



Outcome 22 – NPCC Briefing note (v1 March 2019)

1. Summary

The [National Strategy](#) for Charging and Out of Court Disposals 2017-2021 places a focus on early intervention, education and diversion when dealing with adults by way of a conditional caution or a community resolution in line with the Policing Vision 2025.

Through the out of court disposals work, it has become apparent that much good work is done by policing which doesn't fall into an out of court disposal or other appropriate outcome within the current Home Office outcomes framework.

Home Office Crime Recording standards require each crime to be allocated an outcome

Outcome Type 22:

Diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action.

Detail required for Outcome 22:

Decision making should be clearly documented as to what education and diversionary activity has been put in place to address the suspects offending behaviour and why the OIC believes this is a more effective outcome than out of court disposals or charge

- It is to be used where no further action is taken but diversionary action has been undertaken to address offending behaviour or prevent further offending. Diversionary options may be force specific.
- The offender does not have to admit the offence and therefore differs from formal action taken or in the case of a community resolution where the offender accepts responsibility for the offence.
- This can be in the early stages of investigation where victim does not support formal action or where evidential threshold is not met for prosecution but offender agrees to diversionary activity OR this is imposed on offender e.g. DVPN, civil orders
- Outcome 22 recognises cases where investigations have taken place and although there is no formal outcome and the outcome is NFA, there has been action by the police/ offender to prevent reoffending/ change behaviours of the offender
- Outcome 22 can be used where the diversion is used also as an alternative to prosecution/ further investigation with victim consent. E.g. attendance at victim awareness course, drug awareness course, engagement with addiction services, voluntary referral to DA perpetrator programme.

2. Examples for practitioners:

The following examples of cases are given where Outcome 22 would be the most appropriate outcome

Example	Detail
Referral to YOT	Where not linked to another formal outcome e.g A referral to YOT as part of a Youth conditional caution would still recorded as a Youth Caution
Drug possession cases where offender is diverted into an educational course	Where this is not as a result of another formal outcome e.g A conditional caution or community resolution for an adult where a drugs awareness course is the diversion would still be recorded as either a Conditional Caution or Community Resolution
Domestic violence cases where a Domestic Violence protection notice is issued	Where a DVPN is given at the conclusion of an investigation when no charges are brought and it is not linked to another formal outcome
Ancillary orders	Offenders who are dealt with through ancillary orders where this is not linked to another formal outcome
Incidents dealt with by way of troubled families intervention schemes	Force specific schemes – where offences are not linked to another formal outcome
Mediation	Where offences are not linked to another formal outcome
Restorative Justice	Where the victim requests Restorative Justice as an alternative to more formal action Not as a result of another formal outcome
Deferred Prosecution	Where offender is diverted to a deferred prosecution scheme such as Checkpoint, Pathfinder, 'Chance to Change' etc
Low level sexual offences where education is provided to the offender	Low level sexual offences where education is provided as a result of the investigation but no formal outcome is given. e.g C5 perpetrator notice currently piloted in Hampshire. (NB: this is not intended to replicate Outcome 21. Youth produced sexual imagery should be dealt with in accordance with existing O21 guidance)

3. Frequently asked questions:

Q: I am dealing with an incident of youth produced sexual imagery. How does O22 differ from O21?

A: Outcome 22 does not replace existing practice with regards Outcome 21. OIC should refer to the existing [briefing note on Outcome 21](#) for these types of offences, published by the College of Policing.

Q: What will appear on PNC & PND when I apply Outcome 22 to a case I am dealing with?

A:

- Home Office outcomes and PNC outcomes are not the same. However as this is an NFA HO outcome, if a suspect is arrested and the outcome of the investigation is NFA, then an NFA outcome is also applied to PNC if it is a recordable offence.
- As the outcome is designed to keep offenders away from the criminal justice system, then NFA is particularly important for schemes such as deferred prosecution.
- Some forces will be adding outcome 22 in free text if there is an arrest or VA notified intended prosecution, but that's discretionary.
- The force retains a record of their investigation on their own records management system, and this may be captured in PND searches.

Q: What are the implications for disclosure and barring checks?

A: The individual circumstances of a case are assessed and there is no blanket approach with O22.

The disclosure and barring service operates under Part V of the Police Act (for disclosure) and Para 19 of the Safeguarding Vulnerable Groups Act (for barring functions). Within the Act for disclosure purposes a chief officer of a force can disclose 'any' information that they reasonably believe to be relevant and in their opinion ought to be disclosed. Without any specific reference within law (like certain offences under 12 and 13 of the Sexual Offences Act 1956) to ensure that this information can't be disclosed then essentially everything is available for disclosure purposes, should the tests of relevancy, credibility and proportionality be passed.

Neither disclosure in accordance with s113B(4) of the Police Act 1997 (on Enhanced Criminal Record Certificates), nor the provision of information to the DBS in accordance with Paragraph 19, Schedule III of the Safeguarding Vulnerable Groups Act 2006 (both as amended in particular by the Protection of Freedoms Act 2012) are outcome driven – **it is about the potential risk that the individual poses to either or both of the vulnerable groups that are protected by the statutory safeguarding regime.**

4. Monitoring

As Outcome 22 is voluntary for forces in this coming 2019-2020 recording year, we will monitor it's application and amend guidance accordingly to ensure mandatory usage from 2020-2021 is consistent across all forces.

Feedback should be directed to the NPCC Charging, Out of Court Disposals, and Restorative Justice portfolio via: deputychief.constable@hampshire.pnn.police.uk