

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	30/10/18
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:	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 11 th September 2017 and 2 nd May 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendant's child attendance during the offence period was 31.23% having 96 days unauthorised sessions and 100 authorised absences. The child has been supported by the school as there was been behavior and attendance issues. The child does have asthma and has been in hospital but the parents have not given any information to school or to officers of when the child was in hospital thus the defence cannot be proven.</p> <p>The child has been excluded on a number of occasions for behavior but then refused to return to school. The parents say school have not supported their child and have subsequently removed from the school to home educate.</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.

Signe



Date:

30/10/18