Quick Reference Guides to
Out of Court Disposals
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QUICK REFERENCE GUIDES TO INDIVIDUAL DISPOSALS

Out-of-court Disposals overview

What?
Out-of-court disposals allow the police to deal quickly and proportionately with low-level, often first-time offending which could more appropriately be resolved without a prosecution at court.

These quick reference guides relate to the following disposals which are available to the police and Crown Prosecution Service (CPS):
- Community Resolutions - adults (18+) and youths
- Cannabis Warnings –adults (18+)
- Penalty Notices for Disorder – adults (18+)
- Youth Cautions – youths (10-17)
- Simple Cautions – adults (18+)
- Conditional Cautions - adults (18+) and youths (10-17)

In addition, Restorative Justice is a technique which can be used out-of-court and in conjunction with an out-of-court disposal.

Why?
Court will always be the right place for serious and contested cases, as well as persistent offenders. And the public have the right to expect that serious cases will be heard before court. However, it would be disproportionate for all low-level offences to be dealt with at court, and would only introduce delay.

Using out-of-court disposals means that:
- more time can be spent on frontline duties and tackling serious crime;
- there is a means of providing reparation and a prompt resolution for victims;
- there is opportunity for offenders to be directed into rehabilitative or educational services to tackle the causes of offending behaviour reducing the likelihood of re-offending;
- youth out-of-court disposals also offer the opportunity to assess and put in place interventions to prevent further offending;
- an offender can be punished by means of a financial penalty or (for youth conditional cautions only) unpaid work.
When?

Out-of-court disposals are not intended for serious, persistent or contested cases where court will always be the right forum for deliberation and adjudication.

It is very important that the seriousness of the offence and any previous criminal history of the offender are taken into account to determine whether an out-of-court disposal is an appropriate response.

There will be some occasions when it will not be in the public interest to prosecute an offender for what appears to be a serious offence or for a minor offence which may not be their first, and an out-of-court disposal may be considered. If this is the case regard should be had to the relevant guidance.

National Framework

To assist practitioners in deciding which disposal may be appropriate in a particular case, and to provide a quick overview of out-of-court disposals for the general public, a national framework on out-of-court disposals accompanies these quick reference guides. A copy of this framework is provided at Annex A.

Guidance on Individual Out-of-Court Disposals

The decision to offer a particular out-of-court disposal must be made in accordance with the national guidance on the individual disposal.
Community Resolutions

Community Resolutions (CR), which can include elements of Restorative Justice (RJ) can be used for adults or youths and are a non-statutory disposal.

A Community Resolution is a way of dealing with an offender which is proportionate to lower level crime. They can be offered when the offender admits an offence, in most cases where the victim has agreed that they do not want more formal action taken.

By encouraging offenders to face up to the impact of their behaviour and take responsibility for making good any harm caused, a CR can reduce the likelihood of reoffending.

Below is a quick reference guide to the three main stages of the process

1) At the decision making stage police will consider:
   - **Offence** – lower level crime for example low level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour.
   - **Evidential standard** – it is clear an offence or incident has occurred and there should be a reasonable suspicion that the offender is responsible.
   - **Admission** – the offender must admit to committing the offence.
   - **Consent** – the offender must explicitly consent to accepting the CR.
   - **Offender** – the offender must be capable of understanding the process. They should have no relevant offending history, otherwise refer to a supervisor and record reasons for decision.
   - **Victim** – should be consulted and agreement sought. A CR can proceed without victim consent but supervisor must agree and rationale recorded.
   - **Implications** – CR does not form part of a criminal record, but it may be disclosed for an enhanced Disclosure and Barring Service (DBS) check.

2) At the point the Community Resolution is administered an officer will need to:
   - **Confirm the offender admits the offence.**
   - **Explain the process to the offender** – including how the offender will make good the harm caused.
   - **Explain the implications of receiving a CR to the offender** – it does not form part of a criminal record but may be disclosed as part of an enhanced DBS check.
   - **Ensure the CR is recorded appropriately** - all crime recording in relation to Notifiable crimes must be carried out in accordance with the
National Crime Recording Standard (NCRS), Home Office Counting Rules (HOCR) and ACPO guidance.

