

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	04.01.2019
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
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 2 compulsory school age registered child between 2 nd and 6 th July 2018 contrary to Section 444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendant's 2 children were absent from school between 2nd and 6th July 2018. The children were at separate schools. The defendant only contacted one of the schools regarding the holiday. Both schools unauthorised the absences and advised the matter would be referred to Herefordshire council as per the attendance policy.</p> <p>The school policy attendance for one school was 95% and the child attending that school had an attendance of 93.5%</p> <p>The school policy attendance for the other school was 96% and the child attending that school had an attendance of 94.6%</p> <p>The defendant had taken the children out of school in 2017 and received fixed penalty notices for that holiday but still took the children out of school in 2018. A letter was sent to the defendant asking for the reasons for the absence the defendant was aware of the policies and was aware the holiday would be unauthorized.</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"> 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

Signature: X

4/1/2019