

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	20/12/2018
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Holmer
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 1 defendant for failing to secure the attendance of one compulsory school age registered child between 22 nd 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 defendant wrote to school requesting term time leave for a holiday. The school followed its attendance policy and stated it would be unauthorized and referred to Herefordshire Council. The child was absent from school. Attendance was 94.47%</p> <p>A fixed penalty notice was issued but the defendant did not pay. A letter was sent to the defendant asking for the reasons for the absence the defendant replied saying it was for a family holiday and was aware of the policy.</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:	None
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signature

Date:

20/12/2018