3) After the Community Resolution has been administered:
   - The CR may be disclosed – as part of an enhanced DBS check.
Adult Cannabis Warnings - A quick reference

Cannabis Warnings are a non-statutory disposal introduced in 2004. They are an informal verbal warning administered by a police officer, either on the street or at a police station to deal with adults caught in possession of a small amount of cannabis consistent with personal use. Cannabis is controlled as a Class B drug under the Misuse of Drugs Act 1971.

Under ACPO Guidelines, Cannabis Warnings are part of a three-stage escalation procedure for a first-time offence of simple possession of cannabis. It is expected, in the absence of any aggravating factors, that an offender will receive a Cannabis Warning for a first possession offence, a Penalty Notice for Disorder (PND) for a second offence and then be arrested for a third offence.

Note: Cannabis Warnings issued after 26th January 2009 must be taken into account when deciding a level of intervention, whereas those issued before this date should be considered as part of any previous offending history.

Below is a quick reference guide to the three main stages of the Cannabis Warning process.

1) At the decision making stage an officer will need to consider:

- **Offence** – possession of a small amount of cannabis consistent with personal use.

- **Evidential standard** - must have reasonable suspicion that an offence of cannabis possession has been committed and there is sufficient evidence for a realistic prospect of conviction.

- **Admission** – the offender must make a clear and reliable admission to all elements of the offence.

- **Consent** - the offender is not required to explicitly consent to accepting the Cannabis Warning.

- **Offender** – must be 18 years or over, no evidence of dealing or possession with intent to supply, in possession of a small amount of cannabis consistent with personal use, not smoking cannabis in the company or vicinity of young or vulnerable people, not raised a defence to the offence, able to understand what is happening, not known 'locally' as a repeat or persistent offender, compliant with the warning procedure, name and address known and have no previous record of Cannabis Warning, PND, or conviction for a cannabis offence (however, officers should also consider any wider offending history).

- **Victim** – no specific victim.

- **Implications** – the cannabis is confiscated and a record of the Cannabis Warning is made on local systems. Cannabis Warnings may also be disclosed as part of an enhanced DBS check if deemed relevant.
2) At the **point the Cannabis Warning is administered** an officer will need to:

- confirm the offender admits the offence.
- explain the process to the recipient – highlight that any further offending of cannabis possession for personal use is likely to result in the issue of a PND or arrest as they can not receive multiple Cannabis Warnings.
- explain the implications of receiving a Cannabis Warning to the recipient - it does not form part of a criminal record but a record will be made on local systems. Also, Cannabis Warnings may be disclosed as part of an enhanced DBS check if deemed relevant.
- ensure the Cannabis Warning is recorded appropriately - all crime recording in relation to Notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR).

3) **After the Cannabis Warning has been administered:**

- the Cannabis Warning may be disclosed - as part of an enhanced DBS check if deemed relevant.
Penalty Notices for Disorder - a quick reference

Penalty Notices for Disorder (PNDs) are a statutory disposal established by the Criminal Justice and Police Act 2001. They are only available for a person aged 18 and over.

The PND scheme provides the police and accredited persons with a swift punishment to deal with low-level, anti-social and nuisance suspected offending.

A PND may be given at a police station or on the spot.

A person given a PND has 21 days to either pay a penalty of £50 or £80 or request to be tried. If the person fails to do either then a fine of one and a half times the penalty amount is registered in a magistrates’ court for enforcement. By paying the penalty the recipient discharges any liability to be convicted of the penalty offence.

PNDs are available for certain specified penalty offences including being drunk and disorderly in a public place, retail theft under £100 and behaviour likely to cause fear, alarm or distress.

In areas where schemes are running, officers may give a PND with an education option. This provides recipients with the opportunity to discharge their liability to be convicted of the penalty offence by paying for and completing a short educational course designed to address the implications of their behaviour (for example the health and social implications). The education course is an alternative to paying the penalty amount in full or requesting to be tried.

Below is a quick reference guide to the three main stages of the PND process.

1) At the decision making stage an officer will need to consider:

   - **Offence** - PNDs may only be given for certain specified penalty offences and where the offence is at the lower end of the spectrum in terms of seriousness.

   - **Evidential standard** - must have a reason to believe that a penalty offence has been committed and they have sufficient evidence to support a successful prosecution.

   - **Admission** - an admission of guilt is not required and payment of the penalty or completing an education course is not an admission of guilt.

   - **Consent** - The person is not required to consent to being given a PND.

