



Ministry of
JUSTICE

YJ Youth Justice
Board

Youth Cautions

Guidance for Police and Youth Offending Teams

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1. Introduction and legislation

- 1.1 This guidance provides advice for the police and youth offending teams on the operation of Youth Cautions.
- 1.2 Youth Cautions were introduced by section 135 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (the 2012 Act) which inserts section 66ZA and 66ZB into the Crime and Disorder Act 1998 (the 1998 Act). The relevant legislation can be found at Annex A.
- 1.3 The 2012 Act abolishes reprimands and warnings that together were known as the Final Warning Scheme. Following commencement of the 2012 Act reprimands and warnings should not be issued to young offenders.
- 1.4 Youth Cautions are a formal out-of-court disposal that can be used as an alternative to prosecution for young offenders (aged 10 to 17) in certain circumstances. A Youth Caution may be given for any offence where 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.
- 1.5 Youth Cautions aim to provide a proportionate and effective resolution to offending and support the principle statutory aim of the youth justice system of preventing offending by children and young people.¹
- 1.6 Youth Cautions are intended to allow a more flexible response to offending than the preceding Final Warning Scheme. Youth Cautions and other out-of-court disposals such as Youth Conditional Cautions do not have to be used in a set order and they are available if a young person has been previously convicted.
- 1.7 Following a Youth Caution, the police have a statutory duty to refer the young offender to the youth offending team (YOT). For a second or subsequent Youth Caution, or where a young person has previously received a Youth Conditional Caution, the YOT has a statutory duty to carry out an assessment of the young offender and consider putting in place an intervention programme aimed at preventing re-offending. The YOT may carry out an assessment and offer a rehabilitation programme for a youth who has never received a Youth Caution or Youth Conditional Caution at their discretion.
- 1.8 The interventions attached to a Youth Caution are not conditional and there is no separate penalty for failing to comply with them, however failing to comply with this intervention can be cited in any future criminal proceedings.

¹ As established by Section 37 of the Crime and Disorder Act 1998.

2. Scope and status of this guidance

- 2.1 Section 66ZA(5) of the 1998 Act (as amended by the 2012 Act) provides for the publication of guidance by the Secretary of State.
- 2.2 This guidance on Youth Cautions replaces all previous guidance on the Final Warning Scheme. It should be used by police forces and youth offending teams as the basis for their operation of Youth Cautions.
- 2.3 This guidance is issued jointly by the Ministry of Justice and the Youth Justice Board and is endorsed by Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS).
- 2.4 This document is for guidance only and is not a substitute for legal advice. Those responsible for administering Youth Cautions should seek their own legal advice as they consider necessary.

3. Agencies involved in Youth Cautions

- 3.1 The police have ultimate responsibility for making decisions on the suitability of Youth Cautions but can ask the YOT to carry out a prior assessment of the young offender to inform this decision.
- 3.2 The police and YOTs should work closely together for Youth Cautions to be fully effective. The YOT is responsible for ensuring that effective assessments and any voluntary interventions are delivered in support of Youth Cautions. As set out above in paragraph 1.7, the YOT is required to carry out an assessment of the young person if the police have given a second or subsequent caution (or where a young person has previously had a Youth Conditional Caution). Every young person who receives a youth caution must be referred to the YOT by the police as soon as is practicable. The YOT Management Board should monitor the effectiveness of Youth Cautions locally and agree the local protocol between the YOT and the police on Youth Caution arrangements.
- 3.3 Where there is doubt about whether a prosecution should be brought, it may also be useful to seek the advice of the Crown Prosecution Service at an early stage. As well as advising on points of law and the sufficiency of the evidence, they may also be able to give guidance on public interest considerations.

4. Decision making

- 4.1 In dealing with any offence committed by a young person the police have a range of options:
- No further action
 - Community Resolution
 - Youth Caution
 - Youth Conditional Caution
 - Charge
- 4.2 Before a Youth Caution can be administered the following criteria must be met (s66ZA(1) of the 1998 Act):
- (a) The constable decides that there is sufficient evidence to charge the young person with an offence;
 - (b) The young person admits to the constable that they committed the offence, and
 - (c) The constable does not consider that the young person should be prosecuted or given a youth conditional caution in respect of the offence.

Step-by-step guide to decision making:

Step 1: What is the offence?

