This Fixed Penalty Notice process is to be followed in conjunction with Suffolk County Council Fixed Penalty Notice Code of Conduct

FPNs are issued as an alternative to prosecution, it gives the parent the option to pay a fine to discharge their liability for failing to ensure regular school attendance in accordance with The Education Act 1996 s.444.

An FPN should only be requested after school have

1. Investigated / communicated with the family to understand the reason for the unauthorised absences.
2. Confirmed that the child subject to the FPN is safe and well.
3. Have tried to resolve any barriers to attendance
4. Considered EWO/School intervention and felt this not appropriate.
5. Unauthorised absence threshold for FPN, as set out in own schools Attendance Policy has been reached.

FPN Portal Access - All Fixed Penalty Notice requests need to be made through the Suffolk partner portal.

Each school is entitled to a portal account as part of the LAs offer. To request an account please email victoria.winter@suffolk.gov.uk giving full name of the proposed account holder and their ‘named’ school email address.

If the new account is due to a change in staff member please provide full name of the person who has left the post so that their account can be closed, this will protect against potential data protection breaches.

Once you have completed the registration process your account will be activated, once activated the portal can be accessed by

1. Click Link: <https://connect.suffolk.gov.uk/restricted/fpn>
2. Sign in using Suffolk partner portal log in
3. When you are asked to sign into Microsoft account you need to use ‘another account’ and put in your user name. Do not use your email address

Your user name is usually  firstname.surname@suffolk.partners

 This user guide details how to access the portal and completion of the form.

 

When the FPN request has been completed it will appear in your FPN list and will show the status of each request. Appendix 5 gives the meaning of each status within the portal.

Appendix 3 is a template of the Fixed Penalty Notice that is sent out to parents

The wording in orange in the template is taken exactly as written in the portal, therefore please be mindful of spelling and grammar when inputting this information. The dates in blue are calculated by the system.

Appendix 4 is the Final warning letter which is sent to parents after 28 days if no payment has been received.

If an FPN is paid within 28 days this will show in the portal as paid and there will be no further action taken by the LA in regards to that specific FPN.

**What Happens with Fixed Penalty notices that remain unpaid after 28 days?**

**Flow Chart Appendix 2**

Parents are not prosecuted for failing to pay an FPN. The prosecution is for the original offence of a parent failing to ensure regular school attendance

After day 28 a decision needs to made as to whether the case should be considered for prosecution through the courts. This decision is made by considering any mitigating circumstances as well as the overall attendance or attendance patterns of the pupil

Following the Final Warning Letter being sent to parent, the FPN Team will Email the portal account holder an Authorisation To Prosecute (ATP) form, Appendix 4. Schools will have one calendar month to complete the ATP form and return to the FPN Team along with an up to date registration certificate if they would like the case to be considered for legal action.

If the ATP form is not completed and returned the assumption will be that the school does not feel the case is appropriate for legal action and alternative arrangements have been made to resolve the attendance concerns.

When a completed ATP form is returned, it is sent to panel for a final decision. The ATP panel meet within the first 10 days of each calendar month, As these meetings are time restricted returned ATP forms will be heard in numerical order (lowest number first,using original FPN reference number). During these meetings each case is considered independently and in accordance with The Code for Crown Prosecutors.

Where cases are agreed at panel a Single Justice Procedure (SJP) Notice is sent to the parent on the next available date.

The available dates are pre-determined by the courts of justice. Suffolk County Council are limited in the number of school attendance prosecution cases that can be put through to the courts in a calendar month. This limitation will determine the length of time between ATP submission and court paperwork being issued.

Once SJP paperwork is received by the parent they have 21 days in which to respond to the courts. They can respond by

1. Sending in their plea and any mitigation
2. Sending in plea and requesting full court hearing
3. No response to paperwork

In cases 1 and 3 the court hearing will go ahead as planned, aimed to be within 14 days but subject to court time. SCC are made aware of the outcomes to these cases usually within 3 weeks.

If parents request full court hearing, parents & SCC will be notified of the next available court date for case to be heard in a local magistrates court, this date could be several weeks hence.

 Appendix 1 – FPN Process

Child returns to school after unauthorised absence threshold for FPN has been met.

Complete referral for Fixed Penalty Notice through FPN Portal within 15 school days.

Fixed Penalty Notice Issued to parent aimed to be within 10 school days of referral. Appendix 3

No payment received

FPN paid £60 within 21 days

FPN paid £120 within 21 – 28 days

Final Warning Issued to parent. Appendix 4

Portal status Notice to Court

Parents have discharged their liability for absence.

