

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	23 November 2018
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation for Economy and Place
Ward:	Widemarsh
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. I do note, however, that there is a significant risk that the prosecution may not be successful due to [REDACTED] having an attendance record of 94.93% (and 97.33 attendance if authorised absences are disregarded) and the lack of clear guidance as to what constitutes 'regular attendance' in the school attendance policy.
Decision made:	To prosecute 2 defendants for failing to secure the attendance of one compulsory school age registered child between 21 st May and 25 th May 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants told school rang in to school to say that their child was sick and continued to leave messages that the child was sick for a further 2 days. Attempts were made to contact parents but to no avail. Information can to light that the family had gone on holiday.</p> <p>The defendants have stated by letter to the investigating officer they went on holiday. The schools attendance policy states that leave for a holiday is not an exceptional circumstances and would be unauthorised.</p> <p>Evidence test is met via the statements, and the school attendance register 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:	None

Signec

ate: 23/11/2018