- 4.3 The first step is to decide what offence is supported by the evidence. The police may make the decision regarding a Youth Caution for any summary only (an offence that is always heard in a magistrates' court) or either way offence (an offence that may be heard in either a magistrates' court or the Crown Court). Any cases involving indictable only offences (the most serious offences that must always be heard in the Crown Court) should always be referred to the CPS for a decision. The police should not give a Youth Caution for an indictable only offence where it has not been authorised by the CPS. The CPS may also instruct that a Youth Caution be administered in any summary or either way case where the criteria are met and this is considered the most appropriate disposal.

Step 2: Is there sufficient evidence against the young person to give a realistic prospect of conviction if they were prosecuted?

- 4.4 For a Youth Caution to be given the evidence must meet the required standard and there should be a reasonable prospect of conviction if they were to be prosecuted.

- 4.5 If the police do not have sufficient evidence, either the matter should be discontinued or the police should seek further evidence as needed following their normal practice.

Step 3: Does the young person admit the offence?

- 4.6 A Youth Caution can only be given if the young person makes a clear and reliable admission to all elements of the offence. If a defence is raised a Youth Caution should not be given.
- 4.7 Unlike adult simple cautions the young person does not “consent” to receiving the Youth Caution. Under the legislation it is a matter for the police to decide the appropriate disposal in accordance with the statutory criteria and this guidance.
- 4.8 Young people and their parents/carers or other appropriate adults should have access to information about the options available, including Youth Cautions, so that they can make an informed decision before the question as to whether they admit the offence is put to them. For instance they should be aware that the explicit consent of the recipient is not required to give a Youth Caution. Under no circumstances should it be suggested to a young person that they should admit to an offence and that this will guarantee that a Youth Caution will be given.
- 4.9 The status of Youth Cautions should also be explained, including:
- That a record of the Youth Caution will be kept by the police.
 - That under the Rehabilitation of Offenders Act 1974 the Youth Caution will be considered “spent” immediately but that it may be disclosed to employers in certain circumstances.
 - That it can be cited in criminal proceedings.
 - That a Youth Caution given in relation to an offence in Schedule 3 to the Sexual Offences Act 2003 will require the young person to comply with the notification requirements in that Act.
- 4.10 If the young person does not make an admission, he or she cannot be given a Youth Caution. The police will decide whether to take no further action or to charge the young person and may seek the advice of the CPS before taking the decision. The CPS will review the case in accordance with the Code for Crown Prosecutors and will decide whether to continue the prosecution.

Step 4: How serious is the offence?

- 4.11 The decision whether to give an out-of-court disposal or charge will depend in part on the seriousness of the offence.
- 4.12 To help the police assess the seriousness – or gravity – of offences the Association of Chief Police Officers (ACPO) has devised a Youth Gravity

Factor Matrix under which offences are given a gravity “score” based on the offence itself and any mitigating or aggravated features.

- 4.13 The Gravity Factors will help in assessing whether a young person should be charged for an offence or given an out-of-court disposal.
- 4.14 Serious offences which would ordinarily attract a high end community order or immediate custody are generally not suitable for disposal through a Youth Caution. Care should be taken around administering a Youth Caution for sexual offences, serious violence against the person offences, and possession of a knife or offensive weapon. ACPO charging guidance for particular offence types should be followed.

Step 5: What is the young person’s offending history?

- 4.15 The young person’s previous offending history will be determined by a Police National Computer (PNC) check and local force and YOT checks. Wherever possible, the police should also check the offending history with the young person’s home area YOT to ensure that previous offences, particularly non-recordable offences, are not missed.
- 4.16 Previous convictions, reprimands, warnings, cautions, youth conditional cautions or other out-of-court disposals do not preclude the use of a Youth Caution. However, decision makers should consider whether the new offence is part of a pattern of offending that requires a more serious response such as a prosecution. A Youth Caution may be appropriate where:
- there has been a sufficient lapse of time to suggest that a previous caution or conviction has had a significant deterrent effect;
 - the current offence is not similar or is unrelated to any previous offence;
 - it is the best outcome for the victim and offender dependent on the circumstances of the individual case;
 - the offender is willing to comply with any possible interventions and has previously complied with interventions. For example if they have complied with voluntary interventions as part of a previous youth caution.
 - It is likely to be effective in preventing offending.
- 4.17 Care must be taken to guard against ‘inappropriate repeat cautioning’ and a strong focus on public protection must be maintained.

