

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	18/1/2019
Decision maker:	Acting Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Leominster East & South
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 2 defendants for failing to secure the attendance of three compulsory school age registered children between 16 th and 20 th July 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants children were absent from school on 16th to 20th July 2018. Prior to this, school had received information that the family may be going on holiday during school term. On 16th July school received a message that the children were at the dentist. The following days of the holiday messages were received that the children had sickness and diarrhoea. A home visit was made and an older sibling stated they were at the doctors. A letter was left but no response was received. Facebook pictures show them on holiday and another pupil stated they had gone on holiday. The children's attendance at the end of the school year were 79.4%, 88.4%, and 91.6%</p> <p>Fixed penalty notices were issued but not paid and when officers wrote to the defendants they did not reply.</p> <p>Evidence test is met via the statements, and the school attendance register</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
Details of any declarations of interest made:	none

Signed..

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18/1/2019