

### Record of officer decision

<b>Decision title:</b>	Decision to prosecute 2 defendants for failing to ensure regular attendance of 1 child at school
<b>Date of decision:</b>	10/1/20
<b>Decision maker:</b>	Acting Assistant Directorate for Regulatory, Environment and Waste Services
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation item 64
<b>Ward:</b>	Leominster East
<b>Consultation:</b>	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.
<b>Decision made:</b>	To prosecute 2 defendants for failing to secure the attendance of a compulsory school age registered child from 8 <sup>th</sup> July and 18 <sup>th</sup> July 2019 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
<b>Reasons for decision:</b>	<p>The defendant's child was absent from school for 9 days from 8<sup>th</sup> July to 18<sup>th</sup> July 2019. The defendant contacted school on 8<sup>th</sup> July via the parent mail message system to say child would be absent between those dates. School wrote to defendants and advised the absences would be unauthorized. On receiving a referral officers sent out a letter asking for an explanation of the absence to which a reply was received but there was no evidence of an exceptional circumstance. The defendants have already received penalty notices for a previous holiday.</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"> <li>1. If this matter is not prosecuted there are grounds for believing that the alleged offence is likely to continue</li> <li>2. A prosecution would have a significant positive impact on maintaining community confidence.</li> <li>3. There are no known extenuating circumstances in respect of this matter such as illness, transportation issues or absence for religious observance etc.</li> </ol>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	None
<b>Details of any declarations of interest made:</b>	None

Signed:



Date:

10/1/2020