

Record of officer decision

Decision title:	Decision to Prosecute Two Individuals for Failing To Secure the Attendance of their Compulsory School Age Child, Contrary To Education Act 1996
Date of decision:	19.08.2019
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation – Item 64
Ward:	Ross West
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 their compulsory school age registered child between 26 th February and 5 th March 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants wrote a letter to school stating they were taking their child out of school for a holiday. The school replied and unauthorised the absence. The child was absent from school. The child's attendance rate as of 6th June 2019 was 94.03%. Officers sent letter asking for explanation and the reply was that they had taken child out of school before and it is cheaper to pay the fine. 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

Signed.....

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