Step 6: Is it in the public interest for the young person not to be prosecuted?

- 4.18 A Youth Caution may only be given if the police are satisfied that it would not be in the public interest to prosecute or to offer a Youth Conditional Caution.

- 4.19 Where the options to prosecute or to offer a Youth Conditional Caution have not been ruled out and where there are risk factors present, the police should consider bailing the young person for a YOT assessment to inform the decision. The YOT can assess the young person and explore whether all the aggravating and mitigating factors have been identified. It also enables information from victims to be taken into account and any interventions can be tailored to the young person and the offence.

General Issues

Group Offences

- 4.20 The experience and circumstances of offenders involved in group offences can vary greatly, as can the degree of their involvement. Although consistency and equity are important considerations in the decision on the appropriate disposal or charge, each offender should be considered separately. Different disposals may be justified.

Multiple Offences

- 4.21 More than one offence can be included in a Youth Caution if, overall, this is deemed to be an appropriate and proportionate response.
- 4.22 Where multiple offences arise from the same incident, the most serious offence should be considered when determining the gravity of the offence. The circumstances of the other offence(s) should be considered and may aggravate or mitigate the seriousness.
- 4.23 Where multiple offences arise from a number of separate incidents that have come to light at the same time (e.g. reported separately prior to arrest or further offences admitted during interview) the cumulative effect of the offences should be considered when making an overall decision.

18 year olds

- 4.24 Offenders who were 17 when the offence was committed, but are 18 at the time of delivery, and who are eligible for a caution, should be given an adult simple caution provided they consent to this.

5. Use of Bail

Bail Powers

- 5.1 Section 34(5) of the Police and Criminal Evidence Act 1984 (PACE) reads:

A person whose release is ordered under subsection (2) above shall be released without bail unless it appears to the custody officer—

(a) that there is need for further investigation of any matter in connection with which he was detained at any time during the period of his detention; or

[(b) that, in respect of any such matter, proceedings may be taken against him or he may be given a youth caution under section 66ZA of the Crime and Disorder Act 1998,

Reasons for bail

- 5.2 The police decision to bail will depend on the circumstances of each case. Reasons for bail can include:

Prior to decision to use an out-of-court disposal or charge:

- (i) further investigation into the offence;
- (ii) referral to the YOT and other force areas where appropriate, to check local records of offending history, where there is no conviction recorded on PNC;
- (iii) referral to the YOT for an assessment of the young person.

Following a decision to give a Youth Caution

- (iv) to enable the Youth Caution to be delivered by a trained police officer;
- (v) to enable the Youth Caution to be delivered by a trained police officer as part of a restorative process

- 5.3 The young person and parent/guardian/appropriate adult should be informed of the reasons for bail, e.g. that the police need more information before they can decide whether the young person will be given a youth caution or charged.

Bail for assessment

- 5.4 Section 34(5) of PACE allows the police to bail a young person pending a decision on whether or not to give a Youth Caution. This power allows bail pending an assessment of whether or not prosecution would be in the public interest as this is one of the criteria for determining whether a Youth Caution should be given.

- 5.5 In particular, the police should consider bailing for a full assessment by the YOT of risk of re-offending in cases where they have identified risk factors or vulnerabilities including, mental, developmental or physical health concerns, homelessness, poor school attendance, mixing with offending peers, substance misuse (including alcohol), unsupportive parents, other offender(s) in household and unemployment. This list is not exhaustive and if police have any concerns regarding the young person's presentation or circumstances of the offence itself, they should consider referral to the YOT for full assessment

Bail for delivery

- 5.6 Granting bail for the purpose of delivery gives the police/YOT time to prepare for delivery, while ensuring that there is an enforceable means of bringing the young offender back into custody. It is not possible to impose bail conditions unless the young person has been charged.
- 5.7 If the delivery of the Youth Caution is to take place at a venue other than a police station, the young person and their parents/guardian should be invited to the venue within the bail period. If the young person and their parent/guardian attend the venue and the Youth Caution is delivered the young person should be released from bail by serving on the young person a standard letter which has previously been signed by the custody officer.
- 5.8 If for any reason the Youth Caution is not delivered, the young offender will still be required to answer bail or they will be in breach of their bail.
- 5.9 If the Youth Caution has not been delivered but the young person answers to bail, the police will have to decide whether to:
- deliver the Youth Caution (which if the offender is aged under 17, or aged 17 and deemed mentally vulnerable will still require the presence of a parent or other appropriate adult);
 - grant a further period of bail pending the delivery of the Youth Caution;
 - give another out-of-court disposal; or
 - charge.
- 5.10 If the Youth Caution has not been delivered and the young person does not answer to bail, they may be arrested for the substantive offence, and the young person is still in jeopardy of being charged. The police will then have the options set out above. If the police decide to deliver a Youth Caution this may be for both the substantive and the bail offence.

