



Ministry of
JUSTICE

YJB Youth Justice
Board

Youth Out-of-Court Disposals

**Guide for Police and Youth
Offending Services**

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1. Introduction

- 1.1 This guide provides advice for the police and youth offending services on the practical application of the out-of-court disposal framework for young people.
- 1.2 This guide is issued jointly by the Youth Justice Board for England and Wales (YJB) and the Ministry of Justice, and is endorsed by the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS).
- 1.3 The information within this document should be read in conjunction with sections 135–138 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.
- 1.4 In addition to the LASPO Act, additional material (see links below) will provide further reading and assistance if required.
 - Current ACPO [Youth Gravity Factor Matrix](#) (2009)
 - ACPO community resolution guidance, [Guidelines on the Use of Community Resolutions \(CR\) Incorporating Restorative Justice \(RJ\)](#) (ACPO, 2012)
 - [The Code of Practice for Victims of Crime](#) (The Office for Criminal Justice Reform, 2005)
 - The CPS [Full Code Test](#)
 - The [Police and Criminal Evidence Act 1984](#) (amended 2012)
 - Director of Public Prosecutions' [guidance on Youth Conditional Cautions](#) (for original pilot sites)
 - Director of Public Prosecutions' [guidance on restorative justice](#)
 - Ministry of Justice guidance (forthcoming).
- 1.5 This guide is intended to assist you when considering and delivering any of the out-of-court disposals. It is not statutory guidance, nor a substitute for legal advice.
- 1.6 The principal aim of the youth justice system, established by section 37 of the Crime and Disorder Act 1998 is to prevent offending by children and young people.
- 1.7 Out-of-court disposals aim to ensure outcomes are both proportionate to the crime committed and effective in reducing the risk of further offending.

1.8 The benefits of the new out-of-court framework are:

- there are no restrictions on which disposal can be considered
- it encourages joint decision making between the police and youth offending teams (YOTs) to promote positive outcomes
- it provides safeguards against inappropriate disposals, including inappropriate repeat cautioning
- some out-of-court disposals, such as Youth Conditional Cautions, enable reparation to be made to a victim and for offenders to be diverted into services that seek to address the cause of their offending behaviour.

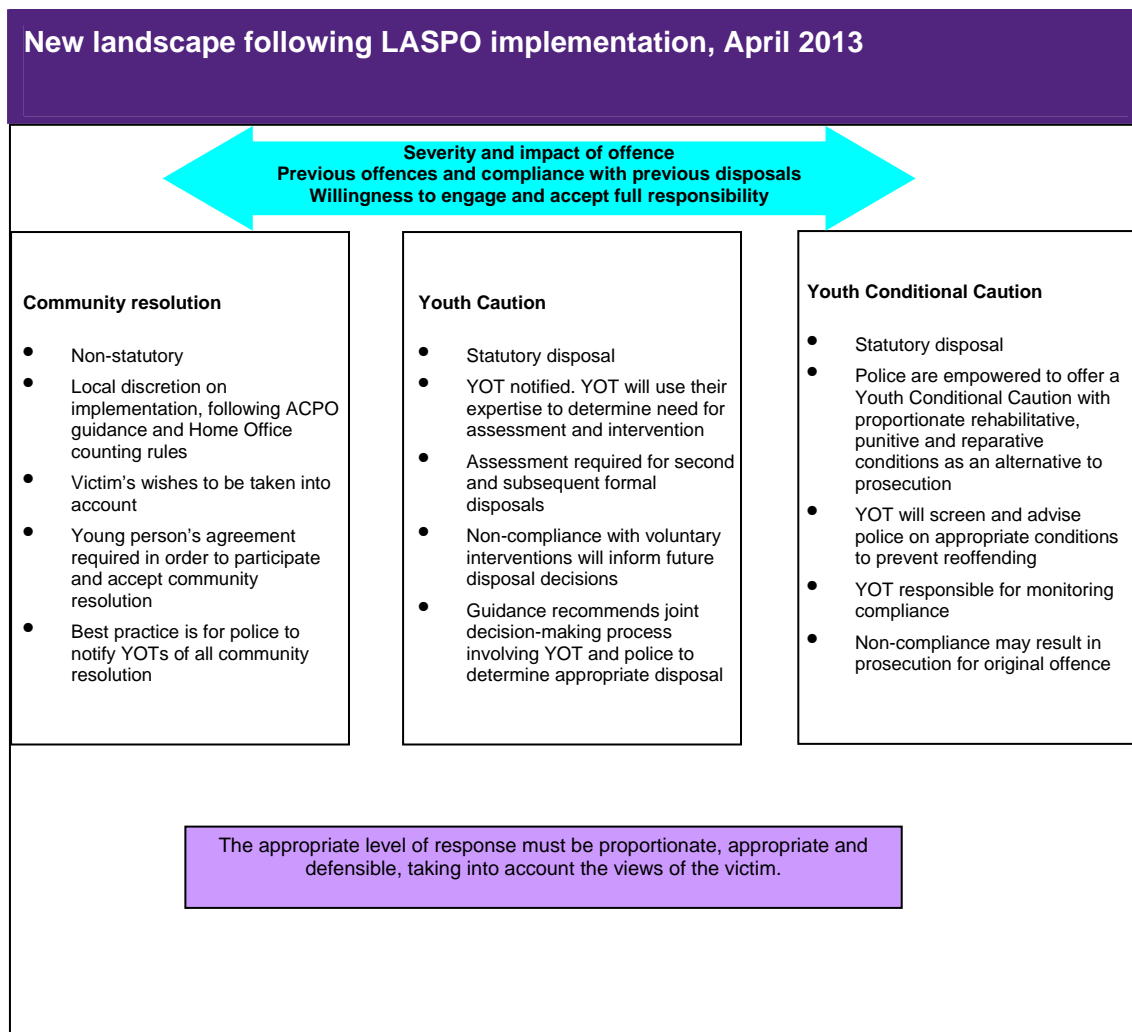
2. Who is this guide for?

2.1 This guide has been produced primarily for the police and YOTs; however it will also be of use to the following organisations:

- Crown Prosecution Service (CPS)
- children's services
- victim's services
- magistrates
- the National Appropriate Adult Network.

3. Overview of the disposal framework

3.1 The diagram below provides a summary of the out-of-court disposals available following the implementation of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 in April 2013.



3.2 In dealing with any offence committed by a young person under the age of 18, the police have a range of options:

- no further action
- community resolution
- Youth Caution
- Youth Conditional Caution
- charge.

