

## Record of officer decision

<b>Decision title:</b>	Decision to prosecute one defendant for unauthorised absence from school of one child
<b>Date of decision:</b>	19 October 2022
<b>Decision maker:</b>	Head of Public Protection
<b>Authority for delegated decision:</b>	Economy and Environment Scheme of Delegation item (03/08/2022)
<b>Ward:</b>	Hinton and Hunderton, Hereford
<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 the dates of 2 <sup>nd</sup> December 2021 and 6 <sup>th</sup> May 2022, contrary to S444(1) of the Education Act 1996 using the Single Justice Procedure.
<b>Reasons for decision:</b>	<p>The defendant has failed to maintain the attendance of her child throughout the school year. With only 61% attendance during the period in question and 54% over the whole school year - this is a serious matter. The defendant has failed to engage at all with the school and failed to respond to the Council's letter regarding the absence. In addition, the defendant has failed to pay a fixed penalty notice issued in April 2022. The Council is therefore left with little alternative but to prosecute, as the defendant has failed to pay a fixed penalty notice.</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>(i). the defendant was in a position of authority or trust;</li> <li>(k). there is evidence that the offence was premeditated;</li> <li>(n). the victim of the offence was vulnerable</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> </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>	Fixed penalty notice was issued to the defendant and it has not been paid. There is no other proportional course of action other than prosecution
<b>Details of any declarations of interest made:</b>	None

Signed:

Date: 19 October 2022