Length of the bail period

- 5.11 It is important that the consequences of the offending behaviour are brought home to the young person without delay. Bail should be used for the minimum period necessary depending on the enquiries/restorative

justice/arrangements to be carried out. The police should have monitoring processes to minimise delay and should require local authorisation to exceed maximum permitted timescales.

- 5.12 Where a Youth Caution is being considered, the police should issue it within 20 working days (4 weeks) from the date of bail, giving sufficient time for the YOT assessment (if required) and the arrangement of the appropriate delivery method.
- 5.13 In particular, those identified as 'high risk' should be bailed for 20 working days for a YOT assessment. The YOT should conduct their assessment as soon as possible, but within 10 working days, to engage the young offender while still subject to police bail. The police should be notified of the assessment outcomes within 15 working days from the date of bail so that any relevant issues can inform the final decision on disposal and be incorporated into the delivery of the Youth Caution.

6. Liaison between police and YOTs

Local Protocols

- 6.1 Police services and YOTs should have a joint protocol in place setting out locally agreed practice for Youth Cautions. The process should be approved by the YOT Management Board and regularly monitored. Areas may update protocols that existed under the preceding Final Warning Scheme.
- 6.2 The protocol should include:
- notification to the YOT by the police that a Youth Caution has been administered or that assessment of the suitability for a Youth Caution is required.
 - arrangements for bail
 - contact with victims by the police
 - arrangements for the delivery of Youth Cautions
 - use of restorative processes
 - information to the police on the outcome of interventions
 - arrangements for victims to be informed of the outcome
 - the provision of information on the impact of the scheme, including completion and re-offending rates
 - joint training arrangements for police and YOT staff.

Notification regarding offenders and victims

- 6.3 The police must notify the YOT within one working day of the arrest of all young people who have been given a Youth Caution or are being bailed for assessment by the YOT. This should include:
- Details of the young person;
 - Details of the offence;
 - Any previous offending history;
 - The name and contact details of the police officer responsible for the case or the contact details of the case manager in the file preparation unit or similar; and
 - Any particular issues that the YOT may wish to bear in mind when carrying out the assessment.
- 6.4 Arrangements should be made by the police to contact victims within 24 hours of the arrest. Where relevant the police should give the victim(s) appropriate information regarding the role of the YOT.

- 6.5 The investigating police officer should notify the YOT in writing of the victim's details, unless the victim asks for this to not happen.
- 6.6 The police should ensure that victims are informed of developments in the case. This may be performed by the YOT police office or victim worker according to local protocol.
- 6.7 Victims should have the opportunity to give fully informed consent to any involvement in the Youth Caution process, particularly in any restorative processes. Victims should be given the name and contact details of a YOT worker to ask for further information.

Sharing Police Information with YOTs

- 6.8 The Youth Justice Board's *Guidance for Youth Offending Teams on Information Sharing* includes guidance for information sharing between YOTs and partner agencies.
- 6.9 The police and YOT should have a protocol for sharing information and joint information requirements for young offenders and their victims. This should include arrangements for quality assurance.
- 6.10 Youth Cautions and any associated intervention should be recorded by the YOT for local management purposes, to inform future decisions regarding the young offender and to meet any central data requirements from the Youth Justice Board.
- 6.11 Aggregated information on the numbers and characteristics of those receiving out-of-court disposals and sentences should be regularly shared between the police and YOTs. This should enable a joint evaluation of trends and contribute to any strategic decisions with regard to any changes needed in policy.

