

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	13.12.2018
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Red Hill
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 8 th and 15 th June 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendant's child was absent from school between 8th June and 15th June 2018. The defendant did not write to school to request the leave for a holiday.</p> <p>The school sent a letter on 6th July 2018 advising that the leave would not be authorised and referred to Herefordshire Council as per the attendance policy which gives a minimum attendance of 95%</p> <p>The child's attendance at the end of term was 81.15%.</p> <p>A fixed penalty notice was issued but the defendant did not pay.</p> <p>A letter was sent to the defendant asking for the reasons for the absence but no response was received.</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:	None
Details of any declarations of interest made:	None [^]

Signe

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