No further action to be taken.

Request for Authorisation to Prosecute (ATP) forms and updated registration certificates sent to school Appendix 6

Appendix 2 – Unpaid FPN Process

SJP hearing takes place aimed within 14 days

Adjourned until next available face to face court date

Parent found not guilty or no case to answer

Withdrawn

Proven. parent found guilty of offence

Parent does not respond to court

Parent requests full court hearing

Parent has 21 days to respond to the court with their plea and any mitigation.

Parent responds to court

Case not felt suitable for prosecution.

Agreed cases taken to prosecution through to Single Justice Procedure (SJP)

SJP Notice issued to parent.

Note: Once issued SCC should not withdraw except in exceptional circumstances

ATP panel consider submitted case

No completed ATP or updated registration certificate received.

Completed ATP form and academic year to date registration certificate returned. Submitted to next available ATP Panel.

FPN Withdrawn

Request for Authorisation to Prosecute (ATP) forms and updated registration certificates sent to school Appendix 6

**Appendix 3 – Fixed Penalty Notice letter 1 (3 pages)**

Our Ref:FPNTEST11111

Date: 28/04/2022

Tel: 0345 606 6172

Email: PenaltyNotice@suffolk.gov.uk

Website: http://www.suffolk.gov.uk/SCCPN

Parent

Parent address as per portal

Dear Parent,

**EDUCATION ACT 1996 Section 444**

**Child: child, Date of Birth: dd/mm/yyyy**

**School: School name**

**This fine is specific to you parent and each parent may be in receipt of a Penalty Notice for each of their children.**

I have received a referral from school name for child, who has unauthorised absences recorded against them at the school. Therefore I enclose a Penalty Notice which gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above.

The amount of the penalty is currently £60 and payment should be made within 21 days (dd/mm/yyyy). If payment is made after 21 days but before 28 days the penalty will be doubled to £120. If payment is not received by (dd/mm/yyyy**)**, you may be prosecuted for the offence of failing to ensure your child’s regular attendance at school and could be subject to a higher fine.

**How to pay:**

**Online**: the quickest and easiest way to pay a penalty notice is via our website, please visit [**www.suffolk.gov.uk/sccpn**](http://www.suffolk.gov.uk/sccpn)

**By Telephone:** please call **0345 606 6172** to ***arrange a call back*** to pay this penalty notice by debit or credit card. This service is available 08:30-17:30 Monday to Friday excluding Bank Holidays.

**By Post:** you can send a cheque or postal order made payable to Suffolk County Council to the following address:

**Suffolk County Council, PO Box 258, Stowmarket, IP14 9BU**

If you have any questions about this matter, in the first instance contact your child’s school who have not authorised this absence.

Yours sincerely

On Behalf of Suffolk County Council

**Penalty Notice**

Penalty Notice No: FPNTEST11111

**[S.444A EDUCATION ACT 1996] AND [S.105 EDUCATION AND**

**INSPECTIONS ACT 2006]**

Please read all notes carefully.

**PART 1**

Any child of compulsory school age who is a registered pupil at an Educational Provision and fails to attend regularly at that Educational Provision, the parent is guilty of an offence under s.444 Education Act 1996.

To: parent

Date of Birth (if known):

Of: parent address

You are a parent of child (called in this notice “the pupil”) who is a registered pupil at school name

Between absence start date - absence end date the pupil failed to attend regularly at school name

**This notice gives you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. *The amount of the penalty is £60/£120 in accordance with the time limits set out below and no further action will be taken if the penalty is paid.***

The amount of the penalty is currently £60 and payment should be made by one of the methods listed over the page within 21 days. If payment is made after 21 days but before 28 days the penalty will be doubled to £120.

Method of Payment

Payments may be made online via <http://www.suffolk.gov.uk/SCCPN> . Alternatively by Cheque payable to **‘Suffolk County Council’** with your penalty notice number (FPNTEST11111) clearly written on the back.

All payments must be made in full to the following address:

**Suffolk County Council, PO Box 258, Stowmarket, IP14 9BU**

Please include your penalty notice number on the reverse of the cheque.  If you require a receipt please enclose a stamped addressed envelope.

**Part payments will not be accepted and no reminders will be sent. If payment is not received by day 28, you may be prosecuted for the offence and could be subject to a fine of up to £1,000.**

This notice is issued by: Victoria Winter Fixed Penalty Notice Officer, for Education Attendance Service of Suffolk County Council, Russell Road, Ipswich, Suffolk IP1 2BX.