   - **Offender** - must be suitable to be given a PND i.e. 18 years or over, address known, able to understand what is happening, compliant, offending history assessed and a PND considered as an effective disposal.
- **Victim** - views should be sought and recorded as the PND disposal removes the possibility of a victim being awarded a compensation order by a criminal court.

- **Implications** - it does not form part of a criminal record but a record will be created on the Police National Computer (PNC) for PNDs issued for recordable offences. A PND may be disclosed as part of an enhanced DBS check if deemed relevant.

- **An education option** - if an educational course scheme is running in the local area and the scheme relates to the offence it may be appropriate to give a PND with an educational option instead.

2) **At the point the PND is given** an officer will need to:

- **explain the PND process to the person** - including how the person should pay the penalty or request to be tried (or book onto an educational course if appropriate) and the consequences of not paying the penalty, requesting to be tried or, where appropriate, completing an education course.

- **explain the implications of paying the penalty or completing the educational course** - it does not form part of a criminal record but a record will be created on the PNC for PNDs issued for recordable offences. The PND may also be disclosed as part of an enhanced DBS check if deemed relevant.

- **ensure the PND is recorded appropriately** - all crime recording in relation to notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOOCR).

3) **After a PND has been given:**

- **if the PND is paid in full within 21 days then no further action is required** - payment involves no admission of guilt and the person discharges their liability to be convicted of the penalty offence.

- **the recipient may request a court hearing within 21 days** - the case will be reviewed by a Crown Prosecutor, applying the evidential and public interest test in accordance with the Code for Crown Prosecutors.

- **the recipient may book onto, pay for and attend an educational course (if offered)** - offenders will need to pay for and complete the course in order to discharged their liability to be convicted of the penalty offence.

- **if the PND is not paid or request to be tried (or, where relevant, ask to attend an educational ) within 21 days then a fine is registered against the recipient at court** - the fine is one and a half times the original penalty offence and is registered in a magistrates court for enforcement.

- **the PND may be disclosed as part of an enhanced DBS check** - if deemed relevant; see section 2 above on implications.
Youth Cautions - a quick reference

Youth Cautions are a statutory disposal created by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. They are a formal warning used when it is not in the public interest to prosecute an offender aged 10 to 17.

If a young person is given a Youth Caution the local Youth Offending Team (YOT) must be notified for their records and so they can assess the young person if appropriate. Following a second, or any subsequent, Youth Caution the young person must be assessed by the YOT. The YOT have a duty to assess the young person and put in place a rehabilitation programme unless deemed inappropriate.

Youth Cautions may be offered when the young offender admits an offence, there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute. Unlike adult simple cautions the young person does not “consent” to the Youth Caution. Rather the police or Crown Prosecution Service (CPS) will decide the appropriate disposal.

Youth Cautions are available for any offence. They are intended for low level offences but can be used for any offence where it is not in the public interest to prosecute. The police are permitted to make the decision to offer a Youth Caution for any offence triable summary or either way. Authorisation from a Crown Prosecutor should be sought before offering a Youth Caution for an indictable-only offence.

Below is a quick reference guide to the three main stages of the process.

1) At the decision making stage police and prosecutors will consider:
   - **Offence** – based on the circumstances of the offence it must be in the public interest to offer a Youth Caution instead of prosecution.
   - **Evidential standard** - must have sufficient evidence for a realistic prospect of conviction.
   - **Public Interest** – it must be in the public interest to give a youth caution rather than prosecute.
   - **Admission** – the young person must admit to committing the offence(s).
   - **Consent** – the young person is not required to explicitly consent to accepting the Youth Caution but they, and their parents/carers or appropriate adults should be given information about all the options for dealing with the offence so they can make an informed decision before the young offender is asked whether they admit the offence.
   - **Offender** - must be 10- 17 years and have not raised a defence to the offence.
   - **Victim** – should be consulted and views sought but cannot insist matter is disposed of in particular way. Victims can be offered the opportunity to
take part in the interventions programme if appropriate. Officers should be mindful that a Youth Caution removes the possibility of a criminal court awarding a Compensation Order in favour of the victim.

- **Implications** – Youth Cautions form part of an young person’s criminal record and may be disclosed to an employer in certain circumstances. They can also be disclosed in any future criminal proceedings, as can whether the young person complied with the rehabilitation programme. If the Youth Caution is administered for certain sexual offences the offender may be made subject to the notification requirements in the Sexual Offences Act 2003 (known colloquially as being placed on the “sex offenders register”) or prevented from working with children and vulnerable adults in some circumstances.