- 3.3 Restorative justice can be an element of any of these disposals but is not a disposal in its own right.
- 3.4 There will be no escalatory process (in contrast to the previous Final Warning Scheme) and so any of the range of options can be given at any stage where it is determined to be the most appropriate action.
- 3.5 The decision to authorise a Youth Caution or Youth Conditional Caution will be dependent on the severity of the offence. Indictable-only offences will be referred to the CPS, as the decision-making authority; first-time summary and either-way offences can be decided by the police; second and subsequent offences will be a joint decision by police, following assessment by the YOT. **Care must be taken to guard against inappropriate repeat cautioning, and a strong focus on public protection must be maintained.**

No further action

- 3.6 If a young person is arrested and the police do not pursue the case, this is known as taking 'no further action'. It is an acknowledgement that no action is appropriate or warranted in a particular case. This could arise if there is no substantive offence or if the young person makes no admission and there is insufficient independent evidence to charge them.

Community resolution

- 3.7 Community resolution is the nationally recognised term for the resolution of a minor offence or anti-social behaviour incident through informal agreement between the parties involved, as opposed to progression through the traditional criminal justice process.
- 3.8 Community resolution is a tool to enable the police to make decisions about how to deal more proportionately with low-level crime and is primarily aimed at first-time offenders where there has been an admission of guilt, and where the victim's views have been taken into account. Community resolution enables police officers to use their professional judgement to assess an offence, taking into account the wishes of the victim and the offender's history in order to reach an outcome which best meets the needs of the victim and of the public.
- 3.9 Community resolution may be delivered either with or without the use of restorative justice techniques. All community resolutions must be recorded on local systems and can be disclosed as police information if relevant to an enhanced criminal records bureau check.

Youth Caution

- 3.10 The Youth Caution is a formal out-of-court disposal which replaces the Final Warning Scheme. A Youth Caution may be given for any offence when the young person admits the offence and there is sufficient evidence for a realistic prospect of conviction, but it is not in the public interest to prosecute.

- 3.11 The police must notify the YOT when a Youth Caution is given. Following a second or subsequent Youth Caution, the YOT must assess the young person and put in place a rehabilitation programme to prevent further offending, where it is appropriate. Participation in the interventions attached to a Youth Caution is voluntary and there is no separate penalty for failing to comply with them; however, failing to comply with the interventions would be a consideration in the choice of any future disposal options.

Youth Conditional Caution

- 3.12 The Youth Conditional Caution is a formal out-of-court disposal, but with compulsory assessment and intervention attached to it. A Youth Conditional Caution may be offered when a young person 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 person complying with suitable conditions rather than a prosecution.
- 3.13 The YOT must assess the young person and advise on appropriate conditions. The young person must also agree to accept the Youth Conditional Caution and the conditions attached. Police should not agree conditions which are to be delivered by the YOT without the YOT's prior agreement. The conditions attached to the Youth Conditional Caution can be reparative, rehabilitative or punitive in nature. Punitive conditions should only be used where rehabilitative and reparative conditions are not suitable or sufficient to address the offending.
- 3.14 The YOT is responsible for monitoring compliance with conditions and advising on non-compliance.
- 3.15 When the Youth Conditional Caution is being decided upon, the decision-maker should consider the mechanism by which compliance with the conditions will be monitored and demonstrated. This could include agreement with the police to monitor a curfew, or with HM Courts and Tribunals Service to collect a financial penalty. This should be set out in the Youth Conditional Caution form that is agreed to by the young person, the YOT and the police.
- 3.16 The victim's consent must be obtained in any case where direct reparation or restorative justice processes are being considered or where the victim is directly involved in some way.
- 3.17 Restorative justice processes and initiatives may be used to help inform the decision as to the conditions to be attached to a Youth Conditional Caution.
- 3.18 Failure to comply with the conditions can result in prosecution for the original offence.
- 3.19 All offences are eligible for a Youth Conditional Caution disposal, but if the offence is an indictable-only offence, the CPS will need to be consulted and authorise the decision to offer a Youth Conditional Caution.

Charge

- 3.20 Charging an offender means that the case will be put forward for prosecution in court. The police may charge any summary-only offence irrespective of plea. They may also charge any either-way offence anticipated as a guilty plea and suitable for sentence in a magistrates' court, providing it is not one of the following:
- a case requiring the consent to prosecute of the Director of Public Prosecutions or law officer
 - a case involving a death
 - a case connected with terrorist activity or official secrets
 - a case classified as hate crime or domestic violence under CPS policies
 - an offence of violent disorder or affray
 - an offence causing grievous bodily harm or wounding, or actual bodily harm
 - a Sexual Offences Act offence committed by or upon a person under the age of 18
 - an offence under the Licensing Act 2003.
- 3.21 Prosecutors (normally the CPS) will make charging decisions in all indictable-only cases, any either-way offences not suitable for sentence in a magistrates' court or not anticipated as a guilty plea, and for specified offences. The Director of Public Prosecutions' guidance on charging can be found at www.cps.gov.uk/publications/docs/dpp_guidance.pdf.
- 3.22 There are occasions when a young person has been charged, but a prosecutor decides that the case should be adjourned for consideration of an out-of-court disposal. An admission of guilt is essential before a Youth Caution or Youth Conditional Caution can be given and it will only be in **exceptional circumstances** that a young person who has been correctly charged will receive such a disposal. The principles in this guide should be applied in such cases. Where an out-of-court disposal cannot be given, an explanation should be given to the CPS, who will decide whether the prosecution should proceed at the adjourned hearing date.

Restorative processes

- 3.23 Restorative justice enables people directly affected by an offence, including offenders, victims and the wider community, to communicate, with the help of a trained facilitator, for the purpose of deciding how to deal with the offence and its consequences.

- 3.24 Restorative justice can be an element of any disposal, but is not a disposal in its own right. Wherever appropriate, restorative processes should be used alongside the delivery of out-of-court disposals or as a way to determine the appropriate disposal. For example, restorative justice interventions could be used as part of a community resolution or to inform the conditions of a Youth Conditional Caution.
- 3.25 There are a number of options for using a restorative process in the delivery of an out-of-court disposal, including:
- an informal restorative meeting with the victim and offender to identify the impact of the offence and work together to come to a resolution
 - a formal restorative justice meeting (conference) which involves the young person, their parents/guardians, the victim and the victim's family or supporters and can involve whole communities if the offence is a community issue
 - shuttle mediation
 - use of a victim impact awareness statement to inform victim work
 - production of a letter of explanation or apology.
- 3.26 Delivery of a restorative process alongside a caution makes the young person confront the consequences of his or her offence and gives the victim a voice and a stake in resolving the offence. The impact of an out-of-court disposal on a young person can be enhanced by delivering a restorative intervention alongside it.
- 3.27 For guidance on operating restorative justice processes, please refer to the Restorative Justice Council's [*Best Practice Guidance for Restorative Practice*](#) and the ACPO guidance on restorative justice, [*Restorative Justice \(RJ\) Guidelines & Minimum Standards*](#).

