

NCC-042936-19 fixed penalty notices - schools

Dear Requester,

Further to your request for information under the freedom of information act,

Please see attached the information requested.

We trust this now resolves your enquiry, however should you have any further queries please do not hesitate to contact me directly on the details below.

We suggest all requesters search under our publication scheme in advance of requesting information under the freedom of information act.

Nottinghamshire County Council regularly publishes previous FOIR, s and answers on its website, under Disclosure logs. (see link) <http://site.nottinghamshire.gov.uk/thecouncil/democracy/freedom-of-information/disclosure-log/>

You can use the search facility using keywords. i.e. un regulated / care / home etc. A copy of this response will be published following your receipt.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Team Manager, Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP or email complaints@nottscc.gov.uk .

Kind Regards

Complaints and Information Team
Nottinghamshire County Council
County Hall

Dear FOI colleague,

Please find attached a Freedom of Information request concerning fixed penalty notices issued to parents whose children do not attend school.

Freedom of Information request – fixed penalty notices

The purpose of this request is to provide Mind, the mental health charity, with information on the use of fixed penalty notices across England. This will inform our policy development. Penalty notices are fines of £60/£120 imposed on parents. Penalty notices can be used where the pupil's absence has not been authorised by the school. They can only be issued by a head teacher or someone authorised by them (a deputy or assistant head), a local authority officer or the police. The notices should include details of the circumstances which triggered the notice. All schools and the police must send copies of penalties issued to the local authority.

Local authorities must draw up a code of conduct for when fixed penalty notices can be issued^[1]. The code should set out the criteria that will trigger the use of a penalty notice^[2].

^[1] Regulation 14 of the Education (Penalty Notices) (England) Regulations 2007

^[2] Page 9 [School Attendance parental responsibility measures statutory guidance](#)

Local authorities must also keep a record of penalty notices which includes whether the recipient was prosecuted for the offence for which the notice was issued^[3].

If a child of compulsory school age fails to attend regularly at a school at which they are registered, the parents may be guilty of an offence and can be prosecuted by the local authority. There are two separate offences: Section 444(1) Education Act 1996: where a parent fails to secure the child's regular attendance; and section 444(1A) Education Act 1996 where a parent knows that the child is failing to attend school regularly, and fails to ensure the child does so.

Please provide me with the following information by electronic copy:

1. A copy of your code of practice for issuing fixed penalty notices
2. How many fixed penalty notices were issued in your area in 2017, 2018 and 2019
3. The most common criteria for triggering a fixed penalty notice
4. The total number of prosecutions in the above years under sections 444(1) and 444(1A) of the Education Act 1996

^[3] Regulation 20 of the Education (Penalty Notices) (England) Regulations 2007