Date of issue: dd/mm/yyyy

Penalty Notice No: FPNTEST11111

 **PART 2**

Please complete the following and **return this page with your payment**. Please ensure that you write your penalty notice reference number FPNTEST11111 on the back of your cheque or postal order:

Name: ……………………………………………………………………………………………………

Address: …………………………………………………………………………………………………

I attach payment in the sum of £………… Cheque/Postal Order Number: ……………

Signed:……………………………………………………………………………………………………

**NOTES**

1. Contact Details

If you have any queries about this notice, please contact: Education Attendance Service, telephone number: 0345 606 6172, Suffolk County Council, PO Box 258, Stowmarket, IP14 9BU.

2. Amount of penalty.

The amount of the penalty is as follows:

When paid within 21 days £60

When paid within 28 days £120

3. Code of conduct.

This notice is issued in accordance with the Code of Conduct as drawn up by Suffolk County Council. The Code of Conduct maybe read on Suffolk County Council website.

The local Code of Conduct sets out the procedures and terms under which Penalty Notices can be issued in Suffolk. Authorised persons should issue Penalty Notices in compliance with the Code of Conduct in order to ensure that the powers are consistently applied.

4. Withdrawal

There is no statutory right of appeal once a notice has been issued. The grounds that the Local Authority may withdraw a notice are limited but if a parent shows written evidence of an absence or that they had no responsibility for the absence [*ie: court orders for other parent’s time with child; medical evidence from Health Professional indicating unfitness to attend school or in consultation with schools the notice should not have been issued]* and after consultation with the school the notice may be withdrawn by the Suffolk County Council. If it is shown that the penalty notice should not have been issued to you or has not been issued to you in accordance with the local code of conduct, a letter of withdrawal will be sent to you.

5. Payment

You should complete the notice above and send it with payment to Suffolk County Council, PO Box 258, Stowmarket, IP14 9BU

6. Prosecution

If you do not pay the penalty, and the notice is not withdrawn, you will be prosecuted for the offence of failing to ensure your child’s regular attendance at school. You will receive a separate summons for this which will give you notice of the time and date of the court hearing. You will be able to defend yourself and you would be advised to seek legal representation; in some circumstances you may be entitled to legal aid.

**Appendix 4 – Final Warning Letter (2 pages)**

Our Ref: FPN11111

Date : 18 August 2023

Tel : 0345 606 6172

Email: PenaltyNotice@suffolk.gov.uk

Website : www.suffolk.gov.uk/SCCPN



Parent

Parent address

Dear Parent

**FINAL NOTICE TO PARENTS**

**EDUCATION ACT 1996 SECTION 444**

**child – dd/mm/yyyy**

**School name**

I wrote to you on dd/mm/yyyy issuing a penalty notice following recorded unauthorised absence between start date of absence and end date of absence, of child, who is a registered pupil at school name.

This notice gave you the opportunity to pay a penalty fine instead of being prosecuted for the offence given above. The notice clearly stated that if payment was not received by dd/mm/yyyy, you may be prosecuted for the offence and could be subject to a fine of up to £1,000.

You have not paid the penalty, and the notice is not withdrawn. In failing to meet your legal responsibilities in this matter, you are now served a **FINAL NOTICE** that Suffolk County Council will begin legal proceedings against you.

You will receive legal paperwork in the form of a Single Justice Procedure Notice. The notice will contain a plea form which must be completed and returned to the courts in accordance with the guidance provided in the notice. You may wish to seek legal advice.

However if you feel there is additional information Suffolk County Council should take into consideration you may fill in the attached and return it to the above address

Yours sincerely



Stuart Hudson

Strategic Lead for Suffolk Family Focus School Attendance Service

**Reference: FPN11111**

**Parent name: Parent**

**Parent DOB:**

**Pupil name: child**

**Pupil DOB: dd/mm/yyyy**

**Mitigating circumstances:**

Please use the space below to write what you want Suffolk County Council to know about offences and yourself. Mitigating circumstances are facts about the offences or yourself which tend to make the offences less serious. Ensure you sign at the end of your mitigation. (You may attach any documents you wish Suffolk County Council to take into consideration)

**Appendix 5 – Meaning of each status within the FPN Portal**

Triage Received by FPN team

Duplicate fine this academic year Child has been issued one FPN already this academic year

Outside compulsory school age child has not yet reached the prescribed day following their 5th birthday. If child has then check date of birth and term issued are both correct.

To be reviewed – late issue FPN request made more than 15 days after absence end date.

Ready to be issued ready for next FPN batch to be sent. If FPN remains at this status for longer than 2 weeks please contact FPN team

Issued pending early payment within 21 days of FPN being sent to parent. £60 to satisfy

Issued pending later payment between 21 and 28 days of FPN issue date. £120 to satisfy.

