

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute
<b>Date of decision:</b>	20/12/2018
<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>	Red Hill
<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 two compulsory school age registered children between 14 <sup>th</sup> May and 6 <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 defendants 2 children were absent from school between 14<sup>th</sup> May and 18<sup>th</sup> May 2018. The defendant did not make any contact with school. School suspected they were on holiday. A visit was made by school staff to the home address to find no one in and a neighbour stated there were on holiday. School wrote to the defendant advising that the absences would be unauthorised. Fixed penalty notices were issued. During the payment period the children were away again for a week. The fixed penalty notices were not paid. The defendant was invited for interview but declined and stated over phone they were holidays. The school attendance target is over 95% where the children's attendance was 89.62% and 88.11%</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"> <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

Signec

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20/12/2018