Triage, Bureau and local diversion schemes

- 3.28 Some areas will have access to diversion schemes – such as Triage, Bureau (Wales only) and Youth Justice Liaison and Diversion – many of which operate in partnership between the police and the YOT. These schemes will continue to operate and are not precluded from doing so by the changes to out-of-court disposals. How Triage, Bureau and Youth Justice Liaison and Diversion fit into the out-of-court disposal framework will continue to be determined locally.

Best practice example: County Durham Youth Offending Service fully integrated pre-court system

County Durham Youth Offending Service, in partnership with Durham Constabulary, has implemented a fully integrated pre-court system which provides pre-court assessment and intervention for all young people and their families. All young people whom custody sergeants consider potentially suitable for a pre-court disposal are referred to the youth offending service for assessment and intervention, based on identified needs and risks. In addition, full family assessments are undertaken where appropriate. Interventions are delivered by a multi-agency 'team around the family'.

Seconded police officers in the County Durham Youth Offending Service are the decision-makers in respect of appropriate pre-court outcomes, and take into account the assessment and information provided by service colleagues.

This system has delivered a 74% reduction in first-time entrants and a 32% reduction in reoffending frequency (pre-court). It is fully supported by all partners.

For further details contact: Gill Eshelby, Strategic Manager, County Durham Youth Offending Service, email: gill.eshelby@durham.gov.uk

- 3.29 It should be noted that the option to deal with young people under the age of 18 with a penalty notice for disorder will be withdrawn under the LASPO Act.

4. Operational guide

The decision-making process

- 4.1 Any out-of-court disposal should have a foundation of solid and accountable decision-making to ensure the transparency of the process and consistency of application. It is vital that all decisions, and, importantly, the rationale behind them, are recorded within the custody record or within the YOT file.

Information-sharing

- 4.2 The YJB's [Advice on Information Management in Youth Offending Teams \(England\)](#) includes guidelines on information-sharing between YOTs and partner agencies.
- 4.3 The police and YOTs should already have established protocols for sharing information about young offenders and their victims, but these will need to be revisited to ensure all relevant personal information can be shared.
- 4.4 The type of caution (i.e. Youth Caution or Youth Conditional Caution, with or without intervention) should be recorded by the YOT. This information is required for the quarterly returns to the YJB.
- 4.5 YOT access to the police information systems can facilitate timelier, better informed decision-making assessments and improve the quality of the information exchanged. The YOT police officer is key to facilitating this process.

Joint decision-making

Local protocols/decision-making

- 4.6 Police services and YOTs should draw up a joint protocol setting out locally agreed practice with regards to the out-of-court disposal system and agree a suitable means of joint decision-making. Consideration should be given to:
- how the police will notify the YOT of community resolutions and Youth Cautions that they have issued
 - police notification to the YOT for all cases requiring YOT assessment of the young person
 - the process for deciding the suitability of an out-of-court disposal (following assessment of the young person by the YOT for all second and subsequent formal disposals, or for a Youth Conditional Caution) and appropriate interventions
 - arrangements for bail

- contact with victims by the police to ensure that they consent to their details being passed to the YOT
- arrangements for the delivery of Youth Cautions and Youth Conditional Cautions
- use of restorative processes and informal restorative justice within the disposal
- the provision of information on the impact of the scheme, including completion and reoffending rates
- processes to notify of a young person's failure to comply with the conditions of a Youth Conditional Caution and to consider withdrawal of the offer of a Youth Conditional Caution
- joint training arrangements for police and YOT staff
- arrangements for resolving decision-making disagreements between the police and the YOT by referral to supervisors.

Relevance of previous formal disposals

- 4.7 Section 136 of the LASPO Act permits the use of out-of-court disposals in cases where previous formal disposals have been given. These previous disposals must be considered in any further disposal decisions. When considering an informal disposal such as community resolution, the number of previous informal and formal disposals given should also be considered, to help determine whether that is the most appropriate course of action.

ACPO Youth Gravity Factor Matrix

- 4.8 To help police assess the seriousness of an offence, the Association of Chief Police Officers (ACPO) has devised a Youth Gravity Factor Matrix, under which all offences can be given a gravity score of between one (for the most minor offences) and four (for the most serious offences).
- 4.9 Other factors – either aggravating (e.g. the offence was motivated by the victim's racial or ethnic origin) or mitigating (e.g. the offender was influenced by others more criminally sophisticated) – may raise or lower the score for a particular offence.
- 4.10 The Youth Gravity Factor Matrix must be used to assess whether a young person should be cautioned, conditionally cautioned, or charged for an offence. The matrix reflects the public interest principles in the CPS [Code for Crown Prosecutors](#) (2013).

- 4.11 Knowledge of the young person's previous offending history, whether formally resolved or otherwise is imperative to the operation of the out-of-court system. We therefore recommend that, when police 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 Police National Computer and any home force records, ask any other force likely to have dealt with the young person whether the young person has previously received a Youth Caution, Youth Conditional Caution, or conviction for a non-recordable offence. Details of the young person's compliance with previous disposals are also important in establishing whether the disposal under consideration would be suitable or whether it should be excluded. Checks should also be made with the YOT in the area where the young person lives or has previously lived.

Public interest considerations

- 4.12 An out-of-court disposal may be given only if the police are satisfied that it would not be in the public interest to prosecute or that the public interest can be met by offering an out-of-court disposal such as a Youth Conditional Caution. In determining the public interest, each case must be considered individually. Section 4.7 of the CPS [Code for Crown Prosecutors](#) (2013) offers guidance on the public interest test and factors that should be taken into account.
- 4.13 Where the option to prosecute has not been ruled out and where there are risk factors present, the police should consider bailing the young person for a YOT assessment to help inform the police (and YOT). As detailed later in the section on bail (section 5), the bail period should be no more than 20 working days to allow for assessment, and the results of the assessment should then be used to support the decision-making process to determine a suitable disposal.

Victims and restorative justice

- 4.14 The [Code of Practice for Victims of Crime](#) (The Office for Criminal Justice Reform, 2005) outlines the youth justice system responsibilities to victims of youth crime.
- 4.15 It is important that the police and YOTs make full use of the [YJB's online summary of the Code of Practice for Victims of Crime](#) and seek to involve victims in the out-of-court system. Without this involvement, victims can feel ignored and fail to understand how the young people who have not been brought to court can still be subject to a challenging and rehabilitative process.
- 4.16 There is an obligation on the police and YOTs to ensure that victims are kept fully informed of processes and outcomes, and to ensure that the victim's needs are fully met, where possible. Any views expressed by the victim should be taken into account. The views of the victim will be important, but cannot be conclusive. The decision as to whether to give an out-of-court disposal lies with the appropriate decision-maker and the victim should be made aware of this fact.

