

3 September 2025

Guidance on fixed penalty notices (FPNs) for school attendance

Dear Parent/Carer,

In June 2024, West Sussex County Council wrote to all parents 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 included schools being able to 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 family holiday in order to avoid the 10-session threshold. The direct wording from this government directorate communicated on 24 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, from September 2025, if a child is absent for a holiday for 8 or 9 sessions without authority during an inset week or following a bank holiday, the school may make a referral to the Local Authority for consideration of an FPN. Our attendance policy and holiday request form will be updated with this information. We have attached an updated FPN leaflet to share with parents.

Kind regards,

Penny Austin Pupil Entitlement: Investigation Team Manager