

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	31/10/2018
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Leominster south
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.
Decision made:	To prosecute 2 defendants for failing to secure the attendance of one compulsory school age registered child between 18 th June and 29 th June 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants told school that they were taking child out of school for a holiday by letter during the week before the holiday commenced.</p> <p>School followed their procedure and responded to defendant's stating the leave would not be authorised the leave. This was sent after the holiday had begun due to the late notice.</p> <p>The defendants stated by letter that it was only time they could go on holiday together.</p> <p>Evidence test is met via the statements, and the school attendance register</p> <p>It is in the Public Interest to prosecute because</p> <ol style="list-style-type: none"> 1. If this matter is not prosecuted there are grounds for believing that the alleged offence is likely to continue 2. A prosecution would have a significant positive impact on maintaining community confidence. 3. There are no known extenuating circumstances in respect of this matter such as illness, transportation issues or absence for religious observance etc.
Highlight any associated risks/finance/legal/equality considerations:	
Details of any alternative options considered and rejected:	

Details of any declarations of interest made:	If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here

Signed.



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Date:

31/10/18