

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute one defendant for failing to secure regular attendance of a school age child.
<b>Date of decision:</b>	8 December 2021
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Place Scheme of Delegation – Item 70 (20/07/2021)
<b>Ward:</b>	Ross-on-Wye
<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, using the Single Justice Procedure, one defendant for failing to secure the attendance of a compulsory school age registered child from the dates of 17 <sup>th</sup> May to 9 <sup>th</sup> July 2021. Contrary to S.444(1) of the Education Act 1996
<b>Reasons for decision:</b>	<p>The defendant took her then year 10 daughter for two holidays during term time in May and July 2021. There were no exceptional circumstances and both were deemed by the head teacher as unauthorised absences. The defendant failed to pay a fixed penalty notice issued</p> <p>From the Council's enforcement policy (Jan 2018) the Public interest factors in favour of prosecution (para 6.4.3) for this particular case are as follows:-</p> <p>(e). the risk presented to the public, trade or environment by the commission of the offence was serious or widespread;</p> <p>(f). the defendant has failed to comply, in part or in full, with a statutory notice;- FPN issued</p> <p>(g). the defendant acted fraudulently, wilfully or negligently;</p> <p>(i). the defendant was in a position of authority or trust; (in relation to the child)</p> <p>(k). there is evidence that the offence was premeditated;</p> <p>(l). there are grounds to believe that the defendant was motivated solely by personal gain (getting a cheap holiday)</p> <p>(n). the victim of the offence was vulnerable (the child is vulnerable and no say in the absence)</p> <p>(t). there are grounds for believing that the alleged offence is likely to be continued or repeated;</p> <p>(u). the offence, although not serious in itself, is widespread in the area where it was committed;</p> <p>(v). a prosecution would have a significant positive impact on maintaining community confidence;</p> <p>(w). the outcome of the prosecution might establish an important precedent or draw public attention to national or local campaigns or issues.</p> <p>Public Interest Factors against Prosecution</p> <p>6.4.4 A prosecution is less likely to be needed if:</p> <p>(e). the court is likely to impose a very small or nominal penalty;</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	No alternative due to failure to pay the fixed penalty
<b>Details of any declarations of interest made:</b>	None

Signed:

Date: 8 December 2021