

Record of officer decision

Decision title:	Decision to prosecute 1 defendant for failing to ensure regular attendance of 1 child at school
Date of decision:	13/12/19
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
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 1 defendant for failing to secure the attendance of a compulsory school age registered child from 17 th June to 28 th June 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure .
Reasons for decision:	<p>The defendant's child was absent from school for 10 days from 17th June to 28th June 2019. Attendance rate was 92.37%. The defendant did not contact school to say child would be absent. School attempted to contact defendant on mobile phone but heard an international dialing tone. Text message sent and defendant replied on holiday. School advised the absences would be unauthorized. A Fixed penalty notice was issued but not paid and to which no reply was received. The child is on a child in need plan.</p> <p>Evidence test is met via the statements, and the school attendance register 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

Date:

13/12/19