- 4.17 The police and YOTs should ensure that victims are able to make informed choices about whether they wish to be involved in the out-of-court disposal process, and if so, in what way.
- 4.18 It is vital that victims are not coerced into participating, or that their involvement is simply a means of addressing the offending behaviour needs of the young person. Victims' rights must be fully respected and the police and YOTs must take all necessary steps to prevent further harm being caused to victims as a result of the process.
- 4.19 If any form of restorative work is undertaken between the victim of an offence and young person, there should be clear benefits for both parties involved.
- 4.20 All contact with victims should be handled with sensitivity and in accordance with the *Code of Practice for Victims of Crime* ([summarised online by the YJB](#)), ensuring that the needs of diverse communities are appropriately met, including any need for interpreting and translation services. Victims attending a meeting with the young person should be invited to bring someone to support them if they wish.
- 4.21 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 person.
- 4.22 Restorative justice may not be appropriate in respect of domestic violence and hate crime, as these can involve particularly vulnerable victims. For example:
- domestic violence is often a pattern of behaviour, not an isolated incident – often numerous incidents occur before the case reaches the police
 - victims could agree to a course of action (such as a restorative justice intervention) but may be 'controlled' by the defendant or be over-optimistic about the outcome
 - face-to-face reparation may endanger the victim.

Delivery of the out-of-court disposal

Process and timescales

- 4.23 The police and YOTs (and the CPS where relevant) should work closely together for the out-of-court disposal system to be effective.
- 4.24 When police are considering an out-of-court disposal, they should liaise with the YOT to agree an appropriate course of action.
- 4.25 If an initial Youth Caution is given, the police must inform the YOT, and, where a second or subsequent caution is being considered, a referral to the YOT will be required for assessment and joint decision-making.

4.26 The YOT is responsible for ensuring that effective interventions are delivered in support of some Youth Cautions and for all Youth Conditional Cautions. Assessments at the point of a first formal disposal may be deemed appropriate, particularly in cases where:

- the police have concerns and believe that assessment would be beneficial for the young person, or
- a YOT has previous experience with another family member or they have other information which raises a concern.

Note: the first formal disposal decision is the responsibility of the police only.

4.27 In the circumstance that the young person commits an offence and has had one or more previous formal disposals, the disposal decision should be made by the YOT and the police. To ensure a truly joint decision, the YOT police officer should not be the sole decision-maker for either the police or the YOT. Decision-makers should in all cases apply the CPS public interest test, as well as having due regard to their primary role of public protection and ensuring the welfare of the young person.

Note: the second or subsequent formal disposal decision is the responsibility of the police and the YOT.

4.28 Some possible options for joint decision-making could be as follows:

- where Triage exists, it is ideally placed to act as the joint decision-making forum (in this instance the terms of reference of Triage may need to be altered to incorporate the wider responsibilities for formal disposal options)
- daily/weekly/bi-weekly meetings or phone calls
- ad-hoc contact, as and when a joint decision is needed.

There is no 'prescription' on how this should be done and it should be based on the structures best suited to the local area.

4.29 Before a Youth Caution or Youth Conditional Caution can be administered, the decision-maker must:

- have evidence that the young person has committed an offence
- ensure there is sufficient evidence to charge the young person with the offence
- have an admission that the young person committed the offence
- be satisfied that it would not be in the public interest for the offender to be prosecuted.

- 4.30 A decision on which disposal to give a young person should consider the following:
- the seriousness and circumstances of the offence (gravity factors). Based on the ACPO Youth Gravity Factor Matrix, is the crime serious enough to go to court, or can this be dealt with outside of court?
 - any views expressed by the victim. The views of the victim will be important, but cannot be conclusive. The decision as to whether to give an out-of-court disposal lies with the decision-maker
 - the young person's offending history. Has the young person offended before? If so, what disposals have they received and for what offences?
 - the frequency of the young person's offending. How often have they offended and over what time frame? Has the frequency increased recently? Has there been a significant period of non-offending since the last disposal?
 - the willingness of the offender to comply with possible interventions
 - the likely outcome if the offender was prosecuted
 - the young person's compliance history. In cases where there has been a previous disposal, decision-makers should check:
 - whether any intervention was offered
 - whether the intervention was voluntary or compulsory
 - whether the intervention was complied with.
- 4.31 If the young person has a poor compliance history and there is no legitimate reason for this, a Youth Conditional Caution or charge may be considered over a Youth Caution, as these carry a greater capacity for enforcing compliance.
- 4.32 **It should, however, be borne in mind that the purpose of securing compliance is to address the risk of reoffending. If assessment identifies welfare-related matters, these should be referred to children's services.**

Notification

- 4.33 The police should notify the YOT within one working day of the arrest of all young people who:
- require a joint decision (those who have committed their second or subsequent offence), unless a local protocol states otherwise (e.g. weekly meetings to discuss all cases applicable for joint decision-making)

- require a joint decision on interventions (if this will be the young person's first out-of-court disposal and there are additional concerns, or the young person is going to receive a Youth Conditional Caution)
 - have been cautioned
 - are thought to be appropriate for a Youth Caution or Youth Conditional Caution, and who are being bailed for assessment by the YOT
 - have been charged.
- 4.34 The police should also pass the following information to the YOT, within one working day of the arrest:
- details of the young person
 - details of the offence (including the ACPO Youth Gravity Factor Matrix score).
- 4.35 Arrangements should be made by the police to contact victims within 24 hours of the arrest. The joint local protocol should include the arrangements for contacting victims. When the victim first reports the crime, where appropriate, the police should give him or her relevant information regarding the role of the YOT, and obtain their consent to being contacted by the YOT.
- 4.36 The investigating police officer should notify the YOT in writing, or electronically where shared IT exists, of the victim's details at the point of referring the young person to the YOT, provided that the victim has already given consent to being referred to the YOT.
- 4.37 The police should ensure that victims are informed of developments in the case in line with local policy and the [Code of Practice for Victims of Crime](#) (The Office for Criminal Justice Reform, 2005).

5. Use of police bail

Reasons for bail

- 5.1 The police decision on whether to bail a young person will depend on the circumstances of each case.
- 5.2 Reasons to bail prior to the decision to caution, conditionally caution or charge can include:
- to enable further investigation into the offence
 - referral to the YOT to check local records of offending history, where there is no conviction recorded on the Police National Computer
 - referral to the YOT for an assessment of the young person and for the decision-making process for all second and subsequent formal disposals.

Reasons to bail following a decision to caution, conditionally caution or charge can include:

- to enable the caution to be delivered by a trained police officer
 - to enable the caution to be delivered by a trained police officer, as part of a restorative process, possibly with the victim present
- 5.3 The young person and appropriate adult should be informed of the reason for bail, e.g. that the police need more information before they can decide whether the young person can be cautioned or charged.
- 5.4 Police bail may not be used to ensure compliance with an intervention.

