

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute two defendants for unauthorised absence from school of their child.
<b>Date of decision:</b>	7 June 2022
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Environment Scheme of Delegation item 70 (23/12/2021)
<b>Ward:</b>	Weobley
<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 two defendants for failing to secure the attendance of one compulsory school age registered child from the dates of 7 <sup>th</sup> October 2021 and 18 <sup>th</sup> May 2022, contrary to Section 444(1) of the Education Act 1996 using the Single Justice Procedure.
<b>Reasons for decision:</b>	<p>The defendants' child has been persistently absent from school throughout the school year. Despite written warnings and the issue of a fixed penalty which was not paid by either parent, the absence has continued and in fact deteriorated badly to the extent that the overall attendance for the school year is only 54%. Regular non-attendance seriously damages a child's education.</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> <ul style="list-style-type: none"> <li>(g). the defendant acted fraudulently, wilfully or negligently;</li> <li>(t). there are grounds for believing that the alleged offence is likely to be continued or repeated;</li> <li>(v). a prosecution would have a significant positive impact on maintaining community confidence;</li> <li>(w) the outcome of the prosecution might establish an important precedent or draw public attention to national or local campaigns or issues.</li> </ul> <p>There are no public interest factors against prosecution. There is sufficient admissible, reliable evidence to obtain a conviction.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	None
<b>Details of any alternative options considered and rejected:</b>	Warning letters have been ignored and Fixed Penalty Notices were issued but the defendants have failed to pay. Therefore this should be escalated in accordance with the Council's enforcement policy, rather than take no action.
<b>Details of any declarations of interest made:</b>	None

Signed:

Date: 7 June 2022