

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute a defendant for failing to ensure regular attendance of a child at school
<b>Date of decision:</b>	8 November 2021
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation item 70 (22/10/2021)
<b>Ward:</b>	Ross North
<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 one defendant for failing to secure the attendance of a compulsory school age registered child from 21 <sup>st</sup> May and 25 <sup>th</sup> June 2021 contrary to S.444(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 8 days in the period from 21<sup>st</sup> May to 25 June 2021. The child was taken on 2 holidays during that period. The child's attendance was 91.07%. The defendant advised the school of the holidays on 20<sup>th</sup> May 2021, the day before the first holiday. The school policy requires a minimum of 6 weeks' notice to be considered. The holidays were unauthorised by the school. A fixed penalty notice was sent out, but not paid. A letter asking for an explanation of the absence was sent out, but no reply was received.</p> <p>The '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"> <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: 8 November 2021