7. Involvement of Victims

- 7.1 It is important that police and YOTs involve victims fully in the Youth Caution process. Without this involvement victims can feel ignored and fail to understand that young offenders who have not been brought to court can still be subject to a challenging and rehabilitative process.
- 7.2 The first contact with victims should be made by the police. The YOT should contact the victim unless they have asked for this not to happen. Victims need clear information about the options they have and time to make up their minds without pressure. This includes being involved in any restorative processes.
- 7.3 Police and YOTs should ensure that victims are enabled to make informed choices about whether they wish to be involved. If victims are involved in a way that is appropriate for them, this can be helpful to their recovery following their involvement in a crime. It is vital that victims are not coerced into participating or that their involvement is not simply a means of addressing the offending behaviour needs of the young person. Police and YOTs must take all necessary steps to prevent further damage being caused to victims as a result of the process.
- 7.4 All contact with victims should be handled with sensitivity and in accordance with anti-discriminatory practice, ensuring that the needs of diverse communities are appropriately met, including any need for interpreting and translation services. Victims attending a meeting with the offender should be invited to bring someone to support them if they wish.
- 7.5 Staff should be aware of national and local standards around policy and training relating to victim and witness care. Access to information on the victim should be restricted to those who need it and in any event such information should be kept separate from information on the young offender.

8. YOT assessments

Assessing for suitability for a Youth Caution

- 8.1 In higher risk cases, or where a Youth Caution is being considered and the young person has been cautioned on previous occasions, the police should refer the case to the YOT for assessment to inform the decision whether or not a youth caution is in the public interest (see para 4.18 and 4.19). This assessment may not require a formal assessment but should cover the likelihood and suitability of the young person engaging with a YOT intervention and/or to determine the most appropriate intervention for the young person to reduce the risk of reoffending.

YOT assessment following decision to administer a Youth Caution

- 8.2 As set out in paragraph 6.3 the police must notify the YOT in all cases where a Youth Caution has been given. If the young person has never previously received a Youth Caution the YOT will make a record of this and may determine that it is appropriate to assess the young person and put an intervention in place to prevent reoffending.
- 8.3 If a young person has previously been given a Youth Caution or Youth Conditional Caution and is referred to the YOT for a subsequent Youth Caution the YOT has a statutory obligation to assess the young person.
- 8.4 YOTs must undertake an assessment of the young person within 10 working days of referral. All assessments must be concluded, and the police informed, within 15 working days from the date of bail in order to minimise delay in decision-making.

Undertaking the assessment

- 8.5 The YOT should undertake a risk assessment of the young person using the shorter version of ASSET (sometimes referred to as the Final Warning ASSET). The assessment should be used to:
- assess the re-offending risk factors;
 - determine the nature and content of an intervention programme that would be appropriate to deal with the risk factors;
 - explore the young person's attitude to intervention and assess and encourage the likelihood of him or her engaging with an intervention programme;
 - explore with the young person the possibility of their participating in restorative justice for the delivery of the Youth Caution.
- 8.6 There may be occasions when the shorter ASSET is not adequate for a full assessment of serious harm, in these circumstances the full ASSET should be used.

- 8.7 If the YOT is assessing a young person who is being considered for a Youth Caution for an offence listed in Schedule 3 to the Sexual Offences Act 2003, the YOT should explain to the young person and his or her parents the implications of the notification requirements in that Act.

Views of the victim

- 8.8 Unless the victim has asked not to be contacted, YOTs should contact the victim within five working days of being notified in order to:
- establish their view about the offence and
 - carry out an assessment of their willingness to participate in any restorative process.
- 8.9 In assessing the views of the victim, further information on aggravating or mitigating factors may be uncovered. Aggravating factors might include the offence being racially motivated or the victim being deliberately put in considerable fear. Mitigating factors might include the offender having reacted impulsively to provocation from the victim such as bullying or the offender expressing regret and having already offered or delivered reparation to the victim. These factors may influence the decision on whether to administer a Youth Caution.
- 8.10 Victims should not be involved in decisions on the correct disposal for young offenders. For instance they cannot demand that a young person be charged or given a Youth Caution. While the views of the victim will always be an important factor in determining the seriousness of the offence, they will not be conclusive to the final decision making process.
- 8.11 YOTs should ensure that the expectations of victims are not raised unrealistically. This is relevant both in relation to the disposal to be used (for example victims must not be led to believe that a young person is going to court when a Youth Caution is more likely) and the form of any reparation activity.
- 8.12 The YOT assessment should enable the victim to make decisions based on informed consent about participating in a restorative process related to the Youth Caution or as part of an intervention programme.
- 8.13 Where the victim does not, for whatever reason, engage in the YOT assessment the YOT may wish to refer to any victim personal statement taken at the time of the offence. It should be made clear to victims that they can choose not to have contact with the offender or YOT.

