

3 September 2025

New guidance for the use of fixed penalty notices (FPNs)

Dear Colleagues,

In June 2024, we wrote to all schools explaining the new Department for Education and Local Authority guidance around the use of fixed penalty notices (FPNs). This included the increase in the fine, together with the process of the first, second and third FPN in a three-year rolling period and how the local authority will address each referral.

The new guidance also outlined that schools could refer to the local authority for an FPN to be issued where a child is taken out of school for 8 or 9 unauthorised sessions for a family holiday during an INSET or bank holiday week, to avoid meeting the 10-session threshold for an FPN. The direct wording from this government directorate communicated on 24th June 2024 was:

'The Government has also directed fixed penalty notices can be issued for less than this threshold (10 sessions) should circumstances direct, offering details of when this would occur. For example, a parent taking steps to avoid the use of a fixed penalty notice by taking their child out of school for 9 sessions as this would mean the threshold would not be met.'

If the local authority (or other authorised officer) believes a penalty notice would be appropriate, they retain the discretion to issue one before the threshold is met. This might apply for example, where parents take several term time holidays below threshold, or a 4-day absence during an inset week or following a bank holiday. The West Sussex Code of Conduct allows the local authority to use this discretion under point 16 as follows:

16.If in an individual case the Local Authority (or other authorised officer) believes a Penalty Notice would be appropriate, they retain the discretion to issue one before the National threshold is met.

Therefore, if a child is taken out of school for 8 or 9 sessions without authority during an inset week or following a bank holiday, the local authority will accept a referral for consideration of an FPN. As always, it is the Head teacher's decision as to whether absence is authorised or not, and whether a referral is made to the Local Authority. We have provided a suggested letter template for you to send to all parents to relay this information, together with a suggested letter template to be used after holiday absence occurs in this situation. We would also request that you update your attendance policy, newsletters, absence request forms and any other material relating to FPNs to reflect this. We have attached an updated FPN leaflet to share with parents.

Kind regards,

Penny Austin

Pupil Entitlement: Investigation Team Manager