2) At the point the Youth Caution is administered\(^1\) an officer will need to:

- **explain the process to the recipient** - including whether any further offending is likely to result in prosecution and the referral to the YOT for an intervention programme.

- **explain the implications of receiving a Youth Caution** – including the criminal record implications, and if relevant, any implications for working with children and vulnerable groups and inclusion on “the sex offenders” register. If the young person is aged 16 and under this must be done in the presence of an appropriate adult.

- **confirm the offender admits the offence.** Offender should sign a form setting this out and implications for accepting the Youth Caution.

- **ensure the Youth Caution is recorded appropriately** - all crime recording in relation to notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR).

3) **After the Youth Caution has been administered:**

- **the offender should be referred to the local YOT** - for assessment, where appropriate, and possible provision of rehabilitation programmes.

- **the Youth Caution may be disclosed** - as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

- The offender may be **placed on the “sex offenders register”** if administered for a relevant sexual offence.

- **it is spent immediately under the Rehabilitation of Offenders Act 1974** but may still be disclosed as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

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\(^1\) If the offender is aged 16 or under or considered vulnerable the delivery and explanation of the effect of the Youth Caution must be made in the presence of an appropriate adult.
Adult Simple Cautions - a quick reference

Adult simple cautions are a non-statutory disposal. They are used when it is not in the public interest to prosecute an offender but the behaviour requires a formal warning.

Simple cautions may be offered when the offender admits an offence and there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute. An offender must also agree to accept the simple caution.

Simple cautions are available for any offence. They are intended for low level offences but can be used for any offence where it is not in the public interest to prosecute. The police are permitted to make the decision to offer a simple caution for any offence triable summary or either way. Authorisation from a Crown Prosecutor should be sought before offering a simple caution for an indictable only offence.

Suitability for a simple caution is determined according to its appropriateness in relation to the offender, the offence and the likelihood of it being effective in preventing re-offending.

Below is a quick reference guide to the three main stages of the process.

1) At the decision making stage police and prosecutors will consider:
   - Offence – based on the circumstances of the offence it must be in the public interest to offer a simple caution instead of prosecution.
   - Evidential standard - must have sufficient evidence for a realistic prospect of conviction.
   - Public Interest – it must be in the public interest to offer a simple caution rather than prosecute.
   - Admission – the offender must admit to committing the offence.
   - Consent – the offender must explicitly consent to accepting the simple caution.
   - Offender - must be 18 years or over, willing to accept a simple caution, not raised a defence to the offence and any previous offending assessed.
   - Victim – should be consulted and views sought but cannot insist matter is disposed of in particular way. Officers should be mindful that a simple caution removes the possibility of a criminal court awarding a Compensation Order in favour of the victim.
   - Implications – Simple cautions form part of an offender’s criminal record and may be disclosed in future proceedings or to an employer. If the simple caution is administered for certain sexual offences the
offender may be made subject to the notification requirements in the Sexual Offence Act 2003 (known colloquially as being placed on the “sex offenders register”) or prevented from working with children and vulnerable adults in some circumstances.

2) At the point the simple caution is administered an officer will need to:

- explain the process to the recipient - including the opportunity to consider the matter and take legal advice, if not already received.

- explain the implications of receiving a simple caution – including the criminal record implications, and if relevant, any implications for working with children and vulnerable groups and inclusion on “the sex offenders” register.

- Confirm the offender admits the offence. Offender should sign a form setting out this and implications of accepting the simple caution.

- ensure the simple caution is recorded appropriately - all crime recording in relation to notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR).

3) After the simple caution has been administered:

- no further action is required from the offender in respect of the simple caution.

- the simple caution may be disclosed - as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

- The offender may be placed on the “sex offenders register” if administered for a relevant sexual offence.

- it is spent immediately under the Rehabilitation of Offenders Act 1974 but may still be disclosed as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.
Youth Conditional Cautions (YCC) - a quick reference

Youth conditional cautions (YCC) are a statutory disposal for 10 – 17 year olds introduced by the Crime and Disorder Act 1998 as amended. They are a caution with conditions attached. The conditions that can be attached must be rehabilitative, reparative and punitive. Rehabilitative conditions can include attendance at the local Youth Offending Team (YOT) or at a specific treatment course, and reparative conditions can include apologising to the victim, paying compensation and making good any damage. Punitive conditions can include unpaid work or a financial penalty. Conditions must always be appropriate, proportionate and achievable.

