notice did not conform to the terms of the code of conduct.
- The fixed penalty notice contains a material error.

Should the fixed penalty notice not be withdrawn and you do not pay, you may be prosecuted under s444 of the Education Act 1996. A court will consider the evidence and determine the appropriate punishment.