Bail for assessment

- 5.5 Section 34 of the Police and Criminal Evidence Act allows the police to bail a young person pending a decision on whether or not to deliver a caution. This includes the power to bail for an assessment to determine if it is in the public interest to prosecute a young person. The YOT can explore whether all the aggravating and mitigating factors have been identified and correctly taken into account in the gravity score. Bail in these circumstances also enables information from victims to be taken into account when deciding on the disposal, and any conditions attached to be tailored to the young person and the offence.
- 5.6 In particular, the police should consider bailing for a full assessment by the YOT if there is an increased risk of reoffending due to identified risk factors such as homelessness, poor school attendance (where combined with other factors), mixing with offending peers, substance misuse (including alcohol), unsupportive parents, the presence of another offender in the household, and unemployment.

- 5.7 The length of the bail period should be determined locally between the police and the YOT; however, the more quickly the interventions are delivered following the original offence, the more impact they have. For this reason, a maximum of 20 working days is recommended as good practice.
- 5.8 The YOT should conduct their assessment using whatever appropriate assessment tool is current at the time, within 10 working days. The police should be notified of the assessment result within 15 working days from the date of bail, so that any relevant issues can inform the final decision on disposal and be incorporated in the delivery of the caution, at which the YOT officer should be present.

Bail for delivery of the caution

- 5.9 Granting a young person bail for the purpose of delivery of the caution gives the police/YOT time to prepare for this, while ensuring there is an enforceable means of bringing the young person back into police custody. It is not normally possible to impose bail conditions unless a person has been charged. Therefore, if the delivery of a caution is to take place at a venue other than a police station, the young person and his parents/guardians should be invited to the venue within the bail period. If the young person and their appropriate adult attend the venue and the caution is delivered, the young person should be released from bail by giving the young person a standard letter which has been previously signed by the police. Local protocol will determine the authority required to cancel the police bail. Local systems will need to ensure that the police bail is then cancelled to avoid unnecessary circulations for failing to answer bail.
- 5.10 If for any reason the caution is not delivered, the young person will still be required to answer bail, or they will be in breach of that bail. If the caution has not been delivered but the young person answers to bail, the police will have to decide whether to:
- deliver the standard caution (which, if the young person is aged under 17, will still require the presence of a parent or other appropriate adult)
 - grant a further period of bail pending delivery of the caution, or
 - charge the young person.
- 5.11 If the caution has not been delivered and the young person does not answer to bail, he or she may be arrested for the bail offence, and risks being charged with both the bail offence and the original offence.

Delivery of the Youth Caution or Youth Conditional Caution

- 5.12 In straightforward caution cases, which do not present any risk factors, or cases where the young person is only temporarily in the area, the caution may be delivered immediately, **unless it is the second or subsequent formal warning**, in which case the YOT should be involved in the decision.

- 5.13 Delivery should be by a police officer who has been given appropriate training.
- 5.14 Cautions should be delivered at a police station unless there are exceptional circumstances why this should not be the case.
- 5.15 It is good practice to have a member of the YOT present when the caution is delivered, as they can explain the role of the YOT to the young person and the family. Experience has shown that young people are more likely to comply with an intervention programme following a caution if the YOT has been involved at an early stage. This also reinforces the joint working practice with the young person and their parents/guardians; rather than being passed from one organisation to another.

Category of police officer

- 5.16 All cautions must be given by a police officer.
- 5.17 There is no prescription regarding the rank of police officer able to deliver Youth Cautions or Youth Conditional Cautions. The expertise of the officer will normally be a more important factor in this consideration than his or her rank. Local protocols may dictate police rank for delivery, but either way appropriate training should be provided.
- 5.18 Officers delivering Youth Cautions or Youth Conditional Cautions should be in uniform, as outlined in the ACPO and YJB guidance, [*The YOT Police Officer Review and Role Development*](#) (2010).
- 5.19 Research shows that emphasis on the formality of cautions contributed to reducing reoffending.
- 5.20 Due to the importance of reducing reoffending, it is recommended that only trained staff, or 'youth specialists' deliver out-of-court disposals.

Explaining the effect of the disposal

- 5.21 Community resolutions are an informal out-of-court disposal and do not form part of a criminal record. However, their use should always be recorded and this record may be disclosed as part of an enhanced Disclosure and Barring Service¹ check if the chief officer of police considers the information to be both current and relevant to the application.

¹ On 1 December 2012, the Criminal Records Bureau was merged with the Independent Safeguarding Authority to become the Disclosure and Barring Service. The Disclosure and Barring Service performs the functions previously carried out by the Independent Safeguarding Authority and the Criminal Records Bureau. The Disclosure and Barring Service maintains the lists of those barred from working with vulnerable groups, including vulnerable adults, and issues standard and enhanced level disclosure certificates.

- 5.22 All Youth Cautions and Youth Conditional Cautions must be given in person, orally, and supplemented with written information, clearly explaining the details of the original offence and the effect of the Youth Caution/Youth Conditional Caution. As required by the Police and Criminal Evidence Act Code C, an appropriate adult should also be present to assist in understanding the consequences of accepting a Youth Caution or Youth Conditional Caution for young people aged 16 and under, or vulnerable 17-year-olds. The young person is also entitled to free legal advice before accepting a Youth Caution or Youth Conditional Caution.
- 5.23 In giving a caution, the Officer should make it clear that:
- any further offending will be dealt with according to the circumstances, but the fact that a Youth Caution or Youth Conditional Caution has already been issued will be taken into consideration before a decision is made regarding a future offending disposal
 - although not a finding of guilt by a court, a caution is an admission of guilt, and, as such, a record of the caution will be kept by the police and will appear on standard and enhanced Disclosure and Barring Service checks. This information can be made available to certain future employers, for example in cases where the employment involves working with children and other vulnerable people
 - the young person's caution may be cited in any future criminal proceedings
 - if the offence is covered by Part 2 of the Sexual Offences Act 2003, the young person is required to register with the police for inclusion on the Sex Offenders Register and to comply with conditions imposed as if they had been found guilty by a court. Notification requirements include requirements to notify police of various personal details, including date of birth and address.
- 5.24 In addition, for a Youth Conditional Caution, the young person should be informed that:
- the Youth Conditional Caution will be followed up by the local YOT (if the YOT is present at the delivery of the Youth Conditional Caution, the date, time and venue of the young person's next appointment with the YOT should be fixed)
 - the YOT will assess the young person and devise an intervention programme designed to tackle the reasons for the offending behaviour, prevent any reoffending and repair some of the harm done. This may involve direct reparation if the victim wishes it, or reparation to the wider community
 - the YOT will be responsible for ensuring compliance with the conditions of the Youth Conditional Caution and reporting completion or otherwise

- failure to complete the interventions set (without good cause) may result in the withdrawal of the offer of a Youth Conditional Caution and the young person may be prosecuted for the original offence
- the young person may decide at any stage to withdraw from the Youth Conditional Caution, whether it is before, during or after it has been administered. The implications of such action should be explained
- the victim(s) may be informed of the conditions agreed (unless there is good reason for this not to happen) and may be provided with the details of the offender for any civil proceedings.

