

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	13 th November 2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
Ward:	Golden Valley South
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 a compulsory school age registered child between 13 th and 23 rd May 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendant took their 13 ½ year old child on holiday during term time, causing the child to miss during May 2019, 14 consecutive unauthorised sessions at school, ie 7 full days. Important to note that there is a clear link between poor school attendance and poor performance by pupils in GCSEs. A fixed penalty of £60 was issued. This has not been paid. A letter was sent to the defendant asking for an explanation of the absence. No reply has been forthcoming.</p> <p>The school policy (in line with government policy and legislation) states term time holiday leave will only be authorised in exceptional circumstances, which were not the case for the 7 days in question.</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:	The matter was dealt with by a fixed penalty but the defendant has failed to pay this and so there are no justifiable alternative options to prosecution.
Details of any declarations of interest made:	None

Signed

Date: 13/11/19