

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Kings Acre
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 2 defendants for failing to secure the attendance of one compulsory school age registered child between 4 th June and 12 th June 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants emailed school informing them that their child will be absent from school as they would be moving home, so ideal time to take a holiday. School advised the defendants that the holiday would be unauthorised and referred to the council. The child's attendance was 90.79%</p> <p>Fixed penalty notices were issued but not paid and when officers wrote to the defendants they did not reply.</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:	
Details of any declarations of interest made:	None

Signed

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