

The Rehabilitation of Offenders Act (ROA)

The purpose of the ROA is to prevent ex-offenders being treated unfairly (discrimination). The ROA says if a person does not re-offend, then they should not be treated different because they have offended in the past.

An employer offering a job that is not covered by the ROA will also ask the police to give (disclose) details of a person's criminal record. This is called a Disclosure & Barring Service Check (DBS Check). Depending upon the type of job, an employer will either ask for a "Standard DBS Check" or an "Enhanced DBS Check".

A Standard DBS Check will show information from the Police National Computer (PNC), including your current and spent cautions and convictions. An enhanced DBS Check will disclose the information from PNC, plus any additional information that is held on local police records. This can include information from any other services, if they think your behaviour has and could put vulnerable people at risk.

In May 2013 the government introduced a filtering system, meaning not all cautions or conditional cautions show up on DBS certificates. If you are under 18 and two years have passed since your caution has been given and the offence is suitable, this may not appear on your DBS check.

Examples of offences which may be suitable for filtering are common assault, drunk and disorderly, drug offences only involving possession, theft where no violence involved, some motoring offences.

Please speak to your YJS practitioner to discuss your individual circumstances.

Talk to your YJS Worker or contact NACRO, a national organisation which can offer free advice about the ROA;

Helpline: 03001231999
 Email: helpline@nacro.org.uk
 Website: www.nacro.org.uk

out of court disposals explained

Out of Court Disposals

Diversion	Informal disposal, recorded by police locally. Not a conviction and does not create a criminal record, so ROA does not apply.
Community Resolution	Might be disclosed in an Enhanced DBS Check.
Caution	Formal disposal, recorded on the Police National Computer (PNC). Not a conviction but does create a criminal record. Cautions are spent on the date they are imposed;
Conditional Caution	Conditional Cautions are spent 3 months after the date they are imposed. Will be disclosed in either type of DBS check.

West Mercia Youth Justice Service

Worcester Office 01905 718116
 Hereford Office 01432 347120
 Shropshire Office 01743 261841
 Telford Office 01952 385952



This leaflet gives you information on Diversion, Community Resolutions, Youth Cautions and Youth Conditional Cautions. It will help explain what may happen to you after your arrest or voluntary police interview.



Children and young people between the age of 10 and 17 may have their case dealt with without having to go to court. After your arrest or voluntary interview by police, they may be able to give you a 1st Community Resolution (CR) for some offences but if not, your case will be discussed in a panel meeting instead. At the meeting there will be West Mercia Police, the Youth Justice Service (YJS) and other agencies.

In order to be suitable for the meeting three checks must be made:

- ✓ That an offence has been committed;
- ✓ That the offender has been identified;
- ✓ That the offender has accepted responsibility for the offence.

If these checks are met, the Police can consider you for an out-of-court disposal instead of you needing to go to court. A member of the YJS team will arrange to meet with you and your parents/carers to gather information to help the panel make a decision.

This information will be shared at the meeting and it will be decided what needs to happen to help you to not get into trouble again. The options they can choose from are:

- ▶ No further action and pass your details onto another service to support you
- ▶ A YJS diversion programme
- ▶ A YJS Community Resolution
- ▶ Youth Caution (YC) with intervention
- ▶ Youth Conditional Caution (YCC)
- ▶ Charged to appear in Court

With any of the above options you may be referred to other agencies, such as professionals from Social Care, Police, Education, Health and Drug Services, all of whom are trained to help and support you.



YJS Diversion

Diversion is an opportunity for YJS to support you with any needs you may have for a short amount of time and avoids a formal police record if you do the work. If you choose to not do the work then your case will go back to the panel meeting and this could lead to a different outcome, which may show up on your police record. Other services may also be asked to support you with any needs you may have.

Community Resolution (CR) and Restorative Justice (RJ)

A CR seeks to deal with the behaviour in a quick, informal way that brings closure for the victim, where one has been identified.

With your agreement and the agreement of the victim, it may involve you doing something that helps to 'put right' the harm caused. This is sometimes referred to as "Restorative Justice" (RJ). This is a voluntary, supportive process, which can help you and your parents/carers and the victim move forward and away from the offence.

CRs are recorded in local police systems, but are not recorded on the Police National Computer and does not form part of a criminal record.



Youth Caution (YC)

A youth caution is a formal notice, issued by a YJS Police Officer and accepted by you. It cautions you to not re-offend and warns you of the potential consequences of doing so. It is usually used in cases of low-level offending, where it is not in the public's interest to prosecute you. A YC does not have specific conditions attached to it, but voluntary interventions may be offered to help and support you to not re-offend. It is, however, recorded on the Police National Computer (PNC) and forms part of a criminal record.



Youth Conditional Caution (YCC)

A YCC is similar to a YC, but does have specific conditions attached to it that you need to complete within 3 months. It is a formal notice, issued by a YJS Police Officer and accepted by you. It cautions you to not reoffend, the consequences if you do and outlines the work that you need to complete. A YJS Worker will help and support you to complete the work that you need to do.

If you choose not to complete this work then you might have to go to court and could get sentenced to an order which could be much longer and involve a lot more work.

Following a CR or a YC, your involvement in any work with the YJS is voluntary. Following a YCC, your involvement is needed and can be enforced, including being sent to court for the original offence. How you work with YJS can be used in future court proceedings if you get into trouble in the future.

Work as part of any of these disposals can include:

- ▶ Offending Behaviour sessions
 - ▶ Victim Awareness sessions
 - ▶ Reparation
 - ▶ Restorative Justice conferencing
 - ▶ Restorative Processes
 - ▶ Support with Education, Training & Employment
 - ▶ Substance Misuse sessions
 - ▶ Positive Activities
 - ▶ Consequences of further offending sessions
 - ▶ Weapons Awareness
 - ▶ Project Swerve workshop
 - ▶ Referral to other agencies
 - ▶ Any other relevant interventions
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