9. Delivery of Youth Cautions

- 9.1 Where the statutory criteria are met and the police have reached a decision to give a Youth Caution this may be delivered straight away. This may be appropriate in straightforward cases or cases where the young offender is only temporarily in the area.
- 9.2 Delivery should be by a police officer who has been given appropriate training. Forces may choose to hold surgeries or clinics where all Youth Cautions are given by trained officers. As explained in section 5, there is power to bail for this purpose.
- 9.3 Where the young person has been bailed, the bail period may be used to:
- consider whether a police officer or the YOT police officer should deliver the Youth Caution;
 - select the most appropriate venue for the delivery; and
 - prepare for the delivery of the Youth Caution as part of a restorative process.

Venues

- 9.4 Where police officers in the YOT are responsible for the delivery of Youth Cautions the delivery may take place on YOT premises. This can help provide continuity if the young person has bailed to the YOT for an assessment. Victims may also be involved in the process.
- 9.5 The selection of the right venue may have a restorative effect and help bring home to the young person the consequences of his or her behaviour. For example, if the offence was one of criminal damage to a school or youth club, the warning could be delivered on the premises. The local community centre may also be a more accessible and less threatening venue for victims if the Youth Caution is being delivered as part of a restorative justice process.
- 9.6 All venues should be assessed for suitability; they must be easily accessible to all participants (in particular the victim); and secure. It would not be appropriate for Youth Cautions to be delivered on the street. Nor would it normally be appropriate for them to be delivered in an individual's home.

Category of police officer

- 9.7 All Youth Cautions must be given by a police officer. However, there is no prescription as to the rank of police officer able to deliver Youth Cautions. The expertise of the officer will normally be a more important factor in this consideration than their rank.
- 9.8 There is a strong preference from ACPO that officers should be in uniform for the giving of a Youth Caution except in exceptional

circumstances. Receiving a Youth Caution is a serious matter and being in uniform to deliver this message may add to its impact.

Explaining the effect of Youth Cautions

- 9.9 Youth Cautions must be given orally, and supplemented with written information clearly explaining the effect of the caution. Local areas should develop their own forms that contain the relevant information.
- 9.10 In giving a Youth Caution the officer should specify the offence that has led to it and make clear that:
- the Youth Caution is a serious matter;
 - a record of the Youth Caution will be kept by the police;
 - under the Rehabilitation of Offenders Act 1974 the Youth Caution will be considered “spent” as soon as it is administered and will therefore not need to be disclosed to others in most circumstances such as applying for most jobs or insurance.
 - a Youth Caution can be disclosed in certain circumstances if the employer or other organisation is exempted from the Rehabilitation of Offenders Act 1974 . These employers and organisations are entitled to disclosure of spent cautions because of the sensitive nature of the job or other activity. This may include jobs involving working with sensitive information or with children and vulnerable adults. Disclosure of such information should not automatically bar a person from being employed in such roles but it may be taken into account by the employer or other organisation if it is relevant.
 - if the young person has previously received a Youth Caution then this Youth Caution will be followed up by the local YOT. The YOT will assess the young person and, unless they consider it inappropriate, devise an intervention programme designed to tackle the reasons for the offending behaviour, prevent any re-offending and repair some of the harm done (this may involve direct reparation if the victim wishes it, or reparation to the wider community); and
 - the young person’s Youth Caution, and unreasonable non-compliance with any intervention programme, will be recorded and may be cited in any future criminal proceedings;
 - if the young person is convicted of a further offence within two years of receiving a second or subsequent Youth Caution, the option of imposing a conditional discharge will only be open to the courts in exceptional circumstances; the young person can expect a more serious sentence;
 - a Youth Caution given in relation to an offence in Schedule 3 to the Sexual Offences Act 2003 will require the young person to comply with the notification requirements in that Act.
- 9.11 It should be borne in mind throughout the process that the offender is aged under 18 years and is not an adult. Particular care must be taken

to ensure that the young person understands the process and the effect of the Youth Caution. It is essential that appropriate time is allowed throughout the process so that the young person is able to engage in it as required.

- 9.12 Any questions about what will happen next should be put to the YOT. The officer should give the young person contact details for the YOT.