A YCC may be offered when a young offender admits an offence, there is sufficient evidence for a realistic prospect of conviction and when the public interest can best be served by the young offender complying with suitable conditions rather than a prosecution. The young offender must also agree to accept the YCC and the conditions attached. The YOT are responsible for monitoring compliance with conditions. Failure to comply with the conditions can result in prosecution for the original offence.

A YCC is available for any offence where the public interest is better served by the offender complying with conditions rather than being prosecuted at court. The police are permitted to make the decision to offer a conditional caution for any offence triable summary or either way. Authorisation from a Crown Prosecutor should be sought before offering a conditional caution for an indictable only offence. Operational guidance specifies any offences and circumstances where a conditional caution is not appropriate.

Below is a quick reference guide to the three main stages of the process.

1) At the decision making stage police and prosecutors will consider:
   - **Offence** – A YCC may be offered for any offence set out in operational guidance but are not generally suitable where if prosecuted the likely sentence would be a substantial community order or imprisonment unless the wider public interest is met by the proposed conditional caution.
   - **Evidential standard** - must have sufficient evidence for a realistic prospect of conviction.
   - **Public Interest** – it must be in the public interest to conditionally caution rather than prosecute.
   - **Admission** – the young offender must admit to committing the offence.
   - **Consent** – the young offender must explicitly consent to accepting the conditional caution and the conditions.
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- **Offender** - must be aged 10 to 17, willing to comply with conditions, any previous offending assessed and a YCC considered appropriate to modify offending behaviour, make reparation for harm caused or provide an appropriate punishment.

- **Victim** – should be consulted and views sought but cannot insist matter is disposed of in a particular way. If appropriate a victim can be awarded compensation or reparation.

- **Youth Offending Team** – The YOT should be notified when a YCC is considered so they can advise on suitability for a YCC and what conditions are appropriate and what conditions they can provide.

- **Implications** – If conditions are not complied with offender may be prosecuted for original offence. A YCC forms part of the young offender’s criminal record and may be disclosed in future proceedings or to an employer. If administered for certain sexual offences the offender may be made subject to the notification requirements in the Sexual Offences Act 2003 (known colloquially as being placed on the “sex offenders register”) or prevented from working with children and vulnerable adults in some circumstances.

2) At the point the YCC is administered² an officer will need to:

- **explain the process to the recipient** - including the right to legal advice, the requirements of the conditions and verifying compliance, and the consequences of not complying with conditions.

- **explain the implications of receiving a YCC** including the significance of the admission of guilt and criminal record implications, and if relevant, any implications for working with children and vulnerable groups and inclusion on “the sex offenders” register.

- **Confirm the young offender admits the offence** – and is willing to comply with conditions. The young offender should sign a form setting out this and the conditions attached to the YCC.

- **ensure the YCC is recorded appropriately** – the case must be referred to the YOT to monitor compliance. All crime recording in relation to notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR)

3) After the YCC has been administered:

- **the case must be referred to the YOT** - the YOT may be providing some of the conditions and have overall responsibility for monitoring compliance.

² If the offender is aged 16 or under or considered vulnerable the explanation of the effect of the Youth Conditional Caution and it’s implications must be made in the presence of an appropriate adult. They must also sign the form given to the recipient,
• **young offender must comply with conditions** - if the conditions are complied with then no further action is required.

• **if the conditions are not complied with, or the offender withdraws from the YCC** the case will be reviewed and the offender may be prosecuted for the original offence.

• **the YCC may be disclosed** - as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

• the offender may be **placed on the “sex offenders register”** if administered for a relevant sexual offence.

• **if the conditions are complied with it is spent after three months under the Rehabilitation of Offenders Act 1974** but may still be disclosed as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.
Adult Conditional Cautions - a quick reference

Adult conditional cautions are a statutory disposal introduced by the Criminal Justice Act 2003. They are a caution with conditions attached. The conditions that can be attached must be rehabilitative, reparative, or a punitive, financial penalty. Rehabilitative conditions can include attendance at a treatment course, and reparative conditions can include apologising to the victim, paying compensation and making good any damage. Conditions must always be appropriate, proportionate and achievable. If the offender is a “relevant foreign offender” – that is someone without permission to enter or stay in the UK, conditions can be offered that have the object of effecting departure from and preventing return to the UK.

