

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	14/11/2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
Ward:	Redhill
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 4 th October 2018 and 24 th May 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The pupil is now 15 years old but the defendant was prosecuted for the child's poor attendance at primary school back in 2012 when the child was 7 years old. Around the same time the parent had a caution for poor attendance of a second child.</p> <p>From September 2018 up to June 2019, the absences represented an 85% attendance rate. The school policy states that 85% or less represents a serious cause for concern. There had been 34 unauthorised missed sessions and 14 authorised (illness).</p> <p>Updated evidence now shows that for the whole school year 2018/2019 the attendance was 83% with 49 unauthorised absences.</p> <p>The current school term which started on 4th September 2019 there have been 13 unauthorised absences up to 22nd October 2019. This represents a 79% attendance rate. The persistent offending is getting worse and is totally unacceptable.</p> <p>The school tried to engage with the defendant with the "Early Help Assessment" scheme but the defendant has failed to show any willing to work with the school to improve the attendance.</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- With both a previous caution and conviction for the offence of failing to secure regular attendance at school there are no alternative options to consider.
Details of any declarations of interest made:	None

Signed

Date: 14/11/19