

Record of officer decision

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| Decision title: | Decision to Prosecute Two Individuals for Failing to Secure the Attendance of Two Compulsory School Age Registered Children |
| Date of decision: | 17/11/2019 |
| Decision maker: | Acting Assistant Directorate for Regulatory, Environment and Waste Services |
| Authority for delegated decision: | Economy and Place Scheme of Delegation item 64 |
| Ward: | Hereford City CP |
| Consultation: | Legal Services: 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 two compulsory school age registered children between 12 th and 28 th June 2019, contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure |
| Reasons for decision: | <p>Husband and wife defendants took their two school age children on a two week holiday during term time in June 2019. The children were forced to miss 11 full school days as a result.</p> <p>The parents concerned also took their children on a term time holiday in June 2018 and were issued fixed penalties which were in fact not paid.</p> <p>The parents were warned in writing by our officers last year that if the offence was repeated then legal action may follow.</p> <p>From the Council's enforcement policy (Jan 2018) the Public interest factors in favour of prosecution (para 6.4.3) for this particular case are as follows:-</p> <p>(e). the risk presented to the public, trade or environment by the commission of the offence was serious or widespread;</p> <p>(f). the defendant has failed to comply, in part or in full, with a statutory notice; (previous fixed penalty)</p> <p>(g). the defendant acted fraudulently, wilfully or negligently;</p> <p>(k). there is evidence that the offence was premeditated;</p> <p>(l). there are grounds to believe that the defendant was motivated solely by personal gain.</p> <p>(n). the victim of the offence was vulnerable</p> <p>(t). there are grounds for believing that the alleged offence is likely to be continued or repeated;</p> <p>(v). a prosecution would have a significant positive impact on maintaining community confidence;</p> <p>Having regard to all the circumstances the public interest factors in favour of prosecution outweigh any against.</p> <p>There is sufficient, admissible, reliable evidence to ensure a conviction.</p> |
| Highlight any associated risks/finance/legal/equality considerations: | No |
| Details of any alternative options considered and rejected: | None- the defendants were issued with fixed penalties last year and refused to pay. Having been warned that next time it could be prosecution there are now no valid alternative options. |
| Details of any declarations of interest made: | None |

Signed: 

Date:  17/11/19