The young person should be asked to confirm that they accept the Youth Conditional Caution and the associated conditions.

6. Recording the disposal method

- 6.1 The National Police Records (Recordable Offences) Regulations 2000 require the police to record on the Police National Computer details of Cautions and Conditional Cautions given for those offences for which they currently record convictions (recordable offences).
- 6.2 Youth Cautions and Youth Conditional Cautions for recordable offences should be recorded on the Police National Computer in the same way as adult cautions for recordable offences.
- 6.3 All Youth Cautions and Youth Conditional Cautions for all offences should therefore be recorded as soon as possible after they are administered. If necessary, chief officers should give priority to recording cases involving young people who have offended. The effective operation of the out-of-court disposal system relies on accurate records, to ensure appropriate decisions should there be a further offence.
- 6.4 The record made must include the conditions attached to the Youth Conditional Caution. The recording of breaches of such conditions is a matter still to be resolved with the Police National Computer.

Non-recordable offences

- 6.5 All police forces should have their own central systems to record Youth Cautions and Youth Conditional Cautions for non-recordable offences given by their own and other forces. The information will need to mirror that kept on the Police National Computer in relation to Cautions and Conditional Cautions for recordable offences and records will need to be kept both current and relevant, as per all information-keeping guidance. These systems will also need to cover convictions for non-recordable offences by courts in their own area and (where passed on) outside, because they will influence the decision-making process for future out-of-court disposals. The use of community resolutions will also need to be recorded locally to ensure they are considered in the decision-making phase and to ensure that inappropriate repeat community resolutions are not used.

Signed records

- 6.6 Whenever a Youth Caution or Youth Conditional 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. The Youth Caution or Youth Conditional Caution cannot be given if this is not signed. In cases involving non-recordable offences, this form will still be needed in any subsequent criminal proceedings to establish previous non-recordable offending. The form should be copied to the YOT.

7. Fingerprints and DNA

- 7.1 Where a Youth Caution or Youth Conditional Caution is given for an offence, supporting fingerprints are required, as these are recordable disposals and can be cited in any future criminal proceedings, or form part of the criminal record for employment purposes.
- 7.2 Under Section 61 of the Police and Criminal Evidence Act (amended July 2012), if fingerprints are not taken from the young person when he or she is reported for a recordable offence, the young person can be required to provide fingerprints within two years of receiving the Youth Caution or Youth Conditional Caution. The young person can also be required to provide fingerprints (if they have not been in police custody and have not provided samples during the investigation, or the samples taken are not of sufficient quality) if a police officer of inspector rank or above is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime and authorises the taking of those prints.
- 7.3 **The Criminal Justice and Police Act 2001 allows fingerprints to be taken without consent when a person is cautioned, or conditionally cautioned for recordable offences.**
- 7.4 For all up-to-date information on fingerprints and DNA samples, please refer to the Police and Criminal Evidence Act Code D.

Rehabilitation of Offenders Act 1974

- 7.5 Under the Rehabilitation of Offenders Act 1974, Youth Cautions are considered 'spent' as soon as they are issued. This means that they do not need to be disclosed in normal circumstances (e.g. when applying for jobs or insurance). Youth Conditional Cautions are spent once the conditions have been completed (normally three months). Community resolutions do not come under the Rehabilitation of Offenders Act 1974, and so are never considered 'spent' or 'unspent'. However, certain jobs are exempt from the Rehabilitation of Offenders Act 1974, and employers recruiting to such positions may be able to request an enhanced Disclosure and Barring Service check (formerly a Criminal Records Bureau check). These forms of employment usually involve working with young or vulnerable people, or in roles that could allow the person to pose a potential risk to security. The enhanced check will show all Youth Cautions and Youth Conditional Cautions. It may also include details of community resolutions, but this disclosure is at the chief officer's discretion.

8. Youth offending service responsibilities

- 8.1 YOTS need to comply with the YJB national case transfer policy when receiving and managing out-of-court disposals. A young person who has been given an out-of-court disposal will be managed by the police in the area in which they have offended. The police will notify the YOT in their own area (area of offence). If the young person is not resident in that area, the YOT must notify the home YOT within 24 hours. The home YOT will need to make contact with the police managing the young person's case and meet timescales and processes laid out within the YJB national case transfer policy.

Assessing the young person

- 8.2 Some local areas have arrangements in place to deliver diversion schemes/Triage where assessments of young people may be carried out at an early stage and/or where some risk factors have been identified by the police and flagged up to the YOT. Police may also ask the YOT to assess a young person for suitability for a Youth Caution. However, assessment of a young person is mandatory for those receiving their second or subsequent Youth Caution.
- 8.3 All Youth Conditional Cautions will require an assessment of the young person even if this is their first formal disposal.
- 8.4 The bail period for assessment of the young person is recommended to be a maximum of 20 working days, to minimise delays. The YOT should undertake the assessment within 10 working days, and the police should be notified of the outcome within 15 working days. This is so that decisions are made speedily, and intervention, where necessary, is also delivered as soon after the commission of the offence as possible.
- 8.5 There is no prescribed assessment tool, but YOTs are encouraged to use those tools which have been developed by the YJB, and all assessments should address:
- the risk of reoffending, risk to the public and any safeguarding needs
 - whether an intervention is appropriate and which agency is best placed to meet identified needs
 - the young person's attitude to interventions, and their motivation to participate and engage with an intervention programme
 - the extent to which the young person is able and willing to engage with restorative justice interventions

- the likelihood of the young person receiving support from their family/carers, how the family/carers could be involved in any intervention, and whether a referral to support family/carers is necessary.
- 8.6 As part of the assessment, the YOT should ensure that the young person and his or her parents/carers fully understand the implications of accepting the disposal. Where the young person is being considered for a caution for an offence listed in Part 2 of the Sexual Offences Act 2003, the implications of that Act must be explained.

