

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	15.11.18
Decision maker:	Acting Assistant Director for Regulation, Environment & Waste
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Leominster 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. We do note, however, that there is a significant risk that the prosecution may not be successful due to the percentage of 95.69 pupil attendance which is above that required as per the school attendance policy (95%) and that this has been flagged up with the client officer.
Decision made:	To prosecute 1 defendant for failing to secure the attendance of one compulsory school age registered child between 18 th June and 26 th June 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendant told school that she was taking child out of school for a holiday by letter at the end of April 2018.</p> <p>School followed their procedure and responded to defendant's stating the leave would not be authorised.</p> <p>The defendant stated by letter that it was only time they could go on holiday.</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:	
Details of any alternative options considered and rejected:	
Details of any declarations of interest made:	If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here.

Signed

ate:

15/11/19