

Record of officer decision

Decision title:	Decision to prosecute
Date of decision:	25 APRIL 2019
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	The chief executive's scheme of delegation
Ward:	Tupsley
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 their compulsory school age registered child between 2 nd September 2018 and 26th October 2018 contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure
Reasons for decision:	<p>The defendants' child's attendance at the end of the 2017/18 year was 76.96% then the 2018/19 year up to 28th October was 69.51%. The absences cover unauthorized absences and late registration which has been spread over 2 school years. The parents received a warning in December 2017 but the absences continued and fixed penalty notices were issued but not paid and the poor attendance continued.</p> <p>Officers wrote to the defendants inviting them in for interview but the defendants did not attend and officers received no correspondence. 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:

Date:

25/4/19