Intervention programmes

- 8.7 It is important that interventions are proportionate to the offence committed and to the identified needs of the young person. YOTs should be mindful that not all young people will require intervention from a YOT and some may benefit from being referred to other agencies.
- 8.8 Interventions should be offered when there are identifiable and treatable welfare and criminogenic needs, and interventions should be delivered by the most appropriate agency. **Those young people that pose the greatest risk of reoffending or harm should be prioritised by the YOT.** Where there are safeguarding issues, the young person should be referred according to local procedures and processes.
- 8.9 Participation in an intervention programme or a restorative conference for a Youth Caution is **voluntary** and there must be no suggestion of the Youth Caution being dependent on agreement to participate, unless the young person is offered a Youth Conditional Caution.
- 8.10 Restorative processes should be used in the delivery of intervention programmes where possible. The type of restorative justice intervention and level of reparation should be determined by the impact of the offence on the victim(s), the young person's family and the wider community, and the needs and wishes of the victim(s).
- 8.11 When the YOT or appropriate case holder has made the final decision on the content of the intervention programme, this should be documented and a copy given to the young person and their parents/carers/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
 - the non-citable voluntary intervention work that has been offered
 - the consequences of unreasonable non-compliance with the citable components of the programme.
- 8.12 Where the intervention programme is carried out by organisations external to the YOT, it is important that the YOT retains responsibility for these programmes and maintains close links with the programme providers.

Citable/non-citable components

- 8.13 Unreasonable non-compliance with the intervention programme could be cited in any future criminal proceedings, and would also be used as part of the decision-making process to determine which disposal is most appropriate, should the young person reoffend and be prosecuted. YOTs must explain to the young person and their parents/carers that non-compliance with conditions imposed as part of the Youth Conditional Caution may lead to prosecution for the original offence.
- 8.14 The citable components of any intervention plan must not be longer than three months in duration.
- 8.15 The YOT may offer the young person voluntary intervention/s in addition to, or following, the formal part of the caution, and the young person may agree to this. **However, where the young person fails to complete this voluntary involvement, this is not citable if the young person reoffends.**

Closure

- 8.16 The case must be closed when reasonable attempts have been made to enable the young person to complete the programme.
- 8.17 Attempts to engage the young person in an assessment and in an intervention programme should be recorded. Where a young person has failed to attend appointments, this should be followed up by the YOT, preferably by making personal contact.
- 8.18 Case closure following intervention programmes delivered in connection to a caution must be managed by the YOT. Case closure should include documenting 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).
- 8.19 If the victim requests or agrees to receive a progress report, this should be provided by the responsible officer following the young person's completion of the intervention programme.
- 8.20 The police should be routinely notified of the completion of all intervention programmes.
- 8.21 The quarterly returns submitted by YOTs to the YJB will change as the new out-of-court disposal system is implemented. Further guidance regarding these returns will be issued by the YJB, but clear record keeping regarding all young people engaged in out-of-court disposals will be required.

9. Views of the victim

- 9.1 Unless the victim has requested no contact, YOTs should contact the victim within five working days of being notified of the case, in order to:
- establish their view about the offence, the impact on them and their desired outcome
 - explain the options available to them, how they can be involved in the case, what opportunities there are for them to participate in a restorative process and their willingness to do so.
- 9.2 Victims should not be involved in decisions on disposals for young people. The police (and YOTs for second and subsequent formal disposal decisions) are solely responsible for making the decision to caution, conditionally caution, or charge. However, the views of the victim will be an important factor in determining the seriousness of the offence, and should be considered by the decision-maker; but the victim's views alone will not be conclusive in determining the appropriate disposal.
- 9.3 YOTs should ensure that the expectations of victims are not raised unrealistically. This is relevant both in relation to the disposal to be used and the form of any reparation activity.
- 9.4 Where the victim does not, for whatever reason, engage in the YOT assessment of the case, the YOT may wish to refer to any Victim Personal Statement taken at the time of, or subsequent to, the offence.
- 9.5 It should be made clear to victims that they can choose not to have contact with the young person or the YOT.
- 9.6 Due regard must be given to responsibilities under the [Code of Practice for Victims of Crime](#) (The Office for Criminal Justice Reform, 2005) and the [Best Practice Guidance for Restorative Practice](#) from the Restorative Justice Council (2011).

10. Complex cases

Group offences

- 10.1 The experience and circumstances of young people involved in group offences can vary greatly, as can the degree of their involvement. Although consistency and equality are important considerations, in deciding disposal outcomes, each young person should be considered separately and their personal involvement in the offence reviewed. Different disposals may therefore be justified for different young people.

Multiple offences

- 10.2 Where multiple offences arise from the same incident, the most serious offence should be considered and the gravity factors applied in the decision-making process. Clearly the circumstances of the other offences should also be considered and these may aggravate or mitigate the gravity decision.
- 10.3 Where multiple offences arise from a number of separate offences 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.

Eighteen-year-olds

- 10.4 Young people who were aged 17 when the offence was committed, but turn 18 by the time of delivery, and who are eligible for a caution, should be given an adult simple Caution or an adult Conditional Caution, provided they consent to this.

Motoring offences

- 10.5 Where a young person has committed a minor road traffic offence, a fixed penalty notice remains an appropriate response for 16 and 17-year-olds. If a young person receives such a penalty, this has no bearing on the capacity of the police to issue a Youth Caution or Youth Conditional Caution for any further offences, nor does it count as a conviction. Where the motoring offence would normally attract an endorsement, careful consideration should be given to utilising an out-of-court disposal, as no endorsement can be made.

Sex offenders

- 10.6 Part 2 of the Sexual Offences Act 2003 requires those convicted or cautioned for relevant sex offences listed in Schedule 1 of the Act to notify the police of their name and address and certain other details. This requirement includes young people who have been cautioned or conditionally cautioned.
- 10.7 The police officer must explain to the young person and their parents/guardians/appropriate adult that, on receiving a Youth Caution or Youth Conditional Caution for such an offence, the young person will be subject to the requirements of the Sexual Offences Act (i.e. inclusion on the Sex Offenders Register). In cases where the YOT carries out a prior assessment of a young person who has been reported for a sexual offence, this is also an opportunity for the YOT to explain the register to the young person and his or her parents/guardians.
- 10.8 Registration on the Sex Offenders Register following a Youth Caution or Youth Conditional Caution is required for a period of 12 months for those offenders under the age of 18. If the young person turns 18 before the caution is administered and therefore receives an adult caution, the registration period is two years.

Children or young people involved in prostitution

- 10.9 Any child or young person who becomes involved in prostitution should be treated as a victim of crime rather than an offender. Only in exceptional circumstances, when support and interventions have failed to safeguard the child, should consideration be given to dealing with persistent prostitution by a child as an offender. If a Youth Conditional Caution is deemed an appropriate out-of-court disposal, the conditions should reflect the safeguarding needs of the child.

Non-police prosecuting agencies

- 10.10 Although the CPS will prosecute offences investigated by the police, there are a number of other non-police prosecution agencies, including The Health and Safety Executive, the RSPCA, the Department of Work and Pensions, the Environment Agency, the Financial Services Agency, the Food Standards Agency, the Gambling Commission, the Maritime and Coastguard Agency and the Office of Fair Trading. These agencies will not be able to deliver Youth Cautions and Youth Conditional Cautions, as these can only be issued by a police officer. Section 66ZA of the Crime and Disorder Act 1998 (as amended by Section 135 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 provides that only a police constable should act as the decision-maker and administer a caution.

