

Record of officer decision

Decision title:	Decision to Prosecute An Individual for Failing to Secure their Childs Regular Attendance at School ✓
Date of decision:	13/11/2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 64
Ward:	Leominster South Parish
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 28 th April and 18 th June 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>In September 2018, during term time, the defendant took their child on holiday, causing the child to miss 16 consecutive sessions at school, ie 8 full days. A £60 FPN was issued by Herefordshire Council and this was paid by the defendant.</p> <p>Numerous absences followed, some unauthorised and 6 separate incidents of illness absence which under the circumstances is rather suspicious. The overall attendance rate was a mere 73%</p> <p>The school delivered two letters regarding the absence and warning the defendant they were committing an offence which may go to court. No response from the defendant was ever forthcoming.</p> <p>A letter with questions about the absences was sent by Herefordshire Council to the defendant in May 2019 with no response forthcoming.</p> <p>The defendant then informed the school that they were taking the child on holiday for 11 days in term time during June 2019. The defendant was told this was unauthorised and court action was likely to follow.</p> <p>There were a total of 58 unauthorised absences for this child in the school year Sept 2018 to July 2019. The defendant has not engaged with the school or our enforcement officers over the absences.</p> <p>There are many Public interest factors in favour of prosecution for example there are grounds for believing that the alleged offence is likely to be continued and a prosecution would have a significant positive impact on maintaining community confidence;</p> <p>Having regard to all the circumstances the factors in favour of prosecution clearly far outweigh those against. There is more than enough admissible, reliable evidence to ensure a conviction.</p> <p>The matter should go before the Single Justice Procedure at Court without any undue delay.</p>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	None- the defendant was issued a £60 fixed penalty in 2018 and has been warned on a number of occasions so all other options have been rejected
Details of any declarations of interest made:	None

Signed: X

Date: X 13/11/19