Final warning letter Day 28. Final warning letter sent to parent

Notice to court Day 29.period to determine if legal action appropriate

Paid Parent has made payment

Withdrawal request School / FPN Team request withdrawal. Reason for withdrawal specified in withdrawal section

Withdrawn Withdrawn letter sent

Refused Refused by FPN team. Outside Code of Conduct or missing information.

Paused Timescales of FPN paused. Most used when parents request additional time to pay at lower rate due to financial hardship. Can also be used by school if they are unable to respond to a parents dispute in a timely manner

Summons Court Paperwork sent to parents

Awaiting prosecution Deadline for parents to submit mitigation to court has past. Waiting for court hearing

Prosecuted Court decision

**Appendix 6 – Authorisation to Prosecute Form (3 pages)**

**Authorisation To Prosecute Form (FPN)**

**To be completed by the school and submitted to LA for consideration for a prosecution under the Education Act 1996 Section 444 following a parental choice not to discharge their liability (ie FPN remains unpaid)**

**School Name:** [Type here]

**Parent Name:** [Type here] Parent DOB if available: [Type here]

Details of each FPN subject to this parent’s potential prosecution.

|  |  |  |
| --- | --- | --- |
| **FPN Number** | **Child Name** | **Relationship to Child** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**Academic Year Attendance**

|  |  |  |
| --- | --- | --- |
| Did parents communicate reason for absences? | Yes / No | Comments:  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Child Name** | **Attendance %****Academic year to date** | **Number of unauthorised absences**  | **Number of authorised absences** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**If FPN issued for Term Time holiday only, please skip to childs view**

|  |  |  |  |
| --- | --- | --- | --- |
| **Parental Co-Operation** | **Y** | **N** | **Comment** |
| Is parent able to exercise control of child? |  |  |  |
| Is parent supportive of school (i.e. detentions/homework/uniform) |  |  |  |
| Did school make parent aware of unauthorised absences prior to FPN issue? |  |  | In person / letter / Telephone  |
| Have School invited parents for meeting regarding current attendance |  |  |  |
| In your opinion has the parent done everything possible to ensure regular school attendance of their child at school? |  |  |  |
|  |  |  |  |
| **Any Other Factors** |  |  |  |
| Does parent have learning/language difficulties? |  |  |  |
| Does parent have a diagnosed physical disability or mental health issue? |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Pupil Factors** |  |  |  |
| Does pupil have a medically diagnosed recurring medical condition? |  |  |  |
| Is the pupil involved in offending or anti-social behaviour? |  |  |  |
| Are there any identified issued not address by other agencies? |  |  |  |
| Does the pupils absence effect siblings or other students? |  |  |  |
|  |  |  |  |
| Are school aware of any previous convictions for parents for non regular school attendance? |  |  |  |
|  |  |  |  |

**Involvements**

What pre-referral work, if any, has been undertaken by the school? (and what was the outcome?)

|  |  |
| --- | --- |
| **Actions** | **Outcome** |
|  |  |
|  |  |
|  |  |
|  |  |

Details of other professions involvement including outcomes or if ongoing

|  |  |  |
| --- | --- | --- |
| **Team** | **Key Worker** | **Comments** |
| **HEALTH** (including GP; CAMHS, School Nurse, Adult Mental Health Service) |  |  |
| **Social Care Team** |  |  |
| **Other Education Professionals** (including PRU; AT, EP, SNO, LOB, Inclusive Services) |  |  |
| **YOS / Police** |  |  |
| **Special Educational Needs** (indicate if School Action/School Action +/EHCP) |  |  |
| **Other Agencies** (eg Suffolk Young Carers) |  |  |
| Number of Letters sent to parent |  |
| Number of Meetings Arranged |  |
| Number of Meetings Attended by parent |  |

**Childs View** if available:

|  |
| --- |
| **Are school aware of any mitigating or difficult family circumstances?** |

The Academy/School understands and accepts that the decision to follow through with this referral depends upon the evidence available as disclosed to Suffolk County Council who will make the decision to proceed.

Whilst there is no charge for the prosecution, should the matter be directed for a trial, the academy/school has the right to instruct a solicitor or barrister in these matters.

|  |
| --- |
| **Academy/School’s Comments:** *What outcome are the school hoping to achieve for the child/young person? How will a prosecution enable the Child to attend school?* |
| **Signature on behalf of the School:** | **Date** |
| **Position:** |

Please attach updated registration certificate