- 10.11 The police and non-police prosecuting agencies should agree the requirements that need to be met before a caution can be given. For instance, all the requirements of the offence (see paragraph 4.29 of this guide) must be in place. The police need to be satisfied that all the conditions have been met before they will administer the caution on behalf of a non-police prosecuting agency.
- 10.12 Some prosecuting agencies conduct the investigation and interview under the Police and Criminal Evidence Act regulations. In such cases, investigations by agencies should proceed to interview with caution. If the result is that an offence has been committed by a person under the age of 18, but a prosecution is not appropriate in the first instance because the offence is classed as minor, the case should be referred to the police.
- 10.13 When a case is referred to the police, the young person and his or her parents/carers should be informed that the case has been referred to the police for further consideration regarding the appropriate disposal.
- 10.14 The police will check police and YOT records to see if a caution is suitable for the young person. If the police decide not to accept a case under the caution scheme, there need to be procedures in place to notify the non-police prosecuting authority of the reasons for the decision and, if the case has already been referred, for the return of the evidence so that the prosecuting agency can consider whether the case should be prosecuted. Steps should be taken to ensure that this does not lead to undue delay.

Citable components of Youth Conditional Cautions

- 10.15 Unreasonable non-compliance with the intervention programme delivered as part of the Youth Conditional Caution could result in the offer of a Youth Conditional Caution being withdrawn and the young person being prosecuted for the original offence. It can also be cited in any future criminal proceedings. The non-compliance with conditions will also be used as part of the decision-making process to determine which disposal is most appropriate, should the young person reoffend and be prosecuted.

11. Other considerations

Appropriate adults

- 11.1 Where the young person is under 17 years of age, or aged 17 but suspected to be vulnerable and in need of support, the Youth Caution or Youth Conditional Caution must be given in the presence of a parent/guardian, or other 'appropriate adult' (as determined by the Police and Criminal Evidence Act). The parent/guardian or 'appropriate adult' must also be given copies of any written information given to the young person.
- 11.2 Where a YOT officer is present, their role is not that of an 'appropriate adult' and therefore, they are not a replacement for the young person's parent/guardian or appropriate adult.

Venues

- 11.3 Youth Cautions and Youth Conditional Cautions should be administered in a police station, unless there is a valid reason why this would not be appropriate. In such instances, the YOT premises or another suitable venue may be considered. If face-to-face restorative justice is being delivered at the same time, a separate venue such as a community centre may be considered a less threatening and neutral venue for the victim.
- 11.4 Where the young person is bailed for a YOT assessment (to assist in determining if it would be in the public interest to prosecute), prior to the decision regarding the caution, the bail period can be used to give consideration to the venue most appropriate for delivery of a caution, in the exceptional circumstance that this is not the police station. Bail can also be given for the purpose of arranging delivery.
- 11.5 It would not be appropriate for a Youth Caution or Youth Conditional Caution to be given in the street, or in the individual's home unless there is a good reason for this (for example, a disability prohibiting the young person from getting to the police station, or where the venue does not meet the young person's reasonable adjustment needs).

Surgeries/clinics

- 11.6 In some areas, under the previous system, Final Warning 'surgeries' or 'clinics' were established, whereby Reprimands and Final Warnings were delivered at regular intervals at one venue, with the YOT present. This approach could also be adopted for Youth Cautions and Youth Conditional Cautions.

- 11.7 Cautions can be delivered by either specially trained police officers, or YOT police officers. In either case, the officer delivering the caution should be in police uniform. There is no requirement for the delivering officer to hold any specific rank, as training and knowledge are considered more important (local policy should be referred to).
- 11.8 Victims should be invited to participate in any restorative process if they wish. Alternative arrangements may need to be made to meet the needs of victims for whom the hours or venue of the clinic are unsuitable.

British Transport Police

- 11.9 British Transport Police are a national police service and are governed by the Police and Criminal Evidence Act, as are all other police forces in England and Wales. British Transport Police will therefore be using the full range of out-of-court disposals and YOTs will be required to form close working relationships with British Transport Police officers, and, in particular, to be aware of British Transport Police custody facilities in their area.

Parents and family

- 11.10 Young people's assessments should remain 'holistic' at all times and practitioners should give due consideration to all the issues in the child's life, with particular focus on their family. Providing interventions and support to reduce the risk of reoffending requires the support of parents/guardians and those who have the greatest effect on the young person's behaviour.

12. Monitoring, evaluation and governance

- 12.1 It is critical to establish local processes to monitor and evaluate the impact of intervention programmes delivered in support of Youth Conditional Cautions and as voluntary elements of Youth Cautions. This should include compliance, completion and reoffending rates.
- 12.2 Regular meetings between the YOT and police (at a senior operational level) to consider aggregated information on the numbers and characteristics of those receiving Youth Cautions, Youth Conditional Cautions and prosecutions, may be established as an effective means of monitoring and evaluation.
- 12.3 Management information will enable a joint evaluation of trends and contribute to any decisions regarding strategic changes needed in policy, practice and the commissioning of services.
- 12.4 The confidence of the public and of key criminal justice stakeholders in the processes will also be strengthened by the monitoring and evaluation of data to ensure that there is no inappropriate repeat cautioning and that decision-making is proportionate, appropriate, consistent and defensible.
- 12.5 There should be a quality assurance process for information exchange to ensure compliance with the Data Protection Act.
- 12.6 Additional, overarching quality assurance processes should be developed. As senior members of the partnership agencies sit on YOT management boards, these are ideal forums to have an executive oversight and monitoring function. Inclusion of a member of the Magistrates' Association would also be useful. The precise remit of the team should be decided locally, but there are a number of processes that could be included, such as:
 - management board sign off and monitoring of the local protocols and arrangements between the YOT and the police, including joint decision-making and bail timeframes
 - monitoring of first-time entrants' performance and reoffending rates, and setting and monitoring other measures of success in ensuring positive outcomes for young people
 - bringing any identified issues to the attention of police and crime commissioners
 - resolution of any identified interagency issues.

Best practice example: Surrey Youth Support Service

In Surrey, the YOT and the police have jointly developed a youth restorative intervention to divert young people out of the criminal justice system. To contribute to the quality assurance of the youth restorative intervention and to maintain confidence, they established a 'scrutiny panel' with representatives from the police, youth support services, the Crown Prosecution Service, youth court panels, and HM Courts and Tribunals Service.

The panel meets regularly and scrutinises cases which have been diverted from the court system and those which have gone through for prosecution. They select cases which are exceptional, controversial, involve non-compliance and are successful. The scrutiny panel report back to the YOT and the police through local governance structures.

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