



T2A Response

Questions

1. Are you an 'authorised person' representing a prosecution agency that issues OOCs?

(Please select one: yes; no) If yes, please specify the agency you represent and how the new framework will impact you.

No

2. Do you agree or disagree that the Code of Practice strikes the right balance between providing a clear framework for decisions and individual case flexibility?

Disagree

We would call for additional flexibility specifically to be given in the case of young adults aged 18-25. Research shows that the maturation process does not complete until a person's mid-twenties, and during the ages of 18 to 25 there is a unique opportunity for young adults when they can either utilise diversion and rehabilitative services or end up embroiled in a repeated series of crisis and crime. Considering this, we would call for particular care to be given to ensure that as far as possible, Community Resolutions are used to avoid further criminalisation, and that any conditions received are intended to help them develop positive identities as they transition to adulthood.

3. Do you agree or disagree that the guidance on the relationship between the Community Resolution, Community Caution and Diversionary Caution, and their respective use is clear in the Code of Practice?

(Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree – please explain your answer)

4. Do you agree or disagree that there is an appropriate level of emphasis in the Code of Practice on a) victim involvement? b) victim satisfaction?

(For both part a) and b)) please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree – please explain your answer)

5. For Community Cautions (lower tier), the Police, Crime, Sentencing and Courts Act 2022 specifies that they may be issued for any offence other than an excluded offence (defined as an indictable-only offence, or an either-way or summary only offence prescribed in regulations). We have proposed retaining the excluded offences that limit the use of existing Simple Cautions. Do you agree or disagree with this approach?

(Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree) Please specify your proposed additions, removals, or amendments to the excluded offences for Community Cautions and reasons for suggesting these.

6. We have proposed an amended financial penalty structure for the new cautions. What is your view on this structure? (Please explain your answer)

7. In regard to the repeat use of cautions, would you make any amendments to the proposed specifications detailed in the Code of Practice?

(Please select one: yes; no) If yes, please specify what changes you would make and why.

8. In accordance with Part 5 of the Code of Practice, the decision to issue a caution should be countersigned by an Officer not below the rank of Sergeant (or Police staff supervisor equivalent). Do you agree or disagree that this rank of seniority to issue a caution is appropriate?

(Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree – please explain your response and the rank you feel is of appropriate seniority to issue a caution)

9. Some Police Forces have centralised OOC teams, which employ Police staff (rather than Police Officers). To reflect this, the Code of Practice uses the term ‘Police staff equivalents’. In your view, is this term clear and workable?

(Please select one: yes; no) If you selected no, please explain your answer, and suggest how this could be improved.

10. The Code of Practice sets out a requirement for compensation payments to be achievable.

a) Do you agree or disagree that this requirement is sufficient? (Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree – please explain your answer)

b) Do you agree or disagree that setting an upper limit for compensation payments would be preferable? (Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree – please explain your answer)

11. Do you agree or disagree that the distinction between the cautions admission requirement and the full code test (of the Code for Crown Prosecutors) is made clear in the Code of Practice?

(Please select one: Strongly agree; Agree; Neither; Disagree; Strongly Disagree) Please provide any suggestions to make this distinction clearer.

12. Do you agree or disagree that the requirement for and method of reporting the use of cautions should be mandated more strongly in the Code of Practice? (Please select one:

Strongly agree

Recording use and outcomes based on age is particularly important when considering their use and impact for young adults because research shows young adults do not complete the

maturation process until at least 25, making the period between 18 and 25 a particularly pertinent time for using diversionary conditions within OOCs rather than more punitive outcome.

13. When offering, explaining, and administering a caution, are there other accessibility considerations that the Code of Practice should include other than those already stipulated? (Please explain your answer)

14. From an operational perspective, are there any gaps or aspects in the Code of Practice that cause concern or may have adverse effects?

(Please select one: yes; no) If yes, please explain your response and specify suggestions for additions, removals, or amendments to the Code of Practice to accommodate operational practicalities.

15. Do you agree or disagree that the following annexes in the Code of Practice are clear and helpful: Annex A: Disposals comparison; Annex B: Principles for Domestic Abuse Diversionary cautions; Annex C: Excluded offences; and Annex D – Example conditions.

(For each of the above please select: Strongly agree; Agree; Neither; Disagree; Strongly Disagree) If you disagree, please specify how the annex(es) could be made more helpful.

16. Are there any gaps or aspects in the Code of Practice that cause concern or may have adverse effects for individuals with protected characteristics?

T2A's aim is that young adults (those aged 18-25), due to their complex and unique characteristics, are subject to a distinct approach at all stages of the criminal justice system to improve their outcomes and support their needs. T2A has sought to promote more universal provision of diversion schemes through its collaborative work with the Centre for Justice Innovation, the Criminal Justice Alliance, and Revolving Doors Agency.

Revolving Doors' recent work with the police, PCCs and local partners identified that where there is a focus on diversion schemes there are significant gaps in local provision for young adults who typically require a high degree of practical and emotional support. These gaps are illustrative of fragmented provision for young adults and include, for example, the time- and offence-limited nature of diversion schemes, and the absence of distinct age-appropriate support. The neuro-scientific evidence on brain development and statutory agencies' obligations under the Equality Act related to age warrants such provision and its absence results to indirect discrimination. For example, without age-appropriate support which takes into account the behaviours related to their stage of development they are less likely than older adults to comply and this may result in a greater likelihood of them receiving a financial and punitive penalties. We propose that age is added to the list of factors to be taken into account related to what is achievable within point 6.25.

Attaching punitive conditions would also be directly discriminatory due to the greater penalty young adults would experience because of their lower entitlements to both statutory benefits and level of minimum wage linked to their age. We propose that this would be covered by the combination of the above amendment and the existing inclusion of penalties imposed being commensurate with means.

(Please select one: yes; no) If yes, please explain your response and specify suggestions for additions, removals, or amendments to the Code of Practice to address these concerns or adverse effects.

17. In your view, are there any parts of the Code of Practice (not already covered in previous questions) that need greater clarification?

(Please select one: yes; no) If so, please specify which part of the Code of Practice requires greater clarification and why.

18. What other comments, if any, do you have that have not been covered in the previous questions throughout the document?