Conditional cautions may be offered when the offender admits an offence, there is sufficient evidence for a realistic prospect of conviction and when the public interest can best be served by an offender complying with suitable conditions rather than a prosecution. An offender must also agree to accept the conditional caution and the conditions attached. Failure to comply with the conditions can result in prosecution for the original offence.

Conditional cautions are available for any offence where the public interest is better served by the offender complying with conditions rather than being prosecuted at court. The police are permitted to make the decision to offer a conditional caution for any offence triable summary or either way. Authorisation from a Crown Prosecutor should be sought before offering a conditional caution for an indictable only offence. Operational guidance specifies any offences and circumstances where a conditional caution is not appropriate.

Below is a quick reference guide to the three main stages of the process.

1) At the decision making stage police and prosecutors will consider:

- **Offence** – Conditional cautions may be offered for any offence set out in operational guidance but rehabilitative, reparative and punitive conditions are not generally suitable where if prosecuted the likely sentence would be a substantial community order or imprisonment, unless the wider public interest is met by the proposed conditional caution. Currently an offence involving domestic violence or hate crime is excluded from being conditionally cautioned.

- **Offence** - Foreign offender conditions, however, can be offered in cases where the likely sentence would be a period of imprisonment.

- **Evidential standard** - must have sufficient evidence for a realistic prospect of conviction.

- **Public Interest** – it must be in the public interest to conditionally caution rather than prosecute.

- **Admission** – the offender must admit to committing the offence.
• **Consent** – the offender must explicitly consent to accepting the conditional caution and the conditions.

• **Offender** - must be 18 years or over, willing to comply with conditions, conditions are appropriate, any previous offending assessed and a conditional caution considered appropriate.
  
  o “Relevant Foreign Offenders” - The conditions effecting departure from and preventing return to the UK can only be offered to a "relevant foreign offender"; that is someone who has no leave to enter or stay in the UK and can be removed from the UK. The United Kingdom Border Agency (UKBA) will advise on an offender’s immigration status.

• **Victim** – should be consulted and views sought but cannot insist matter is disposed of in a particular way. If appropriate a victim can be awarded compensation or reparation.

• **Implications** – if conditions are not complied with offender may be prosecuted for original offence. A conditional caution forms part of criminal record and may be disclosed in future proceedings or to an employer. If administered for certain sexual offences the offender may be made subject to the notification requirements in the Sexual Offences Act 2003 (known colloquially as being placed on the “sex offenders register”) or prevented from working with children and vulnerable adults in some circumstances.

2) At the **point the caution is administered** an officer will need to:

• **explain the process to the recipient** - including the right to legal advice, the requirements of the conditions and verifying compliance, and the consequences of not complying with conditions.

• **explain the implications of receiving a conditional caution** - including the significance of the admission of guilt, criminal record implications, and if relevant, any implications for working with children and vulnerable groups and inclusion on “the sex offenders register”.

• **Confirm the offender admits the offence** – and is willing to comply with conditions. Offender should sign a form setting out this and the conditions attached to the conditional caution.

• **ensure the conditional caution is recorded appropriately** - all crime recording in relation to notifiable crimes must be carried out in accordance with the National Crime Recording Standard (NCRS) and Home Office Counting Rules (HOCR).

3) **After the conditional caution has been administered:**

• **offender must comply with conditions** - if conditions are complied with then no further action is required.

• **if the conditions are not complied with or the offender withdraws from the conditional caution** - the case will be reviewed and the offender may be prosecuted for the original offence.
• **the conditional caution may be disclosed** - as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

• the offender may be placed on the **“sex offenders register”** if administered for a relevant sexual offence.

• if the conditions are complied with, **it is spent after three months under the Rehabilitation of Offenders Act 1974** but may still be disclosed as part of a DBS check, to an employer if the offender is employed in certain occupations, or in subsequent criminal proceedings.

• for **“relevant foreign offenders”** the Immigration Rules generally **prevent return to the UK for five years.** A longer period may be set out in the condition itself but this will only operate to allow a person to be prosecuted for the offence for which they have been cautioned if they return during that period. If the period is for longer than five years, they may be able to return after five years, subject to the Immigration Rules, but will remain liable to be prosecuted at any time during the period specified in the condition.