

Success Starts Here Free Information Guide

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Criminal Law & Fraud



Reprimands and final warnings (which are similar to police cautions) are offered to suspects aged 17 and under. This guide explains the nature of, and the consequences of accepting both reprimands and final warnings.

Alternatives to prosecution through the courts

The final warnings scheme is a formal procedure that the police must follow when issuing reprimands and final warnings. When a young person is arrested they may be offered a reprimand or final warning as an alternative to prosecution through the courts. Neither a reprimand nor a warning amounts to a conviction for an offence.

Reprimands and final warnings can only be offered by the police where all of the following conditions are satisfied:

- There must be sufficient evidence against the offender to establish a realistic prospect of conviction
- The offender must admit to having committed the offence
- The offender must have no previous convictions, and
- It must not be in the public interest to prosecute the offender for the offence

The police will also assess the seriousness of the offence when deciding whether to offer a reprimand or final warning, or alternatively whether to charge the offender with the offence.

'Three strikes'

Where an offence is suitable for a reprimand or final warning the police will initially administer a reprimand. A reprimand can only be administered if the offender has not already received a reprimand or a final warning.

All reprimands and final warnings must be given orally and supplemented with written information clearly explaining the effect of the reprimand/warning.

If an offender has received a reprimand and they offend again, they may either receive a final warning or, if the offence is serious enough, be charged with the offence.

Once a final warning has been received, any further offending is likely to result in the offender being charged with the offence.

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Criminal Law & Fraud

It is not generally possible to receive a second final warning. The only exception to this is if more than two years has passed since the previous warning and the further offence is not sufficiently serious to require that the offender be charged.

Where the offender is under 17 years old, the reprimand or final warning must be given in the presence of a parent or other "appropriate adult" (please see our Guide in relation to Appropriate Adults). They must be given copies of any information given to the young person.

The effect of a reprimand or final warning

If an offender accepts a reprimand or final warning he or she will avoid criminal proceedings altogether. They will not have to appear before the Youth Court. A reprimand or final warning is not a criminal conviction.

However, there are potentially serious consequences for anyone accepting a reprimand or final warning. Firstly, a record will be kept until the offender is 18, or for a period of five years, whichever is longer. An offender accepting a final warning or reprimand will also lose out on the opportunity, should they reoffend, of having a further offence dealt with by way of the final warning system in future.

Generally a reprimand or final warning will not need to be disclosed when making a job application. However, an offender who has a reprimand or a final warning may be obliged to disclose them if he or she wants to work in certain jobs or professions. This would include teachers, health service professionals, lawyers, police officers and taxi drivers. Anyone in this situation should seek specialist legal advice. Accepting a reprimand or final warning could therefore have a serious consequence for a young person's future career.

Where a final warning is administered the police will also refer the offender to the Youth Offending Team. This will often result in the offender being required to participate in some sort of rehabilitation programme.

Certain offences require registration of the individual on the Sex Offenders Register. Consideration should also be as to whether acceptance of the reprimand or final warning means an automatic inclusion on the lists of the Independent Safeguarding Authority (for more information see our Guides to the Sex Offenders Register and the Independent Safeguarding Authority).

Useful links

Final Warning Scheme – Guidance for the Police and Youth Offending Teams
<http://www.homeoffice.gov.uk/documents/final-warning-scheme.pdf?view=Binary>

I have received a reprimand or final warning. What should I do?

If you have received a reprimand or final warning and are worried about the implications, or if you are a concerned parent, please contact Miriam Andrews for more information on +44 (0)20 7091 2715 or at miriam.andrews@fishermeredith.co.uk.