

## School Attendance

### Fixed Penalty Notices – frequently asked questions

**1) Why have both my partner and I received a FPN for the same child?**

In law each parent is treated as an individual and has responsibility for their children.

**2) I am not the father/mother of the child, why I have I received a FPN?**

Education law defines a parent as any individual who has day to day care of a child so a step-parent; aunt; uncle or grandparent is classed as a “parent” if they are responsible for the child and their education.

**3) I do not live at the address/I did not take the holiday, why have I received a FPN?**

If you did not take the holiday, or give permission for the holiday to be taken and the child in question does not live at your address then you should not be issued with a Fixed Penalty Notice and this will be withdrawn if proof is provided. Sometimes the information provided to us by schools has not been updated in regard to parent details and we would suggest that you contact your child's school to ensure the records are up to date.

**4) The school assured me I would not receive a FPN, why have I received one?**

The Local Authority only acts on referrals made by the schools so if you have received a FPN this is because the school has referred the matter to us for the issue of the Fixed Penalty Notice. It is not possible for us to comment on why you might have been told you would not receive a FPN.

**5) What if the leave was due to “exceptional circumstance” and was not a holiday?**

It is up to the school to make a decision as to whether or not the period of leave was due to exceptional circumstances based on the information you have provided to the school. If you feel strongly that you should not have received a Fixed Penalty Notice or you have additional information then you should contact this office on the numbers provided so we can place the matter “on hold” and then you should contact the school. Sometimes schools will agree a period of authorised absence for exceptional events such as a death/funeral or illness but they would expect the child to return to school after this authorised period, if the child does not return to school, then after five unauthorised days, a referral for an FPN may be made to the Local Authority.

**6) It states on the Notice that I have received a FPN for “Excessive holiday in term time” but five days is not “excessive” why have I received a FPN?**

“Excessive holiday” is the terminology used in the DfE Regulations and it is up to Local Authorities to interpret how long this period should be. In line with most other Local Authorities MK Council define it as 5 (five) days or 10 (ten) sessions missed.

**7) How do I appeal this decision as I think it is unfair?**

You should contact us on the numbers below so the matter can be placed “on hold” and then contact the school but you are not likely to be successful in your appeal unless you can show that the leave was due to “exceptional circumstance.”

- 8) *There was a recent court case in which a parent won his appeal against the issue of a FPN based on the fact his child had 93% “regular” attendance and this was classed as “regular attendance”.***

That’s correct, Mr Platt originally won a case in the Isle of Wight magistrates’ court on the basis that his child had ‘regular attendance’. However the Department for Education ultimately appealed to the Supreme Court which found in favour of the Department of Education. The judgement defined “regular” school attendance as “every day the school is open”. Mr Platt’s case was eventually referred back to the Isle of Wight magistrates where he was found “guilty”

- 9) **Why did I not receive a warning that I might receive an FPN?****

All schools are required to have an Attendance Policy and this should make clear that FPNs may be issued for term time holidays, it should also be made clear on their website and in newsletters but because this is a national policy schools do not have to send individual warning letters. If you submitted a request to the school then they would have sent a letter stating the absence would be unauthorised and might incur a FPN. If you did not inform the school of your child’s absence and they suspect your child was on holiday then they may refer the matter to the Local Authority but they should have notified you that this was the case.

More information and our Code of Conduct is available on our website

<http://www.milton-keynes.gov.uk/schools-and-lifelong-learning/information-for-parents/milton-keynes-council-school-attendance>

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