

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	18/1/2019
<b>Decision maker:</b>	Acting Assistant Director for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	The chief executive's scheme of delegation
<b>Ward:</b>	Leominster East
<b>Consultation:</b>	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.
<b>Decision made:</b>	To prosecute 1 defendant for failing to secure the attendance of a compulsory school age registered child between 16 <sup>th</sup> and 20 <sup>th</sup> July 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
<b>Reasons for decision:</b>	<p>The defendant's child was absent from school on 16<sup>th</sup> to 20<sup>th</sup> July 2018. The school were not aware of holiday until child was absent from school and the school text the defendant to ask where child was. Reply received stated child was on holiday. A home visit by school officer was made - no one there and a letter was left stating absence would be unauthorized. There was no reply to the letter.</p> <p>The child attendance at the end of the school year was 90.54% where the school policy is 95% A Fixed penalty notice was issued but not paid. Officers wrote to the defendant for an explanation but did not receive a reply.</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"> <li>1. If this matter is not prosecuted there are grounds for believing that the alleged offence is likely to continue</li> <li>2. A prosecution would have a significant positive impact on maintaining community confidence.</li> <li>3. There are no known extenuating circumstances in respect of this matter such as illness, transportation issues or absence for religious observance etc.</li> </ol>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	none
<b>Details of any alternative options considered and rejected:</b>	none
<b>Details of any declarations of interest made:</b>	none

Signed...

... Date:

18/1/2019