Appropriate adults

- 9.13 Where the young offender is under 17 years old, or there is any doubt about the capacity or ability of the young person to understand the nature or implications of the process, the Youth Caution must be given in the presence of a parent or guardian or other 'appropriate adult' (as determined by PACE). The parent/guardian or appropriate adult must also be given copies of any written information given to the young person.
- 9.14 Where a YOT officer is present they are not acting as an appropriate adult and therefore are not a replacement for the young person's parent or guardian or other appropriate adult.

Signed records

- 9.15 Whenever a Youth Caution is given, the young person, the officer and any parent, guardian or appropriate adult present must sign a form to confirm that it was given for the offence indicated.

Restorative justice

- 9.16 Wherever appropriate, restorative processes should be used in the Youth Cautions process. A restorative approach to Youth Cautions can provide real benefits to victims as well as making the process more meaningful and effective for young offenders. Restorative Justice can be used in both the delivery of Youth Cautions or as part of any intervention.
- 9.17 Where a young person is bailed for a YOT assessment, the YOT should also make an assessment of the appropriateness and type of restorative justice intervention that might be used either for the delivery of the Youth Caution or as part of the intervention programme.
- 9.18 The ACPO published "Restorative Justice Guidelines and Minimum Standards (2012)" provides further information on the operation of restorative justice by police forces. This includes the use of restorative justice as an element of out-of-court disposals.
- 9.19 Detailed guidance for YOTs on restorative justice is contained in the Youth Justice Board's "Effective Practice Guide – Restorative Justice (2008)".

10. Intervention programmes

- 10.1 If a young person receives a Youth Caution and has never previously received a Youth Caution or Youth Conditional Caution then the YOT has the power to assess the young person and put an intervention programme in place. However, the YOT is not obliged in statute to assess or intervene in these circumstances. This may be suitable where risk factors around the young person have already been identified.
- 10.2 If the young person is given a Youth Caution and has received a Youth Caution or a Youth Conditional Caution on a previous occasion the YOT is required by statute to assess that young person and put an intervention in place unless the latter is considered inappropriate.
- 10.3 Responsibility for assessments and intervention programmes should not be limited to YOT police officers. Given the complexity of young offenders' needs it would be beneficial for the range of YOT workers/skills to be engaged in the process, as appropriate.
- 10.4 YOTs should aim to assess all young people who normally reside in their area within ten working days of being notified by the police.

Citable/non-citable components

- 10.5 **Citable:** Unreasonable non-compliance with the intervention programme can be cited in any future criminal proceedings, should the young person re-offend and be prosecuted.
- 10.6 **Non-citable:** The YOT may offer, and the young person may agree, to voluntary involvement in addition to or following the ending of the formal part of the Youth Caution intervention. Where the young person fails to complete this voluntary involvement, it is not citable if the young person re-offends.

Devising intervention programmes

- 10.7 Intervention programmes will vary in their intensity and duration. But an intervention programme must be separate from the assessment and must consist of at least one post-assessment contact.
- 10.8 The citable components of any intervention programme must not be longer than three months in duration.
- 10.9 In devising the intervention programme for each individual young person, the YOT must use the shorter ASSET assessment as mentioned paragraph 8.5. The total ASSET score can be used to determine how high or low the risk of reoffending in each case is, and thereby the intensity and duration of the intervention programme (or the number of hours of intervention work) that will normally be appropriate.

- 10.10 Restorative processes should be used in the delivery of intervention programmes wherever possible. The type of restorative justice intervention and level of should be determined by the impact of the offence on the young person's family, victim and the wider community, and the needs and wishes of individual victims.
- 10.11 When the YOT has made the final decision on the contents of the intervention programme, this should be documented and a copy given to the young person and appropriate adult. The document should set out:
- the citable components of the intervention programme that must be complied with for successful completion of the programme;
 - any non-citable voluntary intervention work that has been offered; and
 - the consequences of unreasonable non-compliance with the citable components of the programme.
- 10.12 Where the intervention programmes are run by organisations external to the YOT, it is important that the YOT retains responsibility for these programmes and therefore maintains close links with the programme providers through meetings and regular progress reports.

Closure

- 10.13 The case must be closed when reasonable attempts have been made to enable the young offender to complete the programme. Attempts to engage the young person in an assessment and in an intervention programme should be recorded. Where a young offender has failed to attend appointments, this should be followed up by the YOT, preferably by making personal contact.
- 10.14 Case closure following an intervention programmes must be managed by the YOT. Such closure should document:
- whether or not the young person has successfully completed the intervention programme (i.e. compliance or non-compliance with the citable components of the intervention programme);
 - the young person's views of the intervention work;
 - the victim's views of the intervention work; and
 - a manager's review of the case.
- 10.15 A re-assessment of the young person and his or her risk of re-offending should normally be carried out using the closure summary of the shorter ASSET.
- 10.16 If the victim requests or agrees to receive a progress report, this should be provided on completion of the intervention programme by the young person if the consent of the young person is received. The report can be disclosed subject to the removal of the young person's personal details and those of their family.

10.17 The police should be routinely notified of the completion of all intervention programmes and brief details of the outcomes.

11. Other issues

Monitoring and evaluation

- 11.1 It is important to establish local processes to monitor and evaluate the impact of intervention programmes delivered in support of Youth Cautions, including completion and re-offending rates. In the light of the evaluation, local police and YOT procedures and intervention programmes should be regularly reviewed and appropriate changes made.
- 11.2 “YOT Data Recording Guidance: Data submission to the YJB by YOTs in England” is published annually and includes what information should be reported centrally on Youth Cautions to the YJB.

Fingerprints, photographs and DNA

- 11.3 For up to date information on fingerprints, photographs and DNA samples please refer to Police and Criminal Evidence Act 1984 Code D.

Recording Youth Cautions

- 11.4 The National Police Records (Recordable Offences) Regulations 2000 require the police to keep on the Police National Computer (PNC) details of Youth Cautions given for those offences for which they currently record convictions, (recordable offences).
- 11.5 Youth Cautions for all offences should therefore be recorded as soon as possible after they are administered. The record made shall cover only the offence(s) for which the Youth Caution was given, not any more serious offence which was not pursued.
- 11.6 All police forces should have their own central systems to record Youth Cautions for non-recordable offences given by their own and other forces. Its information will need to mirror that kept on PNC in relation to Youth Cautions
- 11.7 Where forces are dealing with a young person whose home is (or has recently been) in a different force area, the officer handling the case should, in addition to checking the PNC and any local records, ask any other force likely to have dealt with the young person whether they have previously received a disposal for a non-recordable offence. Checks should also be made of the YOT in the area where the young person lives.

Rehabilitation of Offenders Act 1974

- 11.8 A Youth Caution is not a conviction but is a formal criminal justice disposal. Youth Cautions are covered by the provisions of the Rehabilitation of Offenders Act 1974. Youth Cautions are considered spent as soon as they are delivered. There is no requirement to disclose Youth Cautions except in respect of those circumstances excepted from

the scheme (which are currently set out in the Rehabilitation of Offenders Act 1974 (Exceptions) Order, as amended)

Sexual Offences Act 2003

11.9 Section 80(1)(d) of the Sexual Offences Act 2003 provides that those cautioned for an offence listed in Schedule 3 to the Act are subject to the notification requirements in that Act (see sections 80-91). This includes young offenders who have been given a Youth Caution. Notification requirements include requirements to notify the police of various personal details, including date of birth, and address.

11.10 The police officer must explain to a young offender and their parent/guardian/appropriate adult that on receiving a Youth Caution for such an offence they will be subject to the notification requirements of the Sexual Offences Act 2003. Where the YOT has carried out a prior assessment of a young person who has been reported for a sex offence, this is an opportunity for them to explain about the notification requirements to the young person and his or her parents.

11.11 The notification period for a person who has received a Youth Caution is two years.

Non-police prosecuting agencies

11.12 Non-police prosecuting agencies do not have the power to issue Youth Cautions to young offenders. It is the responsibility of the non-police agency to make contact with their local police. The police need to be prepared to respond to approaches from these agencies and to have the necessary arrangements in place. Protocols should be developed to enable young people to receive Youth Cautions as needed.

Transitional Arrangements

11.13 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 Act abolishes reprimands and warnings that together were known as the Final Warning Scheme. From the introduction of Youth Cautions reprimands and warnings will no longer be able to be given to young offenders. Reprimands and warnings administered before the introduction of Youth Cautions will subsequently be considered the equivalent of Youth Cautions. For instance when considering previous offending history. If a young person receives a Youth Caution and has previously received a reprimand or warning there is no statutory obligation for the YOT to assess the young person or consider putting an intervention in place. However, given the young person's previous offending history assessment